

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 MAY 16 P 1:57

1. Minutes of the City Council Meeting, May 6, 2013.
2. PUBLIC HEARING On the Petition of National Grid to install conduit from manhole15-22 to pole 50, Simarano Dr. and pole 50, D'Angelo Dr. Petition also includes two pole installations on Simarano and D'Angelo Dr., Order No. 13-1005406.
3. PUBLIC HEARING On the proposed FY14 Municipal Operating Budget as submitted by Mayor Vigeant in the amount of \$132,923,877.00 for review and appropriation in which this spending plan reflects an increase of 4.89% over the approved Fiscal Year 2013 budget, Order No. 13-1005416.
4. Communication from the Mayor re: Snow and Ice transfer request in the amount of \$1,580,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal and Operating Expenses as noted on attached spreadsheet.
5. Communication from the Mayor re: Various Year-End Intra-Department transfer requests in the amount of \$403,105.70 which moves funds from and to various accounts as noted on the attached spreadsheets to cover expenses and balance accounts for FY13.
6. Communication from the Mayor re: Public Facilities transfer request in the amount of \$100,000.00 which moves funds from Hurricane Sandy and Sewer-Loan Origination Fee to Electricity to cover increased utility costs for the remainder of the fiscal year.
7. Communication from the Mayor re: Building Department transfer request in the amount of \$17,500.00 which moves funds from Stabilization-Building Department and Stabilization-Inspectional Services to Inspections-Contract Services to allow the Building Commissioner to hire professional consultants to assist his office in completing several complex design reviews so that building permits may be issued in a timely manner.
8. Communication from the Mayor re: Snow & Ice Deficit Spending Authorization for FY14.
9. Communication from the Mayor re: Renewal of Sligo Hill Water Tank Revolving Fund.
10. Communication from the Mayor re: Renewal of Parks and Recreation Revolving Fund.
11. Communication from the Mayor re: Renewal of Public Safety Revolving Fund.
12. Communication from the Mayor re: Executive Office of Health and Human Services (EOHHS) Grant in the amount of \$2,000.00 awarded to the Fire Department to further train and enhance the department's readiness as a contributing member of the Massachusetts Decontamination Unit during times of public emergency.
13. Communication from Assistant City Solicitor, Cynthia Panagore-Griffin re: Revised Proposed Other Post-Employment Benefits (OPEB) Acceptance and Agreement Order, X-13-1005335.
14. Communication from Attorney Gadbois re: Site Plan Review Application AvalonBay Communities, Inc. – Results Way Mixed Use Overlay District.
15. Communication from Andy Candiello, Agent for MetroPCS Massachusetts, LLC. Re: Withdrawal Without Prejudice, Application for Special Permit, 98 Pleasant St., Order No. 12/13-1005122F.
16. Petition of NGrid to locate manholes, wires, and ducts including the necessary sustaining & protecting fixtures, along and across the following public way: approximately 535 ft. north of the center line of the intersection of Houde St. and Peltier St. and continuing approximately 515 ft. in a southerly direction.

17. Application for Junk Dealer's License by Robert Hoglund, CFO TVI, Inc. d/b/a Savers, 222A East Main St.
18. Minutes, Planning Board, March 25 and April 22, 2013.
19. Minutes, Council on Aging, April 9, 2013.
20. Minutes, Recreation Commission, April 17, 2013.
21. CLAIMS:
 - A. Ellen Smith, 97 Worster Dr., residential mailbox claim 2(a)
 - B. Rob Veneziano, 233 Church St., other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



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

MAY 6, 2013

Regular meeting of the City Council held on Monday, MAY 6, 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 10:06 PM.

ORDERED: That the minutes of the City Council Meeting APRIL 22, 2013, **FILE AS AMENDED**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Fuel Storage Permit, Bunker Floor Supply, 289 Elm St., for storage of 2,844 gallons of flammable liquids and 23,500 gallons of combustible liquids, Order No. 13-1005386., all were heard who wish to be heard, hearing recessed at 8:13 p.m.; adopted.

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

ORDERED: It is moved, in conformance with the provision of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy:

- 1) regarding a sewer contract dispute involving a property on St. Martin Drive; and
- 2) regarding a contract dispute with a City DPW contractor,

as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session, **APPROVED**; adopted.

Yea: 11- Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

ORDERED: That there being no objection thereto set **MONDAY, MAY 20, 2013** as date for a **PUBLIC HEARING** for the proposed FY14 budget as submitted by Mayor Vigeant in the amount of \$132,923,877.00 for review and appropriation in which this spending plan reflects an increase of 4.89% over the approved Fiscal Year 2013 budget, be and is herewith refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

POSITION	EFFECTIVE DATE	MINIMUM 1 st 6 mos.	STEP 1 2 nd 6 mos.	STEP 2 Next 12 mos.	MAXIMUM
Comptroller/Treasurer	7/1/13	101,695.70	105,763.28	109,994.07	114,393.83

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the MEDC (Marlborough Economic Development Corporation) transfer request in the amount of \$499,000.00 which moves funds from Economic Development to MEDC Funding to fully fund the operations of the MEDC for FY14, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. 27000099-42440 \$499,000.00
 Economic Development

TO:

Acct. # 11740006-53950 \$499,000.00
 MEDC Funding

ORDERED: That the Fire Department transfer request in the amount of \$46,931.99 which moves funds from and to various accounts as noted on the attached spreadsheet to fund overtime costs incurred due to injuries and other medical absences in the department, refer to **FINANCE COMMITTEE**; adopted.

BUDGET TRANSFERS --									
DEPT: FIRE					FISCAL YEAR: FY13				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$66,461.25	\$6,055.02	12200001	50800	Fire Captain	\$6,055.02	12200006	52560	Vehicle repair & maint.	\$2,895.49
	Reason:	Transfer is available due to 111F payments				Aging fleet requiring more repairs			
\$615,771.24	\$13,944.98	12200001	50450	Firefighter	\$13,944.98	12200006	52560	Vehicle repair & maint.	\$2,895.49
	Reason:	Transfer is available due to 111F payments				Aging fleet requiring more repairs			
\$615,771.24	\$26,931.99	12200001	50450	Firefighter	\$26,931.99	12200003	51300	Overtime	\$79,087.62
	Reason:	Transfer is available due to 111F payments							

ORDERED: That the Employee Retirement Benefits transfer request in the amount of \$28,834.20 which moves funds from and to various accounts as noted on the attached spreadsheet which will fund the unused sick leave and vacation payouts associated with the retirement of a long term employee of the City, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Fringe			FISCAL YEAR:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$454,218.00	\$18,736.20	11990006	51500	Fringe	\$18,736.20	11330001	50015	Comptroller	\$14,689.54
		Reason: Retirement Payout of Vacation							
	\$1,000.00	11990006	51500	Fringe	\$1,000.00	11330003	51920	Sick Leave	\$0.00
		Reason: Retirement Payout Sick Leave							
	\$6,245.00	11990006	51500	Fringe	\$6,245.00	11330002	50062	Finance Asst.	\$25,886.09
		Reason: Employee Resignation Payout Vacation Time							
	\$2,853.00	11990006	51500	Fringe	\$2,853.00	11330003	51920	Sick Leave	\$0.00
		Reason: Employee Resignation Payout Sick Time							
	\$28,834.20	Total			\$28,834.20	Total			

ORDERED: That the Board of Health transfer request in the amount of \$2,014.00 and \$600.00 which moves funds from Professional & Technical to Assistant Sanitarian and from Advertising to Assistant Sanitarian respectively to provide additional support for inspections for food service and pools, and short term leave of absence for an employee, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Board of Health			FISCAL YEAR:		FY 2013		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,014.02	\$2,014.02	15120006	53180	Professional/Technical	\$2,014.02	15120001	50611	Assistant Sanitarian	\$8,311.36
		Reason: Professional/Technical funds have not been used				Funds used to pay for temporary food/pool inspector			
	\$600.00	15120004	53150	Advertising	\$600.00	15120001	50611	Assistant Sanitarian	\$8,311.36
		Reason: Advertising funds not spent to date				Funds used to pay for temporary food/pool inspector			

ORDERED: That the Personnel transfer request in the amount of \$2,000.00 and \$1,500.00 which moves funds from Advertising and Conference and Training respectively to Medical Exams to cover expenses associated with the Civil Service hiring and employment process, **APPROVED**; adopted.

FROM:

Acct. 11520004-53150 \$2,000.00

Advertising

Acct. 11520006-57380 \$1,500.00

Conference and Training

TO:

Acct. # 11520004-53010 \$3,500.00

Medical Exams

ORDERED: That the Building Department transfer request in the amount of \$300.00 which moves funds from Professional & Technical to Advertising and Board Secretary respectively to ensure adequate funding for additional cases that may come before the Zoning Board of Appeals and Planning Board before the end of the fiscal year, **APPROVED**; adopted.

