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CITY OF MARLBOROUGH

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1. Minutes of the City Council Meeting, February 25, 2013.
2. CONTINUED PUBLIC HEARING On the Petition from NGrid to install six new heavy duty hand holes in the area of Bigelow Heights, URD, Bergeron Rd, Ahlgren Circle, Duca Dr., Rodgers Ave., Evelina Dr. and Houde St., Order No. 12/13-1005285.
3. Communication from the Mayor re: City Clerk's transfer request in the amount of \$18,712.85 which moves funds from Assistant City Clerk to appropriate \$14,680.85 to Pollworker and \$4,032.00 to Constables to fund Special State Elections.
4. Communication from the Mayor re: Comptroller's transfer request in the amount of \$10,308.00 which moves funds from Bond Issue Expense to Finance Assistant to fund costs associated with the unanticipated short term absence of payroll personnel.
5. Communication from the Mayor re: Line Item Budget Presentation.
6. Communication from the Mayor re: Reappointment Chief Procurement Officer, Beverly Sleeper for a term of three years to expire on the anniversary of her confirmation.
7. Communication from the Mayor re: Appointment of Joseph Collins to the Board of Assessors for a term of three years to take effect on the 1st Monday after City Council Approval.
8. Communication from the Mayor re: Appointment of Lynn Anderson to the Council on Aging for a term of four years to expire on the first Monday in May following a City Council Meeting.
9. Communication from Construction Materials Service, Inc. re: request to extend time limitations on Application for Special Permit, 379 South St., to construct a new 2400 sq. ft. office building on a nonconforming property to May 8, 2013 until 5:00 PM, Order No 12/13-1005236B.
10. Communication from MetroPCS Massachusetts, LLC re: request to extend time limitations on Application for Special Permit, 98 Pleasant St. to install wireless communication facility onto the existing building to June 4, 2013 until 12:59 PM., Order No. 12/13-1005122D.
11. Minutes, Planning Board, February 11, 2013.
12. Minutes, Recreation Commission, January 9, 2013.
13. Minutes, Council on Aging, February 12, 2013.
14. Minutes, Traffic Commission, January 29, 2013.
15. CLAIMS:
 - A. Alex Knaf, 502 Williams St., residential mailbox claim 2(a)
 - B. Anthony Pikul, 30 Baker Dr., residential mailbox claim 2(a)
 - C. F. Ty Edmondson, 768 Hemenway St., other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

16. **Order No. 13-1005235A - Proposed Zoning Amendment submitted by City Councilor Patricia Pope to add a definition for “Data Storage/Telecommunications Facility” and to add to the Table of Use Regulations Section 650-17, a category for “Data Storage/Telecommunications Facilities” under “Industrial Uses.” -REFER TO URBAN AFFAIRS AND PLANNING BOARD AND ZONING BOARD; PUBLIC HEARING: DECEMBER 17, 2012**

Attorney Bergeron addressed the petition and gave the Committee a summary of the zoning change that will add data storage/telecommunications to the table of uses and a category for the use under industrial uses.

Both President Pope and Councilor Clancy spoke favorably of the change. The Chair noted that making this change is necessary as the city looks forward to Data Storage and Telecommunications uses that weren't in existence when many of these zones were created.

Motion to approve was made by Councilor Clancy and seconded by the chair.

Motion to approve was adopted by a vote of 5-0.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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FEBRUARY 25, 2013

Regular meeting of the City Council held on Monday, FEBRUARY 25, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:58 PM.

ORDERED: That the minutes of the City Council Meeting FEBRUARY 11, 2013, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Crown Castle, on behalf of T-Mobile, to exchange six existing antennas on a cell tower, 445 Simarano Dr., Order No. 12/13-1005249, all were heard who wish to be heard, hearing recessed at 8:06 p.m.; adopted.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.

ORDERED: That the **PUBLIC HEARING** On Proposed Zoning Amendment by Attorney Bergeron to Sections 650-40(F), 48(C)(1) and 47(F), Order No. 13-1005306, as follows:

1) That Sec. 650-40(F) be amended by adding thereto the following new subsection 11

“(11) Bridges, walkways or passageways, enclosed or otherwise, connecting buildings located on different lots in a Limited Industrial district shall not thereby violate any lot setback provision of any building or buildings connected by said structures “

2) That Section 650-48(C)(1) be amended by adding thereto, at the end thereof, the following sentence:

“In a Limited Industrial district, the parking shall be provided within 500 feet of the building or structure to be served, on the building lot, on any lot under the same ownership, or on any lot subject to an easement to the owner of said building to be served which, in the opinion of the Building Commissioner, causes said parking to be available for the purposes of this section.”

3) That Section 650-47(F) be amended by adding thereto the following subsection 5:

(5) In all Limited Industrial districts, the side yard landscaping requirement shall not apply to side yard or rear yard lines that bisect parking lots, if both lots are in common ownership or if there are parking easements that, in the opinion of the Building Commissioner, adequately allow for parking in one lot by persons using the other lot.

4) That the Table of Lot Areas, Yards and Height of Structures, which is referred to in Section 650-41, be amended by adding to the table of heights and their relationship to their distance from a Residential zone, the following:

“Over 500 feet from a residential zone: 85 feet”

All were heard who wish to be heard, hearing recessed at 8:35 p.m., adopted.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.

ORDERED: That the Assessor transfer request in the amount of \$20,000.00 & \$10,000.00 which moves funds from Principal Assessor to Professional & Technical Services and from Senior Assessor to Professional & Technical Services respectively, which will fund contracted appraisal services for the 4th quarter of FY2013, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11410001-50160	\$20,000.00
Principal Assessor	

TO:

Acct. # 11410004-53180	\$20,000.00
Professional & Technical Services	

FROM:

Acct. # 11410001-50170	\$10,000.00
Senior Assessor	

TO:

Acct. # 11410004-53180	\$10,000.00
Professional & Technical Services	

Suspension of the Rules requested-granted to allow the DPW Commissioner to speak

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,350,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2013, **APPROVED**; adopted.

ORDERED: That the provisions of Section 20 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts, entitled Other Post-Employment Benefits Liability Trust Fund, be and is hereby accepted by the City Council for the City of Marlborough, and further, that the City Council for the City of Marlborough hereby establishes an Other Post-Employment Benefits (“OPEB”) Trust under the terms and conditions provided below:

**CITY OF MARLBOROUGH
OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST
TRUST AGREEMENT**

This TRUST AGREEMENT is made this ___ day of _____, 2013 by and between the City of Marlborough, acting through its City Council (the "City") and the duly serving members of the Marlborough Retirement Board (the "Trustees").

WITNESSETH:

WHEREAS, the City has established certain other post-employment benefits ("OPEB"), other than pensions, for eligible former employees of the City; and

WHEREAS, the City wishes to establish an irrevocable trust (the "Trust") for the purpose of funding OPEB obligations as required to be reported under General Accounting Standards Board ("GASB") Statements 43 and 45; and

WHEREAS, the Trust is established by the City with the intention that it qualify as a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code of 1986 and Regulations issued thereunder and as a trust for OPEB under M.G.L. c. 32B, § 20;

NOW, THEREFORE, in consideration of the foregoing promises and the mutual covenants hereinafter set forth, City and the Trustees hereby agree as follows.

ARTICLE 1 - DEFINITIONS

As used herein, the following terms shall have the following meanings:

- 1.1. "Code" means the Internal Revenue Code of 1986, as amended from time to time.
- 1.2. "ERISA" means the Employee Retirement Income Security Act of 1974, as amended from time to time and any successor statute.
- 1.3. "GASB 43 and 45," shall mean Government Accounting Standards Board, Statement No. 43 and Statement No. 45, Accounting and Financial Reporting by Employers for Post-Employment Benefits Other Than Pensions.
- 1.4. "Other post-employment benefits" or "OPEB," shall mean post-employment benefits other than pensions as that term is defined in GASB 43 and 45 including post-employment healthcare benefits, regardless of the type of plan that provides them, and all post-employment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.
- 1.5. "Retired Employee" means those persons who have retired from employment with the City and who are qualified to receive retirement benefits pursuant to M.G.L. c. 32 or as otherwise provided by law.

1.6. "Trust" means the Anywhere OPEB Trust as hereby established.

1.7. "Trustee" means the duly serving members of the Board of Trustees, and any successor Trustee appointed as provided pursuant to Article 5.

1.8. "Trust Fund" means all the money and property, of every kind and character, including principal and income, held by the Trustee under the Trust.

ARTICLE 2 - PURPOSE

2.1. The Trust is created for the sole purpose of providing funding for OPEB, as determined by the City, or as may be required by collective bargaining agreement, or by any general or special law providing for such benefits, for the exclusive benefit of the City's Retired Employees and their eligible dependents, and for defraying the reasonable administrative, legal, actuarial and other expenses of the Trust. The assets held in the Trust shall not be used for or diverted to any other purpose, except as expressly provided herein.

2.2. It is intended that the Trust shall constitute a so-called "Qualified OPEB Trust" according to the standards set forth in GASB 43 and 45, and that it further qualify as an Integral Part Trust for all purposes under Article 115(c) of the Code or under any comparable provision of future legislation that amends, alters, or supersedes the Code.

ARTICLE 3 - ESTABLISHMENT OF TRUST

3.1. In order to implement and carry out the provisions of M.G.L. c. 32B, § 20, the City hereby establishes this Trust which shall be known as the "City of Marlborough OPEB Trust."

3.2. The Trust shall be irrevocable, and no Trust funds shall revert to the City until all OPEB owed to retired City employees have been satisfied or defeased.

3.3. The principal location of the Trust shall be Marlborough City Hall, 140 Main Street, Marlborough, Massachusetts 01752.

3.4. The Trustees hereby accept the trusts imposed upon them by this Trust Agreement and agree to perform said trusts as a fiduciary duty in accordance with the terms and conditions of this Trust Agreement.

3.5. The Trustees shall hold legal title to all property of the Trust, and neither the City, nor any employee, official, or agent of the City, nor any individual, shall have any right, title or interest to the Trust.

3.6. The Trust shall consist of such sums of money as shall from time to time be paid or delivered to the Trustees by the City, which sums, together with all earnings, profits, increments and accruals thereon, without distinction between principal and income, shall constitute the Trust hereby created and established. Nothing in this Agreement requires the City to make contributions to the Trust to fund OPEB. Any obligation of the City to pay or fund benefits shall be determined in accordance with applicable law and any agreement to provide OPEB.

ARTICLE 4 - TRUST FUNDING

- 4.1 The Trust Fund shall be credited with all amounts appropriated or otherwise made available to the City and employees of the City as a construction to the Trust for the purposes of meeting the current and future OPEB costs payable by the City, or any other funds donated or granted specifically to the City for the Trust, or to the Trust directly.
- 4.2 The Trustees shall be accountable for all delivered contributions, but shall have no duty to determine that the amounts received are adequate to provide the OPEB Benefits determined by the City.
- 4.3 The Trustees shall have no duty, expressed or implied, to compel any contribution to be made by the City, but shall be responsible only for property received by the Trustees under this Trust Agreement.
- 4.4 The City shall have no obligation to make contributions to the Trust to fund OPEB, and the size of the Trust may not be sufficient at any one time to meet the City's OPEB liabilities. This Trust Agreement shall not constitute a pledge of the City's full faith and credit or taxing power for the purpose of paying OPEB, and no retiree or beneficiary may compel the exercise of taxing power by the City for such purposes. The obligation of the City to pay or fund OPEB obligations, if any, shall be determined by the City or applicable law. Distributions of assets in the Trust are not debts of the City within the meaning of any constitutional or statutory limitation or restriction.
- 4.5 Earnings or interest accruing from investment of the Trust shall be credited to the Trust. Amounts in the Trust Fund, including earnings or interest, shall be held for the exclusive purpose of, and shall be expended only for, the payment of the costs payable by the City for OPEB obligations to Retired Employees and their dependents, and defraying the reasonable expenses of administering any plan providing OPEB Benefits as provided for in this Trust Agreement.
- 4.6 Amounts in the Trust Fund shall in no event be subject to the claims of the City's general creditors. The Trust Fund shall not in any way be liable to attachment, garnishment, assignment or other process, or be seized, taken, appropriated or applied by any legal or equitable process, to pay any debt or liability of the City, or of retirees or dependents who are entitled to OPEB.

ARTICLE 5 - TRUSTEES

- 5.1 The Trust shall be administered by Marlborough Retirement Board (the "Board").
- 5.2 Each Board member shall, for purposes of this Trust, be deemed a trustee ("Trustee").
- 5.3 In the event a Trustee resigns, is removed or is otherwise unable to serve, the Board shall hold an election to fill the vacancy.
- 5.4 Whenever a change occurs in the membership of the Board, the legal title to property held by this Trust shall automatically pass to those duly elected successor Trustees.

5.5. Each future Trustee shall accept the office of Trustee and the terms and conditions of this Trust Agreement in writing.

5.6. Upon leaving office, a Trustee shall promptly and without unreasonable delay, deliver to the Trust's principal office any and all records, documents, or other documents in his possession or under his control belonging to the Trust.

5.7. The Trustees shall be special municipal employees for purposes of M.G.L. c. 268A and shall be subject to the restrictions and prohibitions set forth therein.

ARTICLE 6 - POWERS OF THE TRUSTEES

6.1. The Trustees shall have the power to control and manage the Trust and the Trust Fund and to perform such acts, enter into such contracts, engage in such proceedings, and generally to exercise any and all rights and privileges, although not specifically mentioned herein, as the Trustees may deem necessary or advisable to administer the Trust and the Trust Fund or to carry out the purposes of this Trust. In addition to the powers set forth elsewhere in this Agreement, the powers of the Trustees, in connection with their managing and controlling the Trust and its General Fund, shall include, but shall not be limited to, the following:

6.1.1. To enter into an administrative services contract or other contracts with one or more insurance companies, nonprofit hospital, medical or dental service corporations, or with one or more health care organizations or health maintenance organizations, or with one or more third-party administrators or other entities to organize, arrange, or provide for the delivery or payment of health care coverage or services (including dental services), whereby the funds for the payment of claims of eligible persons, including appropriate service charges of the insurance carrier, third party administrator or other intermediary, shall be furnished by the Trustees from the Trust Fund for the payment by such intermediary to the health care vendors or persons entitled to such payments in accordance with the terms and provisions of said contract.

6.1.2 To purchase contracts of insurance or reinsurance through such broker or brokers as the Trustees may choose and to pay premiums on such policies.

6.1.3. To receive, hold, manage, invest and reinvest all monies which at any time form part of the Trust, whether principal or income, provided however that there shall be no investment directly in mortgages or in collateral loans and further provided that the Trustees shall comply with the provisions of Article 7 of this Trust Agreement, applicable law and any investment policy adopted by the Trustees concerning the investment and management of Trust assets.

6.1.4. To borrow or raise money for the purposes of the Trust, in such amount, and upon such terms and conditions as the Trustees shall deem advisable, subject to applicable law and statutes; and for any sum so borrowed to issue the promissory note of the Trust, and to secure the repayment thereof by creating a security interest in all or any part of the Trust or the Trust Fund; and no person lending such money shall be obligated to see that the money lent is applied to Trust purposes or to inquire into the validity, expedience or propriety of any such borrowing.

- 6.1.5. To hold cash, uninvested, for such length of time as the Trustees may determine without liability for interest thereon.
- 6.1.6. To employ suitable agents, advisors and counsel as the Trustees may deem necessary and advisable for the efficient operation and administration of the Trust, to delegate duties and powers hereunder to such agents, advisors and counsel, and to charge the expense thereof to the Trust. The Trustees are entitled to rely upon and may act upon the opinion or advice of any attorney approved by the Trustees in the exercise of reasonable care. The Trustees shall not be responsible for any loss or damage resulting from any action or non-action made in good faith reliance upon such opinion or advice. All delegated authority shall be specifically defined in any by-laws adopted by the Trustees or the written minutes of the Trustees' meetings.
- 6.1.7. To hire employees or independent contractors as the Trustees may deem necessary or advisable to render the services required and permitted for the proper operation of the Trust, and to charge the expense thereof to the Trust.
- 6.1.8. To continue to have and to exercise, after the termination of the Trust and until final distribution, all of the title, powers, discretions, rights and duties conferred or imposed upon the Trustees hereunder, by any by-laws adopted by the Trustees or by law.
- 6.1.9. To construe and interpret this Trust Agreement and other documents related to the purposes of the Trust.
- 6.1.10. To maintain bank accounts for the administration of the Trust and the Trustee Fund and to authorize certain Trustees or other appropriate persons to make payments from any appropriate account for purposes of the Trust.
- 6.1.11. To receive and review reports of the financial condition and of the receipts and disbursements of the Trust and the Trust Fund.
- 6.1.12. To adopt by-laws, rules, regulations, formulas, actuarial tables, forms, and procedures by resolution from time to time as they deem advisable and appropriate for the proper administration of the Trust, including participation criteria, provided the same are consistent with the terms of this Trust Agreement.
- 6.1.13. To purchase as a general administrative expense of the Trust so-called director's liability insurance and other insurance for the benefit of the Trust and/or the protection of the Trustees, Trust officers, employees, or agents against any losses by reason of errors or omissions or breach of fiduciary duty or negligence.
- 6.1.14. To enter into any and all contracts and agreements for carrying out the terms of this Trust Agreement and for the administration and operation of the Trust and to do all acts as they, in their discretion, may deem necessary or advisable. Except as otherwise directed by the Trustees, all such contracts and agreements, or other legal documents herein authorized, shall be executed by the Chairperson, or Secretary as may be voted by the Trustees.