FROM:

Acct. 12410004-53180 \$300.00

Professional and Technical

TO:

Acct. # 12410004-53150 \$150.00

Advertising

Acct. # 12410004-50150 \$150.00

Board Secretary

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Logical Partners LLC Special Permit, 126 Pleasant St., in amended proper legal form, Order No. 12/13-1005151G, **MOVED TO ITEM 29**; adopted.

Councilor Tunnera abstained

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Results Way Mixed Use Overlay District, in proper legal form, Order No. 12/13-1005154E, **MOVED TO ITEM 25**; adopted.

MOTION made by President Pope to move the question pertinent to waiving of building fees – Carries

ORDERED: That the Communication from Assabet Valley Regional Vocational School District Superintendent Mary Jo Nawrocki re: Waiving Building Fees for Construction of the \$62.4 Million Dollar Assabet Valley Regional Vocational School District project to be located in Marlborough, **DENIED**; adopted.

ORDERED: That the Communication from MassDevelopment re: Preliminary Approval to Issue a Revenue Bond on behalf of the STEM Soaring Eagles Foundation, Inc., refer to **URBAN AFFAIRS COMMITTEE**; adopted.

- ORDERED: That there being no objection thereto set **Monday, June 17, 2013** as date for a **PUBLIC HEARING** on the Application for Special Permit from Mirick O'Connell, on behalf of Sandra & Anthony Antico Real Estate LLC, for indoor recreation area that will include various children's entertainment features that can be used by children under the supervision of their parents or guardians for birthday parties and on other special occasions, 72 Jefferson St., refer to **URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That the Application of Best Buy Store #1966, 601 Donald Lynch Blvd for Renewal of Junk Dealer's License, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application of Best Buy Store #820, 769 Donald Lynch Blvd. for Renewal of Junk Dealer's License, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Earth Day 2013, **FILED**; adopted.
- ORDERED: That the Communication from Department of Public Utilities, Condensed Financial Return for Year End December 31, 2012, **FILED**; adopted.
- ORDERED: That the Minutes, Advisory Committee for the New Senior Center, March 19, 2013, **FILED**; adopted.
- ORDERED: That the Minutes, Planning Board, April 8, 2013, **FILED**; adopted.
- ORDERED: That the Minutes, Traffic Commission, March 26, 2013, **FILED**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Thomas Tucker, 11 Hawkins Lane, other property damage,
 - B. Peter Kuchinsky, 165 Cameron Dr., residential mailbox claim 2(a)
 - C. Barry Hilts, 184 Robert Rd., residential mailbox claim 2(a)

Suspension of Rules requested – granted

- ORDERED: That the 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 July 23, 2013 until 12:59 PM., Order No. 12/13-1005122D, **APPROVED**; adopted.

Councilor Tunnera abstained

- ORDERED: That the City Council of the City of Marlborough hereby approves the following:
- 1) By a super majority (2/3) vote pursuant to Chapter 650-33.C(1) of the City's Zoning Ordinance, the City Council hereby approves the Master Concept Plan presented by Atlantic-Marlboro Realty, LLC on a plan entitled, "Forest Park – Master Plan, Marlborough, MA," dated April 16, 2013, drawn by SMMA (Symmes Maini & McKee Associates); and
 - 2) By a separate super majority (2/3) vote pursuant to Chapter 650-33.C(2) of the City's Zoning Ordinance, the City Council hereby approves the Development Agreement by and between Atlantic-Marlboro Realty, LLC and the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Appointment of Lynn Anderson as a member of the Council on Aging for a term of four years to expire on the 1st Monday in May following a City Council meeting, **APPROVED**; adopted.

ORDERED: That the Reappointment of Chief Procurement Officer, Beverly Sleeper for a term of three years expiring on the anniversary date of her confirmation by City Council, **APPROVED**; adopted.

ORDERED: That 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., **APPROVED WITH THE FOLLOWING CONDITIONS**, adopted.

- 1) Any necessary easements are to be obtained from affected property owners and shown on proposed plans.
- 2) A street opening permit must be applied for by the proposed contractor performing the work.
- 3) The contractor performing the work must obtain a street opening bond with the City of Marlborough for an amount to be determined by the City Engineer.
- 4) The contractor is to provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
- 5) The contractor is to coordinate with the affected residents to have irrigation systems flagged before trenching begins and provide them a timetable of the proposed work.
- 6) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 7) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 8) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 9) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 10) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 11) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 12) Entire width of sidewalk (from back of curb to back of sidewalk) is to be included in final trench paving – any disturbed curbing is to be replaced.
- 13) If wetlands are within 100 feet of any excavation, all flagging should be done by the applicant, notification give to and proper permitting should be obtained from the Conservation Commission.

**SPECIAL PERMIT
LOGICAL PARTNERS LLC
CITY OF MARLBOROUGH, MA
CITY COUNCIL ORDER 12/13-1005151G**

The City Council of the City of Marlborough hereby **GRANTS** the Application for Special Permit of Applicant, as provided in the Decision and **SUBJECT TO THE FOLLOWING FINDINGS OF FACT AND CONDITIONS:**

EVIDENCE

1. The Applicant is Logical Partners LLC, a Massachusetts LLC with a principal place of business at 241 Boston Post Road West, 1st Floor, Marlborough, MA 01752 (the "Applicant").
2. The location of the proposed project is 126 Pleasant Street, Marlborough, MA and more particularly identified on the City of Marlboro Assessor's Map as Lot 466 of Map 68, and furthermore particularly described in a deed recorded with the Middlesex South District Registry of Deeds, Book 58142, Page 503 (the "Site").
3. The Applicant seeks a Special Permit to construct three (3) residential Townhouse style Condominium units on the Site (the "Project").
4. The Applicant is the Owner for the purpose of this Special Permit Application (the "Application").
5. The property is located in zoning district Residence B (RB), which allows multifamily dwellings as a matter of special permit.
6. The Building Inspector, acting on behalf of the City Planner, provided a Certificate of Completeness of Application as required by Para. 7 of the Rules and Regulations of Application/Petition for Special Permit by the City of Council under the Marlborough Zoning Ordinance, Chapter 650-59.
7. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for a Special Permit to demolish the current structures at the Site and construct three (3) residential Townhouse style Condominium units on the Site.
8. The Applicant obtained all necessary zoning variances to allow its project to proceed, said variance being recorded with the Middlesex South District Registry of Deeds, Book 59143, Page 190.
9. A public hearing was held on October 15, 2012, in compliance with the requirements of the Code of the City of Marlborough and by the provisions of MGL Chapter 40A, as amended, and all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlborough. The time for the City Council to take final action on the Application was timely extended by the parties' agreement to May 15, 2013.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing and demonstrated that the Project meets all applicable Special Permit criteria provided by MGL Chapter 40A, as amended, and the Code of the City of Marlborough including, without limitation, Article VII, Section 650, Paragraph 40, Subparagraph B, and generally Section 650-59.

11. The plan submitted with the Application is entitled "Preliminary Site Plan, 126 Pleasant Street, Marlborough, MA," Prepared for Logical Partners LLC, 241 Boston Post Road West, 1st Floor, Marlborough, MA 01752; Owned by Logical Partners LLC, 241 Boston Post Road West, 1st Floor, Marlborough, MA 01752; Prepared by Thomas Land Surveyors & Engineering Consultants, Inc., 265 Washington Street, Hudson, MA 01749, scale 1" = 20', dated June 28, 2012 and revised October 11, 2012, December 11, 2012 and February 25, 2013 (the "Plan"), attached hereto as "Attachment A."

BASED ON THE ABOVE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:

The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance, Chapter 650, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for a Special Permit to construct three (3) residential Townhouse style Condominium units on the Site.
2. The Marlborough City Council finds that all necessary Fees for the proposed Special Permit have been paid.
3. The Marlborough City Council finds that the Application was properly completed and filed by Applicant, and that all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlboro prior to Application submission.
4. The Plan accompanying said Application was completed in accordance with the all applicable Rules and Regulations.
5. The Summary Impact Statement filed with said Application is sufficient for said Application and that no further studies or requirements are necessary.
6. The City Department reports as required by the Code of the City of Marlborough have been received and incorporated as deemed appropriate by the said Marlborough City Council into this final decision.
7. The Marlborough City Council finds generally that the use sought by Applicant and its impact and characteristics is not in conflict with the public health, safety, convenience and welfare and is not detrimental or offensive; and further, that the use of the Site for three (3) residential Townhouse style Condominium units is appropriate for the Site and does not derogate from the intent and purpose of MGL Chapter 40A and/or the Code for the City of Marlborough.
8. The Marlborough City Council therefore **GRANTS** to the Applicant a Special Permit to construct three (3) Residential Townhouse Units on the Site, pursuant to its authority under MGL Chapter 40A and the Code of the City of Marlboro, **with the following conditions:**