6.1.15. To receive contributions or payments from any source whatsoever but such contributions or payments may not be utilized for any purpose unrelated to the provision of OPEB as herein provided or properly authorized expenses.

6.1.16. To pay taxes, assessments, and other expenses incurred in the collection, care, administration, and protection of the Trust.

6.1.17. To do all acts, whether or not expressly authorized herein, which the Trustees may deem necessary or proper in connection with the administration of the Trust, although the power to do such acts is not specifically set forth herein.

6.1.18. To compromise, settle or arbitrate any claim, debt, or obligation of or against the Trust or Trust Fund; to enforce or abstain from enforcing any right, claim, debt or obligation, and to abandon any shares of stock, bonds, or other securities, or interests determined by it to be worthless; to prosecute, compromise and defend lawsuits, but without the obligation to do so, all at the risk and expense of the Trust.

6.1.19. To hire one or more consultants, actuaries, accountants, attorneys or other professionals to assist with the administration of the Trust Fund and to pay such amounts that the Trustee deems to be reasonable, including, without limiting the generality of the foregoing, third party firms to provide legal, tax, accounting and audit services to the Trust.

6.1.20. To comply with all requirements imposed by applicable provisions of law.

6.1.21. To serve as custodian with respect to Trust assets.

ARTICLE 7- LIMITATION OF TRUSTEES' POWERS, DUTIES AND RESPONSIBILITIES

7.1. Nothing contained in the Trust Agreement, either expressly or by implication, shall be deemed to impose any powers, duties or responsibilities on the Trustees other than those set forth in this Trust Agreement.

7.2. The Trustees shall have such rights, powers and duties as are provided to a named fiduciary for the investment of assets under ERISA. The Trustees shall not be liable for the making, retention or sale of any investment or reinvestment made by the Trustees as herein provided or for any loss to or diminution of the Trust Fund or for anything done or admitted to be done by the Trustees with respect to the Trust Agreement or the Trust Fund except as and only to the extent that such action constitutes a violation of the law or gross negligence.

7.3. The Trustees, in their discretion, may purchase as an expense of the Trust Fund such liability insurance for themselves or any other fiduciary selected by the Trustees as may be reasonable. The City, in its discretion, may also purchase liability insurance for the Trustees, and as the City may select, for any person or persons who serve in a fiduciary capacity with respect to the Trust.

7.4. The City shall not assume any obligation or responsibility to any person for any act or failure to act of the Trustees, any insurance company, or any beneficiary of the Trust Fund. The Trustees shall have no obligation or responsibility with respect to any action required by this Trust Agreement to be taken by the City, any insurance company, or any other person, or for the result or the failure of any of the above to act or make any payment or contribution, or to otherwise provide any benefit contemplated by this Trust Agreement.

7.5. Neither the Trustees nor the City shall be obliged to inquire into or be responsible for any action or failure to act on the part of the other. No insurance company shall be a party to this Trust Agreement, for any purpose, or be responsible for the validity of this Trust Agreement, it being intended that such insurance company shall be liable only for the obligations set forth in the policy or contract issued by it.

7.6. The Trustees shall invest and manage Trust assets as a prudent investor would, using the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital, pursuant to M.G.L. c. 203C.

ARTICLE 8 – ACTIONS BY THE TRUSTEES

8.1. A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees.

8.2. The Trustees may, by instrument executed by all of the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including the power to execute, acknowledged or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for the account of the Trustees of the Trust.

8.3. No Trustee shall be required to give bond.

ARTICLE 9 – LIABILITY OF THE TRUSTEES

9.1. A Trustee shall not be liable for any mistake of judgment or other action made, taken or omitted by the Trustee in good faith, nor for any action taken or omitted by any other Trustee or any agent or employee selected with reasonable care, and the duties and obligations of the Trustees hereunder shall be expressly limited to those imposed upon them by this Trust Agreement.

9.2. No successor Trustee shall be held responsible for an act or failure of a predecessor Trustee.

9.3. Trustees are public employees for purposes of M.G.L. c. 258, and shall be indemnified by the City against any civil claim, action, award, compromise, settlement or judgment by reason of an intentional tort to the same extent and under the same condition as other public employees of the City.

9.4. A Trustee shall not be indemnified for violation of the civil rights of any person if he acted in a grossly negligent, willful or malicious manner, or in connection with any matter where it is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the Trustee.

ARTICLE 10 – MEETINGS OF THE TRUSTEES

10.1. The Trust may meet at such times and at such places as the Trustees shall determine.

10.2. The Trustees shall comply with the Open Meeting Law, M.G.L. c.30A, §§18-25 and its implementing regulations.

10.3. A quorum at any meeting shall be a majority of the Trustees then in office.

ARTICLE 11 - TAXES, EXPENSES, AND COMPENSATION

11.1. It is intended that the Trust will be a Code Article 115 trust. As such, it is expected that there will be no income taxes owed by the Trust. To the extent that any taxes are imposed on the Trust, the Trustee shall use the assets of the Trust Fund to pay for any taxes owed.

11.2. All reasonable costs and expenses of managing and administering the Trust and the Trust Fund, including such compensation for the Trustees as may be approved by the City Council from time to time, and reimbursement for reasonable fees incurred through the use of third party vendors or agents, shall be paid from the Trust unless the City chooses to pay the expenses directly.

ARTICLE 12 – ACCOUNTS

12.1. The Trustees shall keep complete and accurate accounts of all of the Trust's receipts, investments and disbursements under this Trust Agreement. Such records, as well as all other Trust records, shall be retained and made available for public inspection and or copying in accordance with the requirements of the Public Records Law, M.G.L. c. 66, §10 and M.G.L. c. 4, §7, clause 26th and their implementing regulations. The person or persons designated by the City shall be entitled to inspect such records upon request at any reasonable time.

12.2. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. The results of the audit shall be provided to the City at the same time as it is presented to the Trustees.

12.3. The Trust Fund shall be subject to the Commonwealth of Massachusetts Public Employee Retirement Administration Commission's triennial audit.

ARTICLE 13 - ANNUAL REPORTS

13.1. The Trustees shall furnish to the City annually, or more frequently if the City so requests, a statement of account showing the condition of the Trust Funds and all investments, sales, income, disbursements and expenses of the Trust and the Trust Fund.

ARTICLE 14 – INVESTMENT OF TRUST FUNDS

14.1. The Trustees hereby authorize and direct the City Treasurer to invest and reinvest the amounts in the Trust Fund not needed for current disbursement, consistent with the prudent investor rule, and as provided in the Investment Policy which is attached to this instrument and hereby incorporated.

14.2. In no event shall the funds be invested directly in mortgages or in collateral loans.

ARTICLE 15 – CUSTODY OF THE TRUST FUNDS

15.1. The Trustees hereby appoint the City Treasurer as custodian of the Trust Fund and authorize the Treasurer to employ an outside custodial service to maintain custody of the Trust Funds. All funds in the Trust Fund shall be accounted for separately from all other funds of the City.

15.2. The City Treasurer, with the authorization of the Trustees, shall establish one or more checking accounts, which may be interest bearing or non-interest bearing accounts. Such checking account or accounts shall be funded solely from the Trust Funds, and the Trustees may authorize the City Treasurer to draw on such checking accounts for the payment of OPEB and for the administrative expenses of the Trust.