- A. The Marlborough City Council conditions its approval on subsequent Site Plan Review and approval as provided under Chapter 270, Building and Site Development. The Plan may be subject to modification by the Site Plan Review Committee to the extent allowed by the Code of the City of Marlborough. Other conditions and limitations may be imposed at the time of the final Site Plan Approval by said Committee, which are not inconsistent with any term or condition attached to this Special Permit.
- B. The applicant will work with Site Plan Review to coordinate minor cosmetic and mutually acceptable modifications to the building and/or site to make the same more Colonial in appearance so as to fit into the neighborhood.
- C. The drainage from the site shall be reviewed during the Site Plan Review process to ensure that any excess drainage is adequately mitigated.
- D. The building will be protected by an automatic sprinkler system under a NFPA Section 13R installation due to the low water pressure in the area and proposed garage spaces.
- E. All existing structures and improvements at the Site will be removed pursuant to Code and subject to the approval of the Marlborough Building Inspector and the resulting residue disposed of in accordance with all applicable Federal, State, and municipal statutes, rules and regulations; in particular, within ninety (90) days after approval of this Special Permit, the Applicant shall remove the barn from the Site.
- F. Construction of the three (3) new Single-Family Townhouse Condominium units is to be in accordance with all applicable building codes currently in effect in the City of Marlborough.
- G. Pursuant to recommendations from the Urban Affairs Committee of the Marlborough City Council, the number of bedrooms for each Unit has been reduced from three (3) bedrooms to (2) bedrooms. Accordingly, each Unit will contain no more than two (2) bedrooms, be approximately 1,400 square feet, and will otherwise be substantially similar to that as shown on a 10-page set of plans entitled Project Description – Pleasant St. Project,” Builder: Lisboa; Builder’s customer: spec; Prepared by Westchester Modular Homes, Inc., 30 Reagans Mill Rd., Wingdale, NY 12594; scale ¼” = 1””; dated July 6, 2012 and revised on July 11, 2012, July 16, 2012, August 22, 2012, February 24, 2013 and March 4, 2013, attached hereto as “Attachment B.” The Units will be serviced by public water and public sewer separately metered.
- H. All Units shall consist of (2) bedrooms and shall be required to be owner-occupied, i.e., no leasing shall be allowed; and a restriction for same shall be inserted into the Master Deed creating the Condominium, and shall also be incorporated into the Unit deed for each Unit conveyed by Applicant, its successors and assigns.

- I. Existing building sewers or portions thereof may be used in connection with new construction only when they are found, on examination and testing by the Marlborough Commissioner of Public Works, to meet all Code requirements. The applicant will be required to confirm the size, material, slope, and condition of the existing sewer service. This can be accomplished via test pits and/or video-taping of the existing sewer service. A single service to the proposed building shall only be allowed if allowed and approved by the Marlborough Department of Public Works.
- J. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District 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, and before the Applicant shall apply to the Building Inspector for a building permit concerning the Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.
- K. All work performed at the Site shall be in compliance with this Special Permit decision. No other building or construction shall occur or happen without a change or modification of this Special Permit.
- L. Applicant shall provide side yard and rear yard fencing as depicted on the Plan.

Yea: 9 - Nay: 1 – Abstained: 1

Yea: Jenkins, Elder, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

Nay: Delano

Abstained: Tunnera

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:06 PM.



IN CITY COUNCIL

APRIL 22, 2013

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **Monday, May 20, 2013** as date for a **PUBLIC HEARING** on the Petition from National Grid to install conduit from manhole15-22 to pole 50, Simarano Dr. and pole 50, D'Angelo Dr. and two pole installations on Simarano and D'Angelo Dr., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 13-1005406



IN CITY COUNCIL

MAY 6, 2013

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, MAY 20, 2013** as date for a **PUBLIC HEARING** for the proposed FY14 budget as submitted by Mayor Vigeant in the amount of \$132,923,877.00 for review and appropriation in which this spending plan reflects an increase of 4.89% over the approved Fiscal Year 2013 budget, be and is herewith refer to **FINANCE COMMITTEE AND ADVERTISE**.

ADOPTED

ORDER NO. 13-1005416



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
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
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

Re: Transfer Request – Snow & Ice Deficit

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request:

- 1) Transfer in the amount of \$1,580,000.00 from 10000-35900 (Undesignated Fund) to the following accounts:
 - a.) \$235,655.44 to 14001203-51390 (Overtime – Snow & Ice)
 - b.) \$603,556.13 to 14001206-52960 (Snow Removal)
 - c.) \$740,788.43 to 14001206-57040 (Operating Expenses)

This transfer request will fund the deficit incurred in the Snow & Ice account in FY13 due to the high levels of snowfall experienced this year.

Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

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

2013 MAY 16 A 11:27
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

Re: Year-end Intra-department transfer requests

Honorable President Pope and Councilors:

I am presenting before you several intra-department transfer requests that are needed to cover remaining expenses and balance our accounts for FY13. Enclosed are the pertinent transfer sheets from department heads further detailing their requests.

Thank you in advance for your cooperation. Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Public Facilities

FISCAL YEAR: 2013

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$122,057.27	\$80,000.00	11920006	52200	Natural gas	\$80,000.00	11920006	52120	Electricity	\$210,193.87	
	Reason:	Warm temperature/lower therm rate				insufficient budget				
\$39,915.48	\$8,000.00	11920001	50560	Custodian	\$8,000.00	11920006	53420	Telephone	\$36,783.07	
	Reason:	open position								
\$39,915.48	\$1,116.55	11920001	50560	custodian	\$1,116.55	11920002	50520	Principal clerk	\$1,996.24	
	Reason:	open position								
\$39,915.48	\$14,367.15	11920001	50560	Custodian	\$14,367.15	11920001	50292	Bldg Maint Craftsmen	\$14,621.25	
	Reason:	open position								
	Reason:									
\$103,483.70	Total					\$103,483.70	Total			

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:

FISCAL YEAR:

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	
<u>\$454,218.00</u>	<u>\$200,000.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$200,000.00</u>	<u>11960006</u>	<u>51710</u>	<u>Workers Com[</u>	<u>\$0.00</u>	
	Reason:	<u>Funds available due to fewer employees retiring</u>				<u>More injuries then projected</u>				
<u>\$454,218.00</u>	<u>\$10,000.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$10,000.00</u>	<u>11330006</u>	<u>53460</u>	<u>Postage</u>	<u>\$23,463.47</u>	
	Reason:	<u>Funds available due to fewer employees retiring</u>				<u>Required to mail FY 14 tax bills in June</u>				
<u>\$454,218.00</u>	<u>\$7,400.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$7,400.00</u>	<u>13102006</u>	<u>53080</u>	<u>Audit Services</u>	<u>\$0.00</u>	
	Reason:	<u>Funds available due to fewer employees retiring</u>				<u>Audit services exceeded budgeted amount</u>				
<u>\$454,218.00</u>	<u>\$29,722.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$29,722.00</u>	<u>17110006</u>	<u>59964</u>	<u>2012 Multi Bond Pmt</u>	<u>\$474,833.00</u>	
	Reason:	<u>Funds available due to fewer employees retiring</u>				<u>Bond Payments exceeded forecasted amount on new bond</u>				
<u>\$454,218.00</u>	<u>\$46,000.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringe</u>	<u>\$46,000.00</u>	<u>13100003</u>	<u>51753</u>	<u>Medicare Pmts</u>	<u>\$54,491.00</u>	
	Reason:	<u>Funds available due to fewer employees retiring</u>				<u>More employees paying Medicare taxes</u>				
	<u>\$293,122.00</u>	Total			<u>\$293,122.00</u>	Total				

Department Head signature:

Auditor signature:

Comptroller signature:



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

2013 MAY 16 A 11: 22

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
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

Re: Transfer Request – Public Facilities Department

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request:

- 1) Transfer in the amount of \$35,000.00 from 11990006-53023 (Hurricane Sandy) AND in the amount of \$65,000.00 from 60019906-58891 (Sewer Loan Origination Fee) to 11920006-52120 (Electricity).

The Public Facilities has experienced increased utility costs this year and require this amount to ensure we have enough funds for the remainder of the fiscal year.

Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

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CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street

2013 MAY 16 A 11:02 Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

Re: Transfer Request – Building Department

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request:

- 1) Transfer in the amount of \$17,000.00 from 83600-32703 (Stabilization Building Department) AND in the amount of \$500.00 from 83600-32717 (Stabilization – Inspectional Services) to 12410004-53140 (Inspections-Contract Services).

The Building Department has several large projects currently before them that require a full plan and building code review. This transfer request will allow the Building Commissioner to hire professional consultants to assist his office in completing several complex design reviews so that building permits may be issued in a timely manner.

Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

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CITY OF MARLBOROUGH

Office of the Mayor

2013 MAY 16 A 11:23

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

Re: Deficit Spending for Snow and Ice Account

Honorable President Pope and Councilors:

I have attached an order authorizing the city to incur liability and make expenditures for FY14 in excess of the approved appropriation for the purposes of snow and ice removal. This is done annually in many municipalities as allowed by M.G.L. Chapter 44, section 31D.