ARTICLE 16 – TERMINATION OF TRUST

16.1. The Trust shall continue unless and until terminated pursuant to law or by an instrument in writing signed by at least three Trustees, provided, however, that continuance of the Trust shall not be deemed to be a contractual obligation of the City.

16.2. Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the City and held by the City Treasurer to be used exclusively for providing OPEB to Retired Employees and their eligible dependents and for no other purpose.

16.3. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

ARTICLE 17 – AMENDMENTS

17.1. The Trust may only be amended as set forth herein. The City may amend the Trust at any time as may be necessary to comply with the requirements for tax exemption under Section 115 of the Code, to conform the Trust to the laws of the Commonwealth of Massachusetts and to meet the standards set forth in GASB 43 and GASB 45 to be treated as funded through a qualifying trust or equivalent arrangement.

17.2. This Trust Agreement may be amended, but not revoked, from time to time by the City, subject to the following limitations:

17.2.1. The assets of the Trust may not be used for or diverted to any other purposes prior to satisfaction of the City's OPEB obligations, and reasonable expenses of administering the Trust.

17.2.2. The duties and liabilities of the Trustees cannot be substantially changed without their written consent.

17.3. Any amendment to this Trust shall be executed in writing.

ARTICLE 18 – MERGER

18.1. The City may provide for the merger of the Trust with one or more other trusts established by the City or other government entities for similar purposes as may be provided by law.

ARTICLE 19 – SEVERABILITY OF INVALID PROVISIONS

19.1. If any provision of this Trust Agreement is determined invalid, illegal, or unenforceable for any reason, then the provision shall be severed from the remaining provisions of the Trust Agreement for any reason, and the remaining parts of the Agreement shall be construed to give the maximum practical effect to the purposes stated herein, as if the invalid, illegal, or unenforceable provision was never a part.

ARTICLE 20 – MISCELLANEOUS

20.1. This Trust Agreement shall be interpreted, construed and enforced, and the Trust hereby created shall be administered in accordance with and governed by the laws of the United States and of the Commonwealth of Massachusetts.

20.2. The titles to Articles of this Trust Agreement are placed herein for convenience of reference only, and the Trust Agreement is not to be construed by reference thereto.

20.3. No person shall be obliged to see to the application of any money paid or property delivered to the Trustees, or as to whether or not the Trustees have acted pursuant to any authorization herein required, or as to the terms of this Trust Agreement. In general, each person dealing with the Trustees may act upon any advice, request or representation in writing by the Trustees, or by the Trustee's duly authorized agent, and shall not be liable to any person in so doing. The certification of the Trustees that they are acting in accordance with this Trust Agreement shall be conclusive in favor of any person relying thereon.

20.4. This Trust Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute but one instrument, which may be sufficiently evidenced by any counterpart.

20.5. Until advised to the contrary, the Trustees may assume this Trust is entitled to exemption from taxation under Section 115 of the Internal Revenue Code of 1986 or under any comparable section or sections of future legislation that amend, supplement or supersede one or both of those sections of the Internal Revenue Code.

IN WITNESS WHEREOF, the parties hereto have caused this Trust Agreement to be executed in their respective names by their duly authorized officers as of the day and year first above written.

Witnessed By: MARLBOROUGH CITY COUNCIL,
By Its President,

_____ _____
Patricia Pope

Date:

Witnessed By: MARLBOROUGH RETIREMENT BOARD:
By Its Chairman,

_____ _____
Gregory P. Brewster

Date:

Refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that Order No. 08-001895-A, adopted on July 1, 2008 under M.G.L. chapter 59, §21 A1/2, which concerns additional compensation in the amount of ten percent (10%) for an assessor or assistant assessor who has completed the necessary courses of study and training and has been awarded a certificate by the International 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, is hereby repealed, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: Be it ordained by the City Council of the city of Marlborough, effective July 1, 2013, that the Code of the city of Marlborough, as amended, be further amended by deleting from Chapter 125 an annual stipend for the position of Assessor, quarter-time, as adopted by Order No. 89-2847A on June 26, 1989, and that the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Personnel, Compensation Schedule, with the following:

<u>Effective Date</u>	<u>Position</u>	<u>Annual Stipend</u>
Upon confirmation	Member, Board of Assessors	\$3,000.00

Refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that Article VI., entitled "Board of Tax Assessors," of the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

1. Section 67-27 of the City Code, entitled "Chairman; status and duties," is hereby amended as follows:
 - a. By striking in its entirety Paragraph A. of said Section 67-27.
 - b. By striking the letter "B." from paragraph B. of said Section and inserting in place thereof the letter "A.," by inserting the words "as designated by the Mayor, and by striking the word "also," as follows:
 - A. The Chairman, as designated by the Mayor, shall be required to obtain evidence of all assets and income as required to be reported pursuant to all exemption and deferral programs, including certified or notarized statements, income tax returns or other verification satisfactory to the Chairman.
 - c. By inserting a new paragraph, which shall be designated as "B.," following said paragraph A., as follows:
 - B. Members of the Board of Assessors shall not receive compensation for their services if they are full-time employees of the City of Marlborough or if they are employed by any vendor or company providing contracted services to the Assessor's Office.
- Refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Fuel Efficient Vehicle Police Amendment as Follows:

City of Marlborough
FUEL EFFICIENT VEHICLE POLICY

POLICY STATEMENT

In an effort to reduce the City of Marlborough's fuel consumption and energy costs over the next 5 years the City hereby adopts a policy, where practicable, to purchase only fuel efficient vehicles to meet this goal.

PURPOSE

To establish a requirement that the City of Marlborough, use reasonable efforts, to purchase only fuel efficient vehicles for municipal/school use whenever such vehicles are commercially available and practicable.

APPLICABILITY

This policy applies to all divisions and departments of the City of Marlborough.

GUIDELINES

All departments / divisions shall purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.

The City of Marlborough will maintain an annual vehicle inventory for ALL vehicles and a plan for replacing non-exempt vehicles with vehicles that meet, at a minimum, the fuel efficiency ratings contained in the most recent guidance for Criteria 4 published by the MA Department of Energy Resources' Green Communities Division. This Green Communities' Guidance for Criteria 4 must be checked for updates prior to ordering replacement vehicles; go to: <http://www.mass.gov/eea/docs/doer/green-communities/grant-program/gc-criterion4-guidance.pdf>.

Exemptions

Heavy-duty vehicles such as fire-trucks, ambulances, and public works trucks are exempt from this criterion

Police cruisers are exempt from this criterion. However, municipalities must use reasonable efforts to purchasing fuel efficient cruisers when they become commercially available and practicable. Police department administrative vehicles must meet fuel efficient requirements.

Refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

- ORDERED: That the Communication from the Mayor re: Public Service Internship Program, **FILE**; adopted.
- ORDERED: That the Communication from the Mayor re: Notification of Hopkinton Provision as it relates to the abatement process, **FILE**; adopted.
- ORDERED: That the Communication from the Planning Board re: Acceptance of Graves Lane as a Public Way, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, APRIL 8, 2013**, as date for a **PUBLIC HEARING** for the Application for Special Permit, Bohler Engineering on behalf of McDonald's Restaurant, to improve the aesthetics and operational efficiencies of their restaurant which includes updates to the drive-thru at 155 Boston Post Road West, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, MARCH 25, 2013**, as date for a **PUBLIC HEARING** for the Application for Special Permit from Tower 16 Inc., on behalf of AT&T Wireless LLC, to modify an existing telecommunications tower at 75 Donald Lynch Blvd., X-96/97-6754F, refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, MARCH 25, 2013** as a date for a **PUBLIC HEARING** on the Application for Fuel Storage License, Partners HealthCare System, Inc., off of Forest Street, to store 60,000 gallons above ground diesel fuel, refer to **PUBLIC SERVICES COMMITTEE, AND ADVERTISE**; adopted.
- ORDERED: That the Minutes, Planning Board, January 28, 2013, **FILE**; adopted.
- ORDERED: That the Minutes, Community Development Authority, January 29, 2013, **FILE**; adopted.
- ORDERED: That the Minutes, Community Development Authority Public Hearing, January 29, 2013 **FILE**; adopted.
- ORDERED: That the Minutes, Board of Assessors, February 8, 2013, **FILE**; adopted.

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

- A. Robert Terrasi, 26 Thomas Drive, residential mailbox claim 2(a)
- B. Elizabeth Krebs Paredes, 34 Nicholas Circle, residential mailbox claim 2(a)
- C. Dan Tran, 39 Desimone Drive, residential mailbox claim 2(b)
- D. Stephen J. & Elizabeth T. Garofalo, 33 Blake Circle, residential mailbox claim 2(b)
- E. Erika Wilson, 41 Naugler Avenue, residential mailbox claim, 2(a)
- F. John Cotting Realty Trust, 74 Main Street, other property damage
- G. Michelle McCormick, 15 Loon Hill Road, Ayer, other property damage

Reports of Committees:

Councilor Elder reported the following out of Urban Affairs Committee:

Order No. 13-1005235A - Proposed Zoning Amendment submitted by City Councilor Patricia Pope to add a definition for "Data Storage/Telecommunications Facility" and to add to the Table of Use Regulations Section 650-17, a category for "Data Storage/Telecommunications Facilities" under "Industrial Uses." -REFER TO URBAN AFFAIRS AND PLANNING BOARD AND ZONING BOARD; PUBLIC HEARING: DECEMBER 17, 2012

Attorney Bergeron addressed the petition and gave the Committee a summary of the zoning change that will add data storage/telecommunications to the table of uses and a category for the use under industrial uses.

Both President Pope and Councilor Clancy spoke favorably of the change. The Chair noted that making this change is necessary as the city looks forward to Data Storage and Telecommunications uses that weren't in existence when many of these zones were created.

Motion to approve was made by Councilor Clancy and seconded by the chair.

Motion to approve was adopted by a vote of 5-0.

Meeting recessed at 7:06 PM.

Suspension of Rules requested – granted

ORDERED: That the Communication from the Mayor re: Regional Veterans District, refer to **VETERANS AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Police Department transfer request in the amount of \$132,623.00 which moves funds from and to various accounts as noted on the spreadsheet to pay for overtime costs associated with an increased number of vacant positions as well as several injuries, equipment for new hires, and a higher than anticipated need for overtime cell watch for female detainees, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Police			DATE:	18-Jan-13		FY:	2013		
FROM ACCOUNT:				TO ACCOUNT:						
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,330,010	\$113,000.00	12100001	50420	Police Officers	\$113,000.00	12100003	51310	OT - Regular	\$61,769	
	Reason:	Surplus due to vacancies and injuries				Transfer needed from high use due to vacancies and injuries				
\$349,582	\$10,000.00	12100001	50820	Police Sergeants	\$10,000	12100003	51310	OT - Regular	\$61,769	
	Reason:	Surplus due to vacancy				Transfer needed from high use due to vacancies and injuries				
\$5,370	\$1,000.00	12100003	51319	OT - Cell Watch	\$1,000	12100003	51195	Detention Attendant	\$4,656	
	Reason:	Fewer prisoners needing cell watch				Higher than expected female cell watch				
\$11,511	\$6,000.00	12100006	52450	Radio Repairs	\$6,000.00	12100006	51975	Initial Equipment Issue	\$0	
	Reason:	Fewer repairs needed				Two new hires prior to end of current fiscal year				
\$2,773	\$2,623.00	12100004	52820	Paging	\$2,623	1192006	53420	Telephone Services	\$67,960	
	Reason:	Number of pagers issued reduced				Number of phones w/data plans increased (Public Facilities Account)				
	Reason:									

ORDERED: That the Open Space transfer request in the amount of \$81,000.00 which moves funds from Undesignated to Stabilization-Open Space, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$81,000.00
Undesignated Funds

TO:

Acct. # 83600-32918 \$81,000.00
Stabilization-Open Space

ORDERED: That the Reappointment of David Brumby as Personnel Director for a term of three years upon approval, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:58 PM.



IN CITY COUNCIL

JANUARY 28, 2013

Marlborough, Mass., _____

ORDERED:

That the **PUBLIC HEARING** set for January 28, 2013, on the Petition from NGrid to install six new heavy duty hand holes in the area of Bigelow Heights, URD, Bergeron Rd, Ahlgren Circle, Duca Dr., Rodgers Ave., Evelina Dr. and Houde St., Order No. 12/13-1005285, be and is herewith **CONTINUED UNTIL MARCH 11, 2013**.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.

ADOPTED

ORDER NO. 12/13-1005285



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

2013 MAR - 7 A 10: 57

Patricia Bernard
EXECUTIVE SECRETARY

March 7, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – City Clerk's Office

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request from the City Clerk's office to fund costs associated with the upcoming special elections for the United States Senate seat vacated by John Kerry.

- 1) Transfer in the total amount of \$18,712.85 from 11610002-50290 (Assistant City Clerk) to:
 - a.) \$14,680.85 to 11620006-53871 (Poll Workers)
 - b.) 4,032.00 to 11620003-51460 (Constables at polls)

I have further enclosed correspondence from City Clerk Lisa Thomas detailing her request.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



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

**Lisa M. Thomas
City Clerk**

March 4, 2013

Mayor Arthur G. Vigeant
President Patricia Pope
140 Main St.
Marlborough, MA 01752

Dear Mayor and Council President:

I respectfully request an Inter-departmental transfer request to cover costs associated with the April 30th and June 25th Special State Elections. There will be no ballots printing costs associated with either election, but there will be programming costs for the AccuVote machines and payroll costs. The approximate total needed is \$33,700.00. Some of costs can be absorbed through the following line items with noted balances:

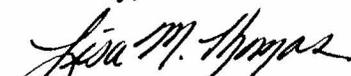
Pollworker grant-Account #25504201-53871	\$3,619.00
Pollworker line item-Account #11620006-53871	\$5,400.00
Constables at Polls line item-Account #11620003-51460	\$5,968.15
Total	\$14,987.15

Therefore I respectfully request \$18,712.85 transfer from Assistant City Clerk line item-Account #11610002-50290 to the following two line items:

\$14,680.85 Pollworker line item-Account #11620006-53871
\$4,032.00 Constables at Poll line item-Account #11620003-51460

Although I anticipate receiving partial reimbursement from the Auditor of the Commonwealth, Division of Local Mandates, there has been no Uniform Polling Hour Cost Certification submitted to municipalities thus far. Any grant monies received will be used for Elections. Thank you in advance for your attention to this matter.

Sincerely,

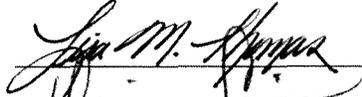
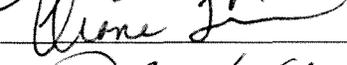
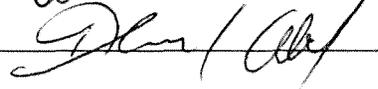

Lisa M. Thomas
City Clerk

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: **City Clerk/Election**

FISCAL YEAR: **2013**

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$39,315.16</u>	<u>\$18,712.85</u>	<u>11610002</u>	<u>50290</u>	<u>Assistant City Clerk</u>	<u>\$14,680.85</u>	<u>11620006</u>	<u>53871</u>	<u>Poll Workers</u>	<u>\$5,400.00</u>
	Reason:	<u>Fund two Special State Elections</u>			<u>\$4,032.00</u>	<u>11620003</u>	<u>51460</u>	<u>Constables at Poll</u>	<u>\$5,968.00</u>
<u> </u>	Reason:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	Reason:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	Reason:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	Reason:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	Reason:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u>\$18,712.85</u>	Total			<u>\$18,712.85</u>	Total			

Department Head signature: 
 Auditor signature: 
 Comptroller signature: 



City of Marlborough

Arthur G. Vigeant
MAYOR

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

2013 MAR - 7 A 10:37
Patricia Bernard
EXECUTIVE SECRETARY

March 7, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – Comptroller's Office

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request from the Comptroller's office to fund costs associated with the unanticipated short term absence of payroll personnel.

- 1) Transfer in the total amount of \$10,308.00 from 11330006-57850 (Bond Issue Expense) to 11330002-50062 (Finance Assistant).

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



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

March 7, 2013

The Honorable Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Vigeant:

I am requesting a transfer of \$10,308 dollars from account number 11330006-57850 Bond Issue Expense to account number 11330002-50062 Finance Assistant. This transfer is needed to fund temporary employees to process city and school payroll during the absence of the city's payroll employee.

Yours truly,

A handwritten signature in black ink, appearing to read 'Tom Abel', written over the typed name.