I appreciate your attention on this matter. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

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 in excess of available appropriation for snow and ice removal for fiscal year 2014.

ADOPTED
In City Council
Order No. 13-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 MAY 16 A 11-23

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
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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

RE: Renewal of the Sligo Water Tank Revolving Fund

Honorable President Pope and Councilors:

Since 1996, the City Council has authorized revolving funds for the Public Facilities and Public Works departments, the purpose of which is to utilize income from telecommunications companies to maintain and improve adjacent neighborhood parks and property.

I am submitting for your approval the renewal of the revolving fund for the Sligo Water Tank site off Arnold Street. Revolving funds contain more controls and safeguards than those imposed on regular accounts, including annual reauthorization, statutory caps and limits on annual expenditures.

To be effective in Fiscal Year 2014, state law generally requires approval before the new fiscal year begins. The enclosed order, if approved, will accomplish that goal, and is submitted for your consideration.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

cc: Public Facilities Director, Solicitor

Sligo Water Tank Revolving Fund

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 2014, 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 maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and

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

(c) 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 2014, 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.

ADOPTED
In City Council
Order No.13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Public Facilities Department

85 SAWIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3521 FACSIMILE (508) 460-3565

JOHN L. GHILONI
DIRECTOR

ANDREW J. WHITE
ASSISTANT DIRECTOR

To: Mayor Arthur G. Vigeant
From: John L. Ghiloni
Date: May 15, 2013
Re: Sligo Water Tank Revolving Fund

The Revenue and Expenditures for the Sligo Water Tank Revolving Tank for Fiscal Year 2013 are as follows:

Balance as of July 1, 2012	\$ 177,338.23
Revenue	<u>114,214.88</u> \$ 291,553.11
Expenditures	<u>4,620.00</u>
Balance	\$ 286,933.11



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2013 MAY 16 AM 12:23

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
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

RE: Renewal of Parks and Recreation Revolving Fund

Honorable President Pope and Councilors:

I am submitting for your approval the reauthorization of the Parks and Recreation revolving account. This account was created in FY2011 by the consolidation of the Fairmount and Easterly Treatment Plant revolving accounts.

As you are aware, state law requires that revolving accounts be reauthorized prior to the start of the new fiscal year. If the reauthorization does not occur, all funds within the revolving account will roll over into the general fund as of July 1, 2013.

Per Council Order No. 10-1002613, I have included a year-end financial report submitted by Public Works Commissioner Ronald LaFreniere, as well as a draft order for reauthorization.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

cc: Public Facilities Director, Solicitor

Parks and Recreation Revolving Fund

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 authorize a revolving fund during fiscal year 2014 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) 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 municipal parks and municipal recreational facilities; 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 \$50,000.00 shall be expended during fiscal year 2014, 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.

ADOPTED

In City Council

Order No. 13-

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:



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

Memorandum

To: Michael Ossing, Chairman
Marlborough City Council, Finance Committee

From: Ron LaFreniere,
Commissioner of Public Works

Date: May 15, 2013

Re: Parks and Recreation Revolving Account; 26244401-52415

Pursuant to the provisions of Council Order No. 10-1002613, the revolving account established by this order had income and expenditures as shown below.

Balance as of July 1, 2012:	\$ 298,165.18
Funds received between July 1, 2012 and May 15, 2013:	\$ 69,265.33
Funds expended between July 1, 2012 and May 15, 2013:	(\$ 5,122.40)
Funds encumbered on February 11, 2011 (Ward Park Master Plan)	(\$ 10,000.00)
Balance:	\$ 352,308.11

EXPENDITURE SUMMARY FOR FY 2013

Ward Park Master Plan	\$ 5,000.00
Gatehouse Media/Metrowest News Legal Ad	\$ 122.40
Total:	\$ 5,122.40



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16 A 11: 23

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
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

RE: Renewal of Public Safety Revolving Fund

Honorable President Pope and Councilors:

Last year the City Council authorized a Public Safety Revolving Fund for emergency dispatch fees from the City's contract with Patriot Ambulance, the purpose of which was for public safety training.

Tonight I am asking you to renew the Public Safety Revolving Fund. As you are aware, revolving funds contain more controls and safeguards than those imposed on regular accounts, including annual reauthorization, statutory caps, and limits on annual expenditures.

To be effective in fiscal year 2014, state law generally requires approval before the new fiscal year begins. The enclosed order, if approved, will accomplish that goal, and is submitted for your consideration. As always, if you have any questions or concerns about this issue, please feel free to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

cc: Solicitor

Public Safety Revolving Fund

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 2014, re-authorize 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) expenditures from said fund shall be limited to public safety training; and
- (c) 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 2014, 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. 13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



CITY OF MARLBOROUGH

Office of the City Auditor
140 Main St.
Marlborough, MA 01752

May 14, 2013

MEMORANDUM

TO: Mayor Arthur G. Vigeant
FROM: Diane Smith, City Auditor
RE: Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2012	\$85,183.23
Funds received to date	33,750.00
Expenditures to date-	
IMC Training	(726.03)
Arson Investigation Training	(3,657.22)
Fire Officer Certification Training	(619.17)
SCBA Training	(1,799.42)
Taser Training	(10,482.81)
Confined Space Training	(28,202.24)
Recruit Officer Training	(5,000.00)
Fire Records System Review	(350.00)
Balance as of May 14, 2013	<u>\$68,096.34</u>



City of Marlborough

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CITY OF MARLBOROUGH

Office of the Mayor

2013 MAY 16 A 11: 23

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

May 16, 2013

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

Re: Grant Acceptance

Honorable President Pope and Councilors:

The Marlborough Fire Department has been awarded a grant in the amount of \$2,000.00 from the Executive Office of Health and Human Services (EOHHS).

This grant will be utilized to further train and enhance our department's readiness as a contributing member of the Massachusetts Decontamination Unit during times of public emergency.

I respectfully ask your approval of this expenditure for the purposes outlined above. I have enclosed for you back up documentation from the Fire Department as well as the EOHHS. Please do not hesitate to contact me with any questions.

Please do not hesitate to contact me with any questions.

Sincerely,

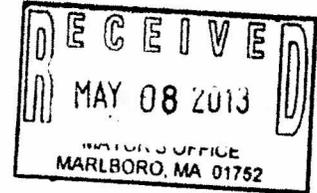
Arthur G. Vigeant
Mayor



**CITY OF MARLBOROUGH
FIRE DEPARTMENT**

215 Maple Street, Marlborough, MA 01752
Business (508) 624-6986 Facsimile (508) 460-3795

May 8, 2013



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

Re: FY13 Mass Decontamination Unit

Dear Mayor Vigeant,

Attached please find documentation in support of the grant in the amount of \$2,000.00 which has been awarded to the Fire Department through the Commonwealth of Massachusetts Executive Office of Health and Human Services Department of Public Health. In accordance with Massachusetts General Laws, Chapter 44 Section 53A, this grant was applied for and accepted by the Fire Department.

The intent of the grant is to facilitate the field deployment, training and operational readiness of the MDU to enhance protection of local hospitals during any public health emergency situations.

I would ask that this information be placed on the next available agenda, and that you recommend and ask the City Council to approve the expenditure of these funds for the purposes of the grant by the Fire Department.

Sincerely,

James M. Fortin
Fire Chief

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: FIRE DATE: 5/8/2013

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: James M. Fortin, Fire Chief

NAME OF GRANT: FY13 MASS DECONTAMINATION UNIT GRANT

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$2,000.00

GRANT PERIOD: 12 months

SCOPE OF GRANT/ To ensure effective deployment and implementation of Mass Decontamination Unit to an area hospital and elsewhere in a community in the event of an emergency.

ITEMS FUNDED Maintenance, repair, restocking of equipment and joint exercises with hospital personnel throughout the year.

IS A POSITION BEING CREATED: No

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

ARE MATCHING CITY FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 6/30/2013

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



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

LAUREN A. SMITH, MD, MPH
INTERIM COMMISSIONER

December 19, 2012

Chief James M. Fortin
Marlborough Fire Department
215 Maple Street
Marlborough, MA 01752

Dear Chief Fortin:

This correspondence requests your attention and requires an action, on your part, to allow for your receipt of grant funding for the purpose of deployment and training of the Mass Decontamination Unit(s) assigned to your department.

This program as federally awarded to the Massachusetts Department of Public Health (DPH) has been in effect for the past ten years and for this grant funding period, the tenth allocation of funding, your fire department will receive payment of \$2,000 for each Mass Decontamination Unit (MDU) assigned to your department and through your commitment to the completion of five tasks identified in the scope of work of our contractual agreement with your department.

This payment will be supported by the FFY2012 award to DPH from the federally supported Hospital Preparedness Program. The initial payment under this agreement was made last year, now the second annual allocation of grant funding is being made available to you.

Last year, a multi-year contractual agreement was effectuated and our agreement remains in effect through to June 30, 2016. This agreement was established to allow for a 5-year annual allocation of funding to be granted. The contractual agreement was awarded and effectuated via Notice of Intent and Waiver of Competitive Procurement # 21916. For your reference a copy of this multi-year contractual agreement is enclosed.

For you to receive this annual allocation of awarded funding for this year, your attention is required to sign and return the enclosed invoice, (Form PV).

The authorized signatory must sign in the grey shaded box at the top of the enclosed form, labeled, "*vendor certification*." Your action to affix an original-inked signature and to return this originally signed document will allow for a second payment of \$2,000 per MDU assigned to your department, to be made. Please know this allocation of funding must be expended by June 30, 2013.

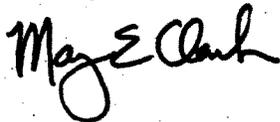
Your prompt completion and return of the signed Form PV, with the required original signature affixed as specified, must be returned on or before, but not later than **Monday, January 14, 2013**. Please return the enclosed document, signed, to the attention of: Ms. Kristen Heffernan, Contract Manager, ASPR Hospital Preparedness Program, 250 Washington Street, 1st Floor, Boston, MA 02108.

Upon receipt of this originally signed document, payment will be processed promptly.

If you have any questions or require additional information relative to this allocation of funding, please contact Kristen Heffernan via e-mail: Kristen.Heffernan@state.ma.us or via telephone: (617) 624-5083. Programmatic questions may be directed to Thomas O'Connell, Massachusetts Department of Fire Services via email Thomas.O'Connell@state.ma.us or (978) 567-3158.

Your continued attention and participation in this program is most appreciated.

Sincerely,

A handwritten signature in black ink that reads "Mary E. Clark". The signature is written in a cursive, flowing style.

Mary E. Clark, JD, MPH
Director, Emergency Preparedness Bureau
Massachusetts Department of Public Health

Enclosures (2)
Commonwealth of Massachusetts Standard Contract Form and Instructions, as effectuated
Payment Voucher Form (Form PV) – requiring signature and return

PAYMENT VOUCHER INPUT FORM



Commonwealth of Massachusetts
Office of the Comptroller

Department/Organization Name **MARLBOROUGH FIRE DEPARTMENT**
Emergency Preparedness Bureau

Vendor Name and Address

CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752-3812
AD001

Document ID
Trans **PV** Dept DPH R/Org 6207 Number PV Date Acctg Prd Budget FY 2013

Action (E) (M) E Sch Pay Date Off Liab Act
VENDOR'S CERTIFICATION
I certify that the goods were shipped or the service rendered as set forth below
[Signature]
(Please Sign In Ink)

Ref Doc ID
INTF6207P01W21916404

Document Total \$2,000 Payment Ref Number INTF6207P01W21916404-2 Vendor Code VC6000192111 Emp

Reference Order	LN	QTY	Description	Unit Price	Amount
			FOR FIRE DEPT. - MASS DECONTAMINATION UNIT (MDU) DEPLOYMENT AND TRAINING	\$2,000	\$2,000

Reference Doc ID

LN	Trans	Dept	R/Org	Number	LN	Dept	Approp	Sub	Org	S/Org	Obj	Prog	TY
01	CT	DPH	6207	W21916	02	DPH	45100404	PP	6207		P01	4843	

Proj/CI/Grc Actv RPTG Fund BS Acct Payment Reference Number INTF6207P01W21916404-2 Description F4510-0404A

MSA# Line# Disc Dates of Services 7/1/12 to 06/30/13 Quantity Line Amount \$2,000 I/D P/F

TO THE COMPTROLLER OF THE COMMONWEALTH OF MASSACHUSETTS:
I hereby certify under penalties of perjury that all laws of the Commonwealth governing disbursements of public funds and the regulations thereof have been complied with and observed.

INSTRUCTIONS TO VENDORS
-Fill in shaded area
-Direct inquires to state organization

Prepared By: _____ Title: Admin. Assistant Date: _____
Entered By: _____ Title: _____ Date: _____

The undersigned authorized signatory approving this document certifies that this document and any attachments are accurate and complete and comply with all applicable general and special laws and regulations.

Page _____ of _____
Phone # _____

Approved By: _____ Title: Fiscal Coordinator Date: _____



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

*rec'd 11:59 AM 5/16/13
pu e-mail*

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

May 16, 2013

Patricia Pope
President
Marlborough City Council
And Members

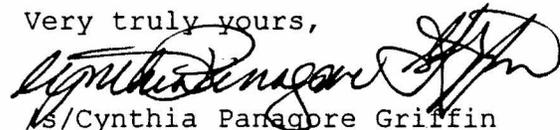
RE: Revised Proposed OPEB Acceptance and Agreement Order

Dear President Pope and Members:

Enclosed is a revised version of the OPEB Acceptance and Agreement Order. The attached version includes the revisions which were requested by the Operations and Oversight Committee, and is in proper legal form.

Thank you for your attention to this matter.

Very truly yours,


s/Cynthia Panagore Griffin
Cynthia Panagore Griffin

Enclosures
cc: Mayor

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 (the "City"), acting through its City Council and the duly serving members of the Board of Trustees of the City of Marlborough OPEB Trust (the "Trustees").

WITNESSETH:

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

WHEREAS, the City Council 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 Council 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, the City, the City Council, and the Trustees hereby agree as follows.

ARTICLE 1 - DEFINITIONS

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

- 1.1 "City" means the City of Marlborough.
- 1.2 "Code" means the Internal Revenue Code of 1986, as amended from time to time.
- 1.3 "ERISA" means the Employee Retirement Income Security Act of 1974, as amended from time to time and any successor statute.
- 1.4 "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.

1.5 "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.

1.6 "PRIT" means the Pension Reserves Investment Trust which is managed by the Pension Reserves Management Board of the commonwealth of Massachusetts.

1.7 "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.

1.8 "Trust" means the City of Marlborough OPEB Trust as hereby established.

1.9 "Trustee" means the duly serving members of the Board of Trustees of the City of Marlborough OPEB Trust, and any successor Trustee appointed as provided pursuant to Article 5.

1.10. "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 Council 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 the Board of Trustees (the "Board") which shall be comprised of five (5) members, including the City Treasurer, the City Auditor, the Finance Director of the Marlborough Public School Department, one (1) member of the City Council who shall be designated by the President of the City Council, and one (1) member who shall be appointed by the Mayor.

5.2. Each Board member shall, for purposes of this Trust, be deemed a trustee ("Trustee").

5.3. 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.

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

5.5. 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.

5.6. 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:

6.1.2. 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.

6.1.3. To hold cash, uninvested, for such length of time as the Trustees may determine without liability for interest thereon.

6.1.4. 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.

6.1.5. 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.

6.1.6. 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.

6.1.7. To construe and interpret this Trust Agreement and other documents related to the purposes of the Trust.

6.1.8. 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.

6.1.9. To receive and review reports of the financial condition and of the receipts and disbursements of the Trust and the Trust Fund.

6.1.10. 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.

6.1.11. 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.

6.1.12. 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.

6.1.13. 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.

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

6.1.15. 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.

6.1.16. 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.

6.1.17. 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.

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

6.1.19. 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 as may be necessary and reasonable. The City, in its discretion, may also purchase liability insurance for the Trustees..

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. The Trustees shall not be obliged to inquire into or be responsible for any action or failure to act on the part of the City or the City Council. 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 Section 115 of the Internal Revenue Code of 1986 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, in consultation with the Mayor, 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 Council and the Mayor, annually, or more frequently if the City Council so requests, a statement of account and a performance 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. Before funds may be invested, the Trustees shall create an initial investment policy to be approved by the City Council. Trust funds may be invested with PRIT after a vote of the Trustees, approval of the Mayor, and approval of the City Council.

14.3 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.

MARLBOROUGH CITY COUNCIL,
By Its President,

Patricia Pope

Date:

CITY OF MARLBOROUGH ,
By Its Mayor,

Arthur G. Vigeant

Date: _____

CITY OF MARLBOROUGH OPEB TRUST
By Its Board of Trustees,

Trustee (City Treasurer)

Date:

Trustee (City Auditor)

Trustee (Finance Director, Marlborough Public School Department)

Trustee (Member, City Council)

Trustee (Appointee of Mayor)

ADOPTED
In City Council
Order No 13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

DAVID P. GADBOIS

Attorney-at-Law

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2 MOUNT ROYAL AVE., SUITE 202
MARLBOROUGH, MASSACHUSETTS 01752

PHONE (508) 481-0101

E-MAIL David@attygadbois.com

FAX (508) 484-9435

2013 MAY 16 A 11:15

May 16, 2013

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

Re: Site Plan Review Application AvalonBay Communities, Inc. – Results Way Mixed Use Overlay District.