Thomas J. Abel
Comptroller/Treasurer
City of Marlborough

Salary \$ 1,086.00 per week

Person from the Personnel Dept filling in at 1/2 time for 19 weeks equals

\$ 10,308.00



City of Marlborough

Office of the Mayor

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Arthur G. Vigeant
MAYOR

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CITY CLERK'S OFFICE
MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

2013 MAR - 7 A 10:57

March 7, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Line Item Budget

Honorable President Pope and Councilors:

I am seeking the opinion of the City Council as it relates to a line item budget presentation. In a conversation with Councilor Ossing, I let him know that I would welcome this approach but only if the Council would welcome this change with me.

I welcome your thoughts and opinions on this matter and would be happy to answer any questions you may have.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

Arthur G. Vigeant
MAYOR

Office of the Mayor

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CITY OF MARLBOROUGH
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2013 MAR - 7

Patricia Bernard
EXECUTIVE SECRETARY

March 7, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Reappointment of Chief Procurement Officer

Honorable President Pope and Councilors:

I am pleased to submit for reappointment as our Chief Procurement Officer Ms. Beverly Sleeper. Ms. Sleeper will have a term for three years to expire on the anniversary of her confirmation by the City Council.

Ms. Sleeper is a conscientious employee who has done a great job handling all the city's procurement duties, including bids, assistance to requesting departments in the formulation and revision of Requests for Quotes, Invitation for Bids, Request for Proposals, administering contracts and issuing purchase orders. For your convenience, I have included her job description as it appears in the City's General Code.

Ms. Sleeper has served as our Chief Procurement Officer since 2006.

Sincerely,

Arthur G. Vigeant
Mayor

City of Marlborough, MA
Thursday, March 7, 2013

§ 7-35. Duties.

- A. Under the direction of the City Solicitor, the Chief Procurement Officer shall have the duties and responsibilities as defined in MGL Chapter 30B, and shall procure supplies and services as authorized and required by the Uniform Procurement Act and all other related and applicable law.
- B. Under the direction of the City Solicitor, the Chief Procurement Officer shall also:
- (1) Be responsible for the delegation and training of those officials he/she deems appropriate to perform specific or general procurement activities, pursuant to MGL c. 30B, § 19;
 - (2) Function as the City's contract compliance officer and bidding administrator and perform all tasks associated with the procurement of goods and supplies, construction and designer selection, in compliance with the General Laws of the Commonwealth;
 - (3) Conduct ongoing analyses and risk assessment duties related to all municipal insurance apart from health, dental and life insurance;
 - (4) Function as the coordinator for the Americans with Disabilities Act (ADA), *Editor's Note: See Ch. 116, Nondiscrimination Policy; ADA Compliance.* especially as it relates to those responsibilities under Title II of the Act; and
 - (5) Perform such other tasks as may be assigned by the City Solicitor.



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 MAR - 7 A 10: 58

March 7, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Board of Assessors Appointment

Honorable President Pope and Councilors:

I wish to appoint Mr. Joseph Collins to the Board of Assessors for a three year term to take effect on the 1st Monday after City Council approval.

Mr. Collins is a graduate of Marlborough High School and holds a Masters of Business Administration from Saint Leo's University. He is currently the billing supervisor at a large Boston area law firm. Mr. Collins' strong financial background and work experience will make him a great addition to the Board of Assessors.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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Arthur G. Vigeant
MAYOR
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CITY OF MARLBOROUGH
Michael E. Berry
EXECUTIVE AIDE
2013 MAR - 7 A 10:58
Patricia Bernard
EXECUTIVE SECRETARY

March 7, 2013

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Council on Aging Appointment

Honorable President Pope and Councilors:

I wish to appoint Mrs. Lynn Anderson as a member of the Council on Aging for a term of four years to expire on the first Monday in May following a City Council meeting.

Ms. Anderson has lived in Marlborough for more than a decade and possesses a strong background of community service that includes time as an elementary school teacher, volunteer and co-founder of the FISH program, as well as participation in many local charitable and civic causes. I believe she will make an excellent addition to the COA and I respectfully seek your approval of her appointment.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Date: 3/6/13

2013 MAR -6 P 3:38

Order No. # 12/13-1005236B

Application for Special Permit from CONSTRUCTION MATERIALS SERVICE
Applicant's Name

for OFFICE BUILDING
Purpose

at 379 SOUTH ST
Location

REFER TO URBAN AFFAIRS
Committee

PUBLIC HEARING: 1/7/13
Date of Public Hearing

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 5:00 p.m. on MAY 8th 2013.

By: _____
Patricia A. Pope City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By: [Signature]

Acting on behalf of, and at the direction of,
Petitioner:

rec'd 3/4/13
via email
12:17 PM
AM

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Date: 3/4/13

Order No. # 12-1005122

Application for Special Permit from City Council for MetroPCS Massachusetts, LLC

Applicant's Name

for Installation of a Wireless Communications Facility

Purpose

at 98 Pleasant Street

Location

REFER TO Wireless Subcommittee
Committee

PUBLIC HEARING: August 27th, 2012
Date of Public Hearing

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 12:59 p.m. on June 4th, 2013.

By: _____
Patricia A. Pope City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By: Andy Candiello
Authorized Agent

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

MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Call to Order

February 11, 2013
2013 FEB 26 AM: 22

The Meeting of the Marlborough Planning Board was called to order at 7:02pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included Barbara Fenby, Colleen Hughes, Edward Coveney and Shawn McCarthy. Also in attendance were Board Secretary Melissa Irish and City Engineer Tom Cullen.

1. Meeting Minutes:

A. January 28, 2013

On a motion made by Ms. Hughes, seconded by Mr. Coveney, it was voted to accept the minutes of the January 28, 2013 meeting as amended. Motion carried.

2. Chair's Business:

A. Notice from the City Council regarding Public Hearing Proposed Zoning Amendment Adding Sections 650-40(F) 48(C)(1) & 47 (F)

Ms. Hughes read the notice into the record. On a motion made by Mr. Coveney, seconded by Mr. McCarthy, it was voted to accept the notice, place it on file, set a public hearing for the second meeting in March (25th) and advertise said hearing. Motion carried.

3. Approval Not Required:

A. 41 Bond Street, Bruce Saluk and Associates

On a motion made by Mr. Coveney, seconded by Mr. McCarthy it was voted to accept the plan place it on file and endorse the plan. Motion carried.

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Update from City Engineer:

Mr. Cullen noted that he does not have a lot to report as the department has been quite busy with snow removal operations.

Ms. Hughes commended the Department of Public works for the monumental effort in regards to the clearing of the sidewalks; Marlborough seems to be in good shape.

B. Black Horse Farms Update (Lighting)

On a motion made by Mr. Coveney, seconded by Ms. Hughes it was voted to accept the update as submitted by Mr. Cullen. The developer is waiting on more information from National Grid Motion carried

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None

7. Definitive Subdivision Submission:

A. Ravenswood Properties – 637 Sudbury Street

Mr. Matt Hamor from Hancock Associates presented to the Board a Subdivision Plan for 3 lots

off of Sudbury Street utilizing the existing home on the lot Titled Ravenswood. The proponent will be asking for 2 waivers from the Planning Board; Proposal is for a 40' right of way for the creation of 2 additional lots, as well as relief regarding the fact that Sudbury St is only 20' wide instead of the required 24'. The new proposed roadway is slated to be 26' wide with a cul de sac formation and sidewalks proposed on both sides.

On a motion made by Ms. Hughes seconded by Chairperson Fenby it was voted to set a public hearing for the Second meeting in March (25th) and advertise said hearing. Motion carried.

8. Signs: None

9. Unfinished Business:

A. Decision to be rendered regarding zoning change for Data Storage Facilities

Motion made by Ms. Hughes, seconded by Mr. McCarthy to send a positive recommendation to the City Council regarding the proposed change to the Zoning Ordinance. Motion carried.

B. Continued discussion regarding Farm Rd signage.

Item carried over to the February 25th agenda

C. Country Club Estates (Update)

Mr. Cullen reported that plans for the easement have been reviewed and the Engineering Department is ready, the next step for the developer is the Appraisal and Title Certification work. On a motion made by Ms. Hughes, seconded by Chairperson Fenby it was voted to request another update from the developer in a month's time. Motion carried.

D. AFrame sign issues (multiple locations)

The Board requested to have Code Enforcement Officer Pamela Wilderman provide an update at the next meeting regarding enforcement/compliance of this issue.