Dear City Council President:

Enclosed please find a Site Plan Review Application package on behalf of my client, AvalonBay Communities, Inc. for the construction of a 350 unit luxury apartment community located in the Results Way Mixed Use Overlay District. This application is being filed with City Council pursuant to the terms of the Results Way Mixed Use Overlay District which require that site plan review be performed by City Council. Please schedule this matter on the agenda for the May 20, 2013 City Council meeting.

Should you have any questions regarding this application or related issues, I can be reached at 508-481-0101.

Sincerely,



David P. Gadbois

AvalonBay

COMMUNITIES, INC.

May 16, 2013

City Council
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: Site Plan for Avalon Marlborough, a 350 Luxury Apartment Community Located on a Portion of 200 Forest Street in the Results Way Mixed Use Overlay District

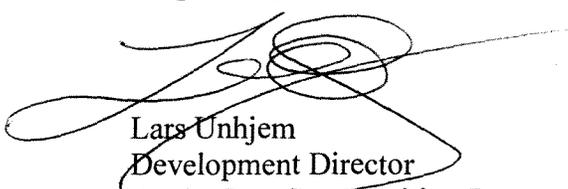
Dear Councilors:

It is my pleasure to submit the enclosed Site Plan application for Avalon Marlborough, a 350-unit luxury rental apartment community proposed as a portion of the Results Way Mixed Use Overlay District (RWMUOD), for your approval. This is the first site plan application to be filed subsequent to the City Council's unanimous vote on May 6, 2013 approving the Master Concept Plan and Development Agreement submitted by the master developer Atlantic Management.

AvalonBay is excited to partner with the City of Marlborough and Atlantic Management on the development of this mixed-use district. We find that our residents increasingly prefer these kinds of smart growth projects because of the convenience and amenities they provide. More importantly, we know from our experience with Avalon Orchards in eastern Marlborough that the City is a sought-after location in the region.

Thank you for reviewing the enclosed Site Plan application. We look forward to productive discussions with you that will help bring the RWMUOD into being in the near future. Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Respectfully,



Lars Unhjem
Development Director
AvalonBay Communities, Inc.
51 Sleeper Street, Suite 750
Boston, MA 02210
Direct: (617) 654-9509
E-Mail: Lars_Unhjem@AvalonBay.com

TRANSMITTAL INFORMATION

DATE: May 16, 2013

RE: Avalon Marlborough

CONTENTS INCLUDED IN THIS PACKAGE:

- ✓ Cover Letter (see page above)
- ✓ Transmittal Information (this page)
- ✓ Site Plan Application Form
- ✓ Site Plan Application Fee
- ✓ Owner Consent Letter
- ✓ Public Notice Form
- ✓ Traffic Impact Report (see separate document from VHB)
- ✓ Site Plans (see separate documents from TAT Architects, HW Moore Civil Engineers, and Hawk Landscape Architects)
- ✓ Supplemental Letter Regarding Wetlands Resource Areas

SITE PLAN APPLICATION FORM



City of Marlborough

SITE PLAN APPROVAL APPLICATION (For Non-Residential and Major Residential Projects)

Type of Hearing (check one)

Major Renovation Minor Renovation

Please Print

DATE: MAY 16, 2013

PROJECT

Name of facility: AVALON MARLBOROUGH

Address: A PORTION OF: 200 FOREST ST, MARLBOROUGH, MA 01752

Assessor's Map No. _____ Parcel No. _____

APPLICANT

Name: AVALONBAY COMMUNITIES, INC. - LARS UNHJEM

Address: 51 SLEEPER ST., SUITE 750, BOSTON, MA 02210

Telephone: 617.654.9509 Fax: 617.426.1610

Email: LARS.UNHJEM@AVALONBAY.COM

OWNER'S CONSENT

If applicant is not the owner, is written consent of the owner or owner's agent attached (see Section 270-2(B) (7))? YES NO

PROPERTY OWNER

Name: ATLANTIC - MARLBORO REALTY LLC - JOE ZINK

Address: 205 NEWBURY ST., FRAMINGHAM, MA 01701

Telephone: 508.626.0025 Fax: 508.626.0106

Email: SZINK@ATLANTICMANAGEMENT.COM

APPLICANT'S ENGINEER (preparing site plan)

Name: H.W. MOORE ASSOCIATES, INC. - TIM PARIS

Address: 112 SHAWMUT AVE, BOSTON, MA 02118

Telephone: 617-357-8145 Fax: 617-357-9495

Email: FKEYLOR@HWMOORE.COM

APPLICANT'S LANDSCAPE ARCHITECT

Name: HAWK DESIGN, INC. - THOM MIWER

Address: 39 PLEASANT ST., SAGAHORE, MA 02561

Telephone: 617-242-8300 Fax: 617-242-5018

Email: THOM@HAWKDESIGNINC.COM

PROJECT INFO

PROPOSED USE (see Section 63-5(B) (1))

Non-Residential Residential

Provide a brief description of the project; including the proposed type of use, whether expansion of new, size of buildings, number of new parking spaces, any unusual utility use or impact on abutters (traffic, noise, lighting, odors, hazardous material, etc.)

ANALOG MARLBOROUGH IS A 350 HOME MULTI-FAMILY RENTAL COMMUNITY:
CONSISTING OF 144 1-BEDROOM & 206 2-BEDROOM HOMES, LOCATED IN
ONE 4-STORY ELEVATOR BUILDING, ONE 3-STORY WALK-UP BUILDING,
NINE 2-STORY DIRECT ENTRY BUILDINGS AND 47 3-STORY TOWNHOMES.
THE COMMUNITY IS DESIGNED WITH 635 TOTAL PARKING SPACES (13
ACCESSIBLE), 604 WHICH ARE INTEGRAL TO THE TOWNHOMES &
DIRECT ENTRY BUILDINGS, AND 30 ARE LOCATED IN FREESTANDING
GARAGES.

Identify all zoning districts, including overlay zones applicable to this site. The zones must also be shown on the site plan cover sheet. (See Section 270-2 (C) (2) (b) (3)).

ZONING DISTRICT(S) RESULTS WAY MIXED USE OVERLAY DISTRICT, INDUSTRIAL DISTRICT AND PARTIALLY WITHIN ZONE B OF THE WATER SUPPLY PROTECTION DISTRICT

WHAT OTHER PERMITS REQUIRED (check off which applies) WATERFRONT OVERLAY DISTRICT

- | | |
|--|---|
| <input type="checkbox"/> City Council for Special Permit | <input type="checkbox"/> Blasting Permit (Fire Dept) |
| <input type="checkbox"/> ZBA Special Permit | <input type="checkbox"/> Title V Approval (Board of Health) |
| <input type="checkbox"/> ZBA Variance | <input type="checkbox"/> Food Permit (Board of Health) |
| <input checked="" type="checkbox"/> Wetlands Protection Act | <input checked="" type="checkbox"/> Building Permit (Building Dept) |
| <input type="checkbox"/> Section 404, Clean Water Act (Army Corps) | <input checked="" type="checkbox"/> Sign Permit (Building Dept) |
| <input type="checkbox"/> C 91 Waterways Permit | |
| <input type="checkbox"/> Subdivision Control Act (Planning Board) | |
| <input type="checkbox"/> State Curb Cut (MA Highway) | |
| <input type="checkbox"/> Indirect Access Permit (MA Highway) | |
| <input type="checkbox"/> MEPA ENF or EIR (EOEA) | |
| <input checked="" type="checkbox"/> Sewer Connection Permit (DPW, City Council, DEP) | |
| <input type="checkbox"/> Street Opening Permit (DPW, Engineering Dept) | |
| <input type="checkbox"/> Sewer Connection (DPW, City Council, DEP) | |
| <input type="checkbox"/> Other: _____ | |

WHAT IS THE FEDERAL FLOOD INSURANCE RATE ZONE? _____

SUBMITTED PLANS AND REPORTS

See Section 270-2 (C) for submission requirements. Please include a locus map per Section 270-2 (C) (2) (b) (1)

<u>DRAWN PARLBOROUGH</u>	<u>MAY 16, 2013</u>	<u>TIMOTHY PARIS</u>
Title APPLICATION FOR SITE PLAN APPROVAL	Date	Stamped By
		<u>H.W. MOORE ASSOCIATES, INC.</u>

Fee

For Minor Site Plan without a building: \$750

For a Minor Site Plan (with a building under 8,000 square feet): \$1,000, plus \$0.03 a square foot of building gross floor area

For a Major Site Plan (with a building over 8,000 square feet): \$2,000, plus \$0.06 square feet per square feet of building gross floor area

PUBLIC NOTICE

Applicants for Site Plan Approval under Chapter 270-2 of the Marlborough City Code must publish a public notice in a newspaper of general circulation within the area at least once within two weeks of filing a Site Plan application using the format below. A copy of the public notice must be submitted with the application. Applications for Site Plan Approval shall not be certified as complete unless the public notice is properly published.

Date of Publication: MAY 20, 2013

Name of Newspaper: METRO WEST DAILY NEWS
(Form of notice attached)

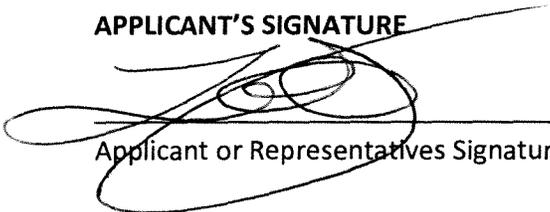
HISTORIC BUILDING NOTICE

Is the site within 250 feet of any building, cemetery or monument built before 1850? YES NO

If in doubt, ask the Historic Commission (508 481-2400). If the answer is YES, send a photocopy notice and one copy of the site plans (excluding utilities) to:

Chairman, Historic Commission
City Hall
Marlborough, MA 01752

APPLICANT'S SIGNATURE


Applicant or Representatives Signature

5/16/2013
Date

Applicant shall submit this form to the Building Dept with all required plans (8 copies of plans, 4 copies of Traffic and Drainage reports) after a "Pre-Application Review" with the City reviewing Authority at which most requirements can be examined and discussed.

The applicant maybe required to attend a Preliminary scoping session with the Site Plan Review Committee prior to submitting this form.

Office Use Only:

Date Received: _____

Site Plan Number: _____

SITE PLAN APPLICATION FEE

AvalonBay

COMMUNITIES, INC.

May 16, 2013

City Council
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: Site Plan for Avalon Marlborough, a 350 Luxury Apartment Community Located on a Portion of 200 Forest Street in the Results Way Mixed Use Overlay District

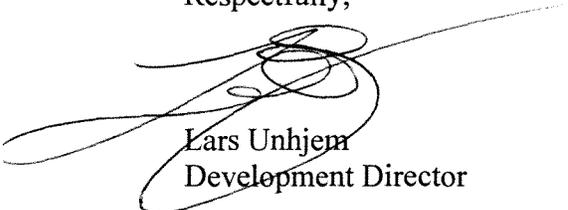
Dear Councilors:

As called for in Article III of Chapter 270 of the City of Marlborough code, please find enclosed the site plan review fee for a Major Site Plan, calculated as follows:

\$2,000	Base Review Fee
+	
525,000	Approximate size in Gross Square Feet
*	
\$0.06	Review Fee per GSF
<hr/>	
\$33,500	Total Review Fee

Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Respectfully,



Lars Unhjem
Development Director

OWNER CONSENT LETTER

AvalonBay

COMMUNITIES, INC.

May 15, 2013

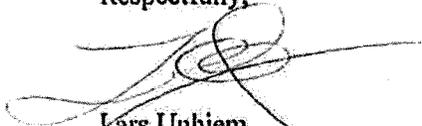
City Council
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: Consent of Owner

Dear Councilors:

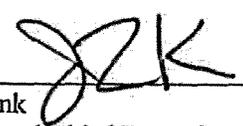
This letter provides written confirmation that Atlantic-Marlboro Realty LLC, the owner of 200 Forest Street, has provided consent to AvalonBay Communities, Inc. to seek approvals relative to development of a proposed 350-unit rental apartment community on a portion of 200 Forest Street.

Respectfully,



Lars Unhjem
Development Director
AvalonBay Communities, Inc.
51 Sleeper Street, Suite 750
Boston, MA 02210

CONSENTED TO BY:



Joseph Zink
President and Chief Executive Officer
Atlantic-Marlboro Realty LLC
205 Newbury Street
Framingham, MA 01701

PUBLIC NOTICE FORM

SUBMITTED PUBLIC NOTICE

CITY OF MARLBOROUGH PUBLIC NOTICE OF SITE PLAN SUBMISSION

A proposed site plan has been submitted for the following project and is available for public inspections during regular business hours at the office of the City Clerk, City Hall, 140 Main Street, Marlborough, MA 01752

Project Name and Type or Use: Avalon Marlborough, a 350-unit luxury rental apartment community

Project Street Address: A portion of 200 Forest Street off Simarano Drive

Applicant's Name: AvalonBay Communities, Inc.

The City will accept public comments in written form until 14 days from the date of this publication. This notice is published in accordance with the City Code, Chapter 270-2 Site Plan Review and Approval.

SUPPLEMENTAL LETTER REGARDING WETLANDS RESOURCE AREAS

AvalonBay

COMMUNITIES, INC.

May 16, 2013

City Council
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: Supplemental Information Regarding Wetlands Resource Areas for the Site Plan for Avalon Marlborough, a 350 Luxury Apartment Community Located on a Portion of 200 Forest Street in the Results Way Mixed Use Overlay District

Dear Councilors:

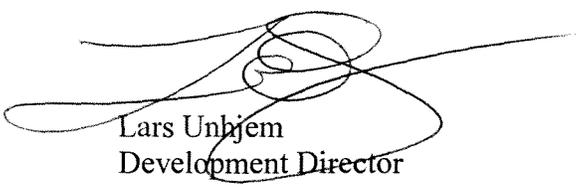
This letter is to provide supplemental information regarding wetlands resource areas indicated on the underlying survey on various areas throughout the project site.

On April 4, 2013, the City of Marlborough Conservation Commission issued an Order of Resource Area Delineation (ORAD) which confirmed that all but one of wetlands resource areas indicated on AvalonBay's plans are non-jurisdictional.

For the one remaining wetlands resource area, referred to as Wetland 'A', located at the southeast corner of the site east of the main entrance, we anticipate filing a Notice of Intent with the Conservation Commission in conjunction with our work.

Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Respectfully,



Lars Unbjem
Development Director

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
285 Billerica Road
3rd Floor
Chelmsford, MA 01824
2013 MAY 16 A 10:51

Thursday, 2013-05-16

City of Marlborough
City Council
140 Main Street
Marlborough, MA 01752
Attn: Karen Boule – Council Secretary

SENT VIA EMAIL

**RE: Pleasant Street Fire Station – 98 Pleasant Street, Marlborough, MA 01752
("The Site")**

City Council Order #: 12-1005122

Ms. Boule:

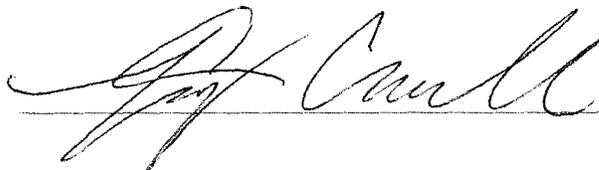
MetroPCS Massachusetts, LLC respectfully requests to withdraw its current special permit application without prejudice. MetroPCS was recently purchased by T-Mobile and therefore has put all active projects on hold including its plans to install at The Site.

By delivery of this signed letter, please consider this an official request to withdraw the above mentioned City Council special permit application without prejudice.

Thank you for your attention to this matter.

Sincerely,

Andy Candiello ~ *Agent for MetroPCS Massachusetts, LLC*
TRM, Inc.
16 Chestnut Street, Suite 220
Foxborough, MA 02035
Cell: 978-855-3644
Email: acandiello@trmcom.com



nationalgrid

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 MAY -8 P 5:05

May 1, 2013

City of Marlborough
City Clerks Office
140 Main Street
Marlborough, MA 01752

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit please contact:

Nazih Yazbeck 508-935-1630

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Angela Birch; 280 Melrose Street; Providence, RI

Very truly yours,



Chris Montalto, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATIONS

Hopedale, MA 01747

May 2, 2013

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along and across the following public way:

Houde Street and Peltier Street

Approximately 535 ft north of the centerline of the intersection of Houde Street and Peltier Street and continuing approximately 515 ft in a souther direction.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain manholes, ducts and wires, together with such sustaining and protecting fixtures as it may find necessary, said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **14066426** Dated: **04/19/2013**

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalvo
Manager of Distribution Design

COUNCIL COPY

ORDER FOR MANHOLE AND DUCT LOCATIONS

Hopedale, MA 01747

May 2, 2013

By the City Council
of the City of Marlborough, Massachusetts

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY** be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **2nd day of May, 2013**

All construction under this order shall be in accordance with the following conditions:--

Manholes and ducts shall be set substantially at the points indicated upon the plan marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **14066426**

Dated: **04/19/2013**

The following are the public ways or parts of ways along which the manholes/ducts above referred to may be installed, and the number of manholes/ducts which may be installed thereon under this order:--

Houde Street and Peltier Street

Approximately 535 ft north of the centerline of the intersection of Houde Street and Peltier Street and continuing approximately 515 ft in a souther direction.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the _____ day of _____ 2013

Clerk of Council

Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: _____ Page: _____

City Clerk

We hereby certify that on _____, 20_____, at _____ o'clock, _____ M
at _____ a public hearing was held on the petition of

MASSACHUSETTS ELECTRIC COMPANY for permission to construct the underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

Council of the City of

Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of _____ 2013 and recorded with the records of location orders of said City, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
City Clerk



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 MAY 14 A 11: 17

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: May 13, 2013

To the City Council:

Owner Name: TVI, Inc. d/b/a Savers

Residential Address: 11400 SE 6th Street, Suite 220
Bellevue, WA 98004

Telephone Number: 425-456-1751

Business Name: Savers

Business Address: 222A East Main Street, Marlborough, Massachusetts

Business Telephone Number: Not yet assigned for Marlborough location
TVI, INC. D/B/A SAVERS

Owner Signature: By: *Robert C. Hoglund*
Robert C. Hoglund, CFO

The above-signed TVI, Inc. respectfully requests that ~~he/she~~ ^{it} be
granted a junk and secondhand dealer license, with the waivers/
modifications set forth on Exhibit A attached hereto.