E. Proposed letter of support from the Board to the Marlborough Economic Development Corporation/Community Development Office application for \$200,000.00 Federal Block Grant.

Mr. McCarthy authored the letter and presented it for comment from the full Board. The members present approved of the letter and authorized the Secretary to send it out to the MEDC under Chairperson Fenby's signature.

10. Informal Discussions:

A. 626 Stow Rd, Attorney Doug Rowe

Attorney Rowe was delayed by weather and was unable to attend the meeting. Mr. Timothy Butland was in attendance to discuss the plan. Ms. Hughes read the correspondence from the City Engineer regarding the sight lines. On a motion made by Mr. McCarthy, seconded by Mr. Coveney it was voted to accept the correspondence and place it on file. Motion carried.

Mr. Butland handed out new proposed plans showing the placement of 2 homes on lots with insufficient frontage. After discussion Mr. Butland was informed that the Board would be willing to consider this proposal after relief, if any, is granted from the Zoning Board of Appeals relative to the frontage and lot shape issues. It was suggested to Mr. Butland to in essence create 2 non buildable lots, then appeal to the Zoning Board of Appeals for relief regarding the inadequate

frontage and lot shape. Once that was accomplished Mr. Butland was directed to come back before the board for final approval.

11. Correspondence:

A. Keystone Project Application UMASS Amherst

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to accept the correspondence and place on file. Motion carried.

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board, Public Hearing (March 7) 2 matters

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to accept the notice and place on file. Motion carried.

Adjournment: On a motion made by Mr. McCarthy seconded by Mr. Coveney it was voted to adjourn at 7:35pm.

Respectfully submitted,

Colleen Hughes

/mai



**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 FEB 25 P 4:17

COMMISSIONERS
Brenda Calder
Thomas Evangelous
Robert Kays, Chairman
Nancy Klein
Jeffrey Long
Mark Vital
Dennis Zilembo

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

January 09, 2013

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 4:00pm., at the Recreation Commission Office.

Present were Commission Members: Chairman Kays, Commissioner Long, Commissioner Evangelous, Commissioner Vital and Commissioner Klein.

Also attending: Recreation Director David Grasso and Recreation Program Manager, Chuck Thebado.

Approval of minutes 12-11-12 and 12-17-12.

On a motion made by Commissioner Long and seconded by Commissioner Vital, it was unanimously:

VOTED: To approve the 12-11-12 and 12-17-12 minutes.

Communications from Thomas Cullen, City Engineer: RE: Conservation Commission Joint Meeting 12/20/12-Memorial Beach Improvements:

On a motion duly made and seconded, it was unanimously:

VOTED: To accept Communications from Thomas Cullen, City Engineer.

Memorial Beach: PARC Grant:

On a motion made by Commissioner Klein and seconded by Commissioner Vital, it was unanimously:

VOTED: To accept the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs Division of Conservation Services, Parkland Acquisition and Renovation for Communities, Program Project Agreement.

The above present Commission Members signed the official PARC agreement. The signed agreement needs to be returned to Conservation Officer, Priscilla Ryder.

Recreation Report:

Recreation Director David Grasso and Program Manager Chuck Thebado gave the following updated report:

- Ward Park Ice Park looks great. It is very popular with all ages.
 - Holts Grove is also in great shape and available for skating.
- There was a brief discussion regarding the Ice Skating Rules and Regulations. The Commission suggested and requested from Recreation Director David Grasso to have a sign with the following rules at the Ward Park location:
- *Ice Skating use is at your own risk.
 - *All participants shall wear safety equipment, which includes helmets, or which otherwise is required.
 - * Any use of this facility other than its intended use is prohibited.
 - *All youths 12 years and under shall be supervised by an adult.
 - *The City of Marlborough does not assume responsibility for any and all injuries that may occur.
 - * Public Skating Hours are from 10:00am -7:00pm – No Hockey allowed.
 - *Hockey Stick Time hours are from 7:00pm-9:00pm.
 - * All rules and regulations are subject to change.

- We met with Rick Cincotta, Project Adventure Director to discuss and finalize the February/April Vacation Project Adventure Program.
- PSA registrations will start on April 13th, 2013.
- Working on Summer Staff.
- Winter program registrations are going well.
- Ski Program started last Thursday, January 3rd. Total of 35 kids signed for the ski club.
- We are in the process securing the Memorial Day Weekend Soccer Tournament.

The Commission thanked Mr. Grasso and Mr. Thebado for their updated report.

Meeting adjourned at 4:49pm.

Attest to:



Simela Perdikomatis
Senior Clerk/Comm. Secretary

Minutes: Tuesday, February 12, 2013 Meeting

Location: Mayor's Conference Room, City Hall, Marlborough, MA

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Attendees: Lynn Anderson, Sheila Brecken, Jennifer Claro, Jim Confrey, Rita Connors, Brenda Costa, Marie Elwood, Jeanne McGeough

Excused: Richard Collins

I. Call to Order at 8:45 am.

II. January minutes were reviewed and approved by the board.

III. Director's Update

Lynn and Jennifer went to Holliston and met with their transportation coordinator. Executive Office of Elder Affairs says Holliston has one of the better transportation programs. They have a \$2.00 donation for a ride if the individual is able to pay. They started by going to the MWRTA for a vehicle. Jennifer will put together something for the MWRTA for our own vehicle, after discussing with the Mayor.

Jennifer is moving forward on the Cummings grant. Jennifer is working with the City of Marlborough's IT director. The first allocation of funds would be in July in the amount of \$33,000. These funds would be used for computer technology.

The publisher of Northborough's newsletter is reconsidering publishing our newsletter. Jennifer is working on getting requested information to the publisher

A request for a soda machine and/or coffee machine was submitted to the board for discussion. Jennifer will talk to Price Chopper about maintaining the coffee bar for the Senior Center. The board discussed the pros and cons of the soda machine.

IV. Board Updates

A. BayPath – Jim reported that the budget has not been released by the governor at the time of the meeting.

V. Old Business

A. The Coats System – Rita reported that there were 2 new applicants this week. Rita and Marie are discussing the cards that members have not picked up yet. An issue with the use of the cards is that people don't like to wait in line, so the system is not capturing everyone who is using the programs at the center.

B. Party Committee – Nothing new to report.

C. By Law Committee – Jim hasn't heard from the Mayor yet on our revisions.

D. Senior Center Update – The new senior center process is moving forward. The Mayor has answered all the questions from the neighborhood meeting. Several individuals have submitted letters to the editor in support of the new Senior center at Ward Park. Brenda will design a form for individuals to sign in support of the Senior Center.

VI. New Business

A. Senior of the Year – The date is set for April 10th at the Marlborough High School. Nomination forms went out in the newsletter. Sheila will acquire the over 90 list from the city clerk's office.

Meeting adjourned at 9:45 am.

The next board meeting will be 3/12/13 at 8:45am in Mayor's conference room, City Hall.

Respectfully submitted,
Brenda Costa
Marlborough Council on Aging Board Secretary

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2013 FEB 28 P 3:42



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on January 29, 2013 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, Fire Chief James Fortin and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Asst. City Engineer Tim Collins, City Councilor Rob Tunnera, local resident Nestor D'Oliveira, Charlene Sanderson – Certified Orientation & Mobility Specialist with the Commission for the Blind and local resident James Joubert. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, December 18, 2012.

MOTION was made, seconded, duly VOTED:
TO APPROVE – Accept and place on file.

2-New Business

2b) Communication from Nestor D'Oliveira, re: request for parking restriction on Rice Street.

Mr. D'Oliveira was present at the meeting to discuss this issue. He explained that ever since he moved in he has had problems backing out of his driveway due to cars being parked across the street from where he lives. He said that his neighbors have plenty of parking in back of their house; however, someone always seems to choose the spot on the street across from his driveway. He has often had to ask that a car be moved in order to back out safely and on one occasion he actually unintentionally hit the neighbor's car. The situation only gets worse in the winter. Mr. D'Oliveira had pictures on his phone showing the view from his property and the location of the fire hydrant.

Tim Collins presented a diagram of the street indicating the existing parking regulations. He found that the area directly across the street from Mr. D'Oliveira's house should be a

no parking area. He noted that a number of signs were missing. The area is regulated as no parking any time. It should be defined with arrows between signs. Tim Collins also noted that the signs that are there are very faded and old. If the signs are reposted on the entire street it will address Mr. D'Oliveira's concern. He thinks that four signs will cover the street.

Mr. D'Oliveira also noted that his neighbor's house looks like a three family; however, it appears that four families may be living there. The three trash bins for the home are frequently overloaded. Tim Collins mentioned that if it was truly a four family home they wouldn't have any trash bins because they would not be part of the city's new trash pickup system.

A second parking issue on Rice Street was brought up verbally by John Ghiloni through Tim Collins. There is another area marked as no parking between 8:00am and 4:00pm. He would prefer that this be changed to "No Parking Anytime" because this is where cars stack for pickup at the school. Chief Leonard believes that we may have re-regulated the timed area already. He asked if Tim Collins could have John Ghiloni put his request in writing.

Fire Chief Flynn also noted that there is no way a fire truck could maneuver on the narrow road if cars are parked here.

Tim Collins also mentioned a handicapped parking space marked on the diagram, however, he believes that the person this was meant for is no longer there. If we can get confirmation on this, the handicapped spot can be removed. He also noted that this spot was never properly regulated.

MOTION was made, seconded, duly VOTED to REFER 1) to the DPW to properly sign the street to clearly designate the no parking areas, 2) to Tim Collins to contact the homeowner on the handicapped parking issue and to contact John Ghiloni to ask that he send a written request to extend the time limit parking and 3) to Chief Leonard to contact Pam Wilderman, in Code Enforcement, regarding the multi-family home at #72.

2c) Communication from State Commission for the Blind, re: Farm Rd. near Country Lane pedestrian crossing.

Charlene Sanderson of the State Commission for the Blind was present at the meeting to discuss this issue. She is working with a legally blind resident in this area. There is no sidewalk on his side of the street. He would need to cross at the crosswalk near his home to get to the sidewalk on the opposite side of Farm Road. As outlined in her letter, due to concerns with speed, site distance and the fact that she witnessed motorists not yielding to the pedestrian in the crosswalk, they had determined that it is not safe for this resident to cross here. She is hoping that the Traffic Commission can provide some assistance and she provided several suggestions in her letter.

Chief Leonard asked Engineering if the new plan for Farm Road included extending the crosswalk to this side of the street. It does not. Tom Cullen advised that they are already at 100% on the planning stage. This is also a state owned road and it would be extremely difficult to attempt to make any changes at this point. Tom Cullen said that hopefully traffic lights will be there in the near future. There are currently signs on each

end of the crosswalk and a sign indicating that a blind person lives there. Charlene had suggested the possibility of an audible pedestrian signal at the crosswalk; however, Tom Cullen said that they couldn't do this because it would be too close to the new traffic lights. Chief Leonard commented that Farm Road is a very heavily traveled road with approx. 8,000 vehicles per day. This is what prompted the need for signalization here. He said that we have been battling speed issues on Farm Road for a long time. They tried a rumble strip here at one point but it did not work for long. It was loud and residents complained.

Ms. Sanderson also asked about placing a crosswalk cone in the center of the crosswalk along with painting the crosswalk a bold "safety yellow" color. Chief Leonard advised that we could try the cone, however, he knows from experience that they don't last long. They cost about \$300 each and seem to "disappear" and become difficult to replace. Tom Cullen said that historically, we have only painted the interior of the crosswalks on Main Street. There has been an issue with the paint making the crosswalks slippery, both for pedestrians and vehicle tires. Chief Leonard advised that he would need to speak to the DPW Commissioner on this issue.

Chief Leonard asked Ms. Sanderson if her client walked at specific times of the day. She advised that he can't walk there now at all. She had initially hoped that there may be a crossing guard at the nearby school. Chief Leonard advised that the Kane School does not have a crossing guard because there are not enough walkers to this location. He advised that he would check on the possibility of the crosswalk cone and would talk to the DPW Commissioner to see if he can possibly come up with any other suggestions. He also advised that he would try to get the speed board out; however, this may be difficult due to the snow. He can also try to get officers out to this location to monitor speed; however, this is not always practical. He advised that we would try our best but he is "not holding out too much hope".

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to discuss the above issues with DPW Commissioner LaFreniere and get back to Ms. Sanderson. Also: to REFER to the Police Department for enforcement and possibly the speed board.

2a) Communication from Tom Cullen, re: Heavy Truck Exclusion on Farm Rd. and Framingham Rd.

Councilor Jenkins had made a request to add advance warning signage on Acre Bridge Road so that trucks coming from Southborough would know that they could not proceed onto Farm Road once they got to Marlborough. There is a similar issue at the other end. Tom Cullen reviewed this issue and advised that the planned alternate route "shall be by way of Maple Street, East Main Street and Boston Post Road". He also noted in his e-mail to Chief Leonard three main issues that needed to be discussed: 1) the Walker Street and Maple Street intersection. 2) Parmenter Street leading to Broadmeadow and Farm Road and 3) local access (i.e. Cook Lane and Phelps Street).

Tom Cullen advised that this issue has already been addressed through coordination with Southborough and can be removed from the Agenda.

MOTION was made, seconded, duly VOTED to REMOVE from agenda.

3-Old Business**3c) Stop signs on Bigelow Street.**

Councilor Tunnera and Mr. Joubert were in attendance for this issue. Chief Leonard again gave a brief overview of the history. It was agreed after the informational meeting at Hillside School that none of the stop signs were warranted, however, Engineering was able to find a way to justify leaving some signs and taking down others. Since residents were split on their feelings on this issue, the traffic commission suggested another way to mitigate the speed issue was to install solar powered speed signs. The problem is that the signs cost \$10,000 each and funding is not available at this time. Until such time that funding is available, the item has been left as open on the agenda. Councilor Tunnera said that he has also been looking into funding possibilities, but is stuck as well.

Mr. Joubert would like to see all the stop signs come down. He said that it was determined that they are "illegal" and therefore not enforceable. Chief Leonard wanted to reiterate that he actually said that the current stop signs on Bigelow are "unregulated", meaning they do not meet the required warrants for stop signs. The signs were installed prior to him becoming Chief and being involved in the Traffic Commission. He commented that it is difficult to know what to do.

Chief Leonard advised that he would speak to the Mayor again on the possibility of funding. If the answer is a definite "no", the Traffic Commission will need to determine what is going to be Plan B. If another rink were to go in there is a possibility of mitigation funding but currently this is not the case. Councilor Tunnera suggested taking down one sign at a time and seeing how it goes. Fire Chief Flynn is in favor of removing the signs. Tom Cullen agrees, however, he did say that if the signs were to come down there is the possibility that speed and volume will increase.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to discuss funding possibilities with Mayor Vigeant.

3f) Traffic concerns in the vicinity of 31 Lincoln Street.

Chief Leonard went by this area yesterday and noted that the curve warning signs are not there yet. He said that they need to go up as soon as possible.

MOTION was made, seconded, duly VOTED to refer to the DPW to install the signs.

3d) Traffic Commission rules and regulations update.

The Commission reviewed another group of streets from the alphabetical listing on the "conflict list" at the direction of Tim Collins. The streets discussed were Greenwood Street, Harvard Street, Hayden Street, Hayes Memorial Drive and Hemenway Street. The purpose of this review is to be sure that the specific regulations in the manual match what is truly in existence at the street location. Final regulations for each street will be able to be viewed in the rules and regulations manual upon completion.

MOTION was made, seconded, duly VOTED to REFER to ENGEINEERING to make approved revisions and TABLE for discussion at next meeting.

3a) Municipal off street parking regulation.

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

3b) High School parking regulations.

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

3e) Communication from Shawn Butland, re: truck exclusion on Ferrecchia Drive.

MOTION was made, seconded, duly VOTED:
To TABLE until results are available.

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

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Tuesday, January 29, 2013 (Including City of Marlborough Meeting Posting)

-E-mail chain between Chief Leonard, Tom Cullen and Councilor Jenkins, dated 12/13/12 & 12/14/12, re: request to add a discussion of truck exclusion signage on Farm Road to the traffic commission agenda.

-E-mail from Nestor D'Oliveira to Chief Leonard, dated 12/2012, re: Parking on Rice Street and Chief Leonard's response on same date.

-Letter from Charlene Sanderson, Specialist with the State Commission for the Blind, dated 12/21/12, regarding Farm Road ear Country Lane pedestrian crossing.

Additional Handouts

-Diagram of Rice Street indicating current parking restrictions.