In City Council

March 25, 2013
2013 MAY - 1 A 9 20

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included Barbara Fenby, Colleen Hughes, Sean Fay, Philip Hodge and Shawn McCarthy. Also in attendance were Board Secretary Melissa Irish and City Engineer Thomas Cullen.

Absent were Clyde Johnson and Edward Coveney

1. Meeting Minutes:

A. March 11, 2013

On a motion made by Mr. Fay, seconded by Mr. Hodge, it was voted to accept the minutes of the March 11, 2013 meeting. Motion carried.

2. Chair's Business:

A. Review/Discussion in regards to letter of support for Code Enforcement Officer Technology.

Motion made by Ms. Hughes, seconded by Mr. Hodge to table item 2A.

3. Approval Not Required:

A. Partners HealthCare System Inc. Forest St & Hayes Memorial Drive

Ms. Hughes read the notice into the record.

On a motion made by Ms. Hughes, seconded by Mr. Hodge the notice was accepted and placed on file and the plan was referred to the Engineering Department.

B. 93 Framingham Rd Lots 3&4

Ms. Hughes read the notice into the record.

On a motion made by Ms. Hughes, seconded by Mr. Hodge the notice was accepted and placed on file and the plan was referred to the Engineering Department.

On a motion made by Mr. Fay, seconded by Ms. Hughes a recess was called at 7:12pm the meeting reconvened at 7:15pm.

4. Public Hearings:

A. Definitive Subdivision Plan "Ravenswood Road"

The public hearing was opened at 7:15pm Ms. Hughes read the notice into record. Ms. Hughes also read the second (additional info) letter from the proponent into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in Favor

Those speaking in Opposition

Questions from the Board Members

Presentation: Mr. Joseph Peznola, Professional Engineer, Principal – of Hancock Associates gave the presentation, assisted by Attorney Sem Aykanian. This is the second presentation of this subdivision. The original version was created as a low impact development which was withdrawn by the applicant. This rendition is in a more conventional form. This iteration keeps the original house at 637 Sudbury St. and creates two additional lots to be serviced by a private roadway. The drainage and detention ponds have both been recalculated, and septic systems have been designed for the additional 2 houses. Mr. Peznola also noted that the separation between the existing driveway and the proposed minor roadway is 45'. Attorney Aykanian stated his position that it would be a misapplication of the distance requirements to determine that a subdivision of the subject property would cause the existing driveway of an abutter to be non-conforming.

In Favor – No one spoke.

In Opposition –

Ward 1 City Councilor Joseph Delano, 10 Harper Circle, Marlborough stated that this is not a good project for the area. It appears to him that the developer is trying to skirt around the rules and regulations. Sudbury Street is a dangerous road and he is concerned about the trip count per home. This subdivision will reduce the enjoyment of the neighborhood. He is against this project.

Mr. Bill Magner, 79 Mosher Lane, Marlborough was concerned about the safety issues and noted that Sudbury St is a dangerous Road.

Mr. Ben Resniknof, 1061 Concord Rd, Marlborough, feels that this project does not keep with the intent of the existing neighborhood.

Mr. Matt Scola, 621 Sudbury St, Marlborough, also had concerns about safety and claims this is the same plan as the one prior the only change is the addition of septic systems.

Ms. Dorothy Butler, 85 Mosher Lane, Marlborough, also had concerns regarding safety and sight lines.

Mr. John Kennedy, 84 Mosher Lane, Marlborough, also had concerns regarding safety.

Ms. Laura Kennedy, 84 Mosher Lane, Marlborough also had concerns regarding safety.

Questions from the Board Members:

Mr. Fay asked the developer to review the waivers that are being requested with the Board.

Mr. Peznola noted the right of way width and the width of the roadway (Sudbury St)

Mr. Fay asked that since the developer was requesting that the Board determine that the proposed roadway was in keeping with public safety, if the Board was also able to determine that the developer had not established that the roadway was in keeping with public safety. Mr. Peznola answered in the affirmative.

As a follow-up, Mr. Fay asked which of the subdivisions cited by the developer in support of their request that the Board make this finding is most similar to the proposed Development.

Mr. Peznola noted that the examples were given not as precedent but as examples only.

Chairperson Fenby requested that the developer work with the neighbors to try to alleviate some of the safety concerns revolving around driveways.

The Public Hearing was closed by Chairperson Fenby at 7:43pm.

On a motion made by Ms. Hughes, seconded by Mr. McCarthy the plan was accepted placed on file and referred to the City Engineer for review.

B. Proposed Zoning Amendment Addition to Section 650-40(F) 48(C)(1) & 47(F)

The public hearing was opened at 7:44pm Ms. Hughes read the notice into record.

The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in Favor

Those speaking in Opposition

Questions from the Board Members

Presentation: Attorney Arthur Bergeron made the presentation accompanied by Mr. David Mackwell of Kelly Engineering Group and assisted by Attorney David Mackay of Mirick O'Connell Attorneys at Law.

Attorney Bergeron noted that this amendment had already been discussed on the City Council floor and there had been 2 modifications made by the Council, the first being the tabling of the building height as mentioned in item #1. That issue would be looked at in more detail at a later date if deemed necessary. The second change was to the length of the walkways to be less than 200'.

In Favor – No one spoke

In Opposition – No one spoke

Questions from the Board Members:

Mr. Fay questioned why the Building Commissioner was the final authority.

Attorney Bergeron noted that there had to be someone to interpret the ruling.

Mr. McCarthy questioned why the easement part of the ordinance was needed.

Attorney Bergeron noted that common ownership may not always be the case in point leaving the allowance for the buildings to be independently owned.

Chairperson Fenby questioned if the amount of landscaping needed would decrease?

Mr. Mackwell noted that the parking lot requirements would stay intact, thus requiring landscaping.

The Public Hearing was closed by Chairperson Fenby at 8:02pm.

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to send a favorable recommendation to the City Council regarding the proposed Zoning Amendment. Motion carried.

On a motion made by Ms. Hughes, seconded by Mr. McCarthy a recess was called at 8:07pm the meeting reconvened at 8:20pm.

5. Pending Sub Division Plans: Updates and Discussion:

A. City Engineers Report

Mr. Cullen reported out that the Engineering Department is currently reviewing outstanding

subdivisions within the City.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. Communication from Code Enforcement Officer regarding 655 Farm Rd

B. Communication from Code Enforcement Officer regarding 721 Farm Rd

**C. Communication from Code Enforcement Officer regarding 17 East Main St
& 531 Lincoln St**

Ms. Hughes read all 3 communications into the record.

On a motion made by Mr. Fay, seconded by Mr. McCarthy to accept the correspondence and place them on file. Motion carried.

9. Unfinished Business:

B. Request for extension Boston Scientific Company, Inc.

Ms. Hughes read the request for an extension into the record.

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

C. Decision regarding Zoning Amendment Utility Service Vehicle Maintenance

After much discussion on a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to send a favorable recommendation to the City Council regarding the proposed zoning amendment with the following suggestions:

Screening of the parking lots must be provided for the abutters.

The size of the fleet of vehicles covering the lot may not exceed a certain percentage of the available parking. The board recommends no more than 50%.

No unregistered vehicles may be left on the lot and that no vehicles be permitted to be parked on grass surfaces.

The term "routine maintenance" must be defined with a list of "allowable" repairs to be provided.

The motion carried with a vote of 4-0-1, with Mr. Hodge abstaining.

10. Informal Discussions: None

11. Correspondence:

A. dcr, Terra Firma #2- Curing for Mature Trees, I

On a motion made by Ms. Hughes, seconded by Mr. Hodge 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, April 25, 2013

B. Town of Framingham Planning Board Public Hearing, April 11, 2013

C. Town of Framingham Planning Board Notice of Decision, March 14, 2013

- D. Town of Framingham Planning Board Notice of Decision, February 21, 2013**
- E. Town of Framingham Planning Board Notice of Decision, February 21, 2013**
- F. Town of Sudbury Zoning Board of Appeals Public Hearing, April 1, 2013**
- G. Town of Sudbury Board of Appeals Notice of Decision, March 14, 2013**

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept the notices A-G and place on file. Motion carried.

On a motion made by Mr. Fay, seconded by Ms. Hughes Item 2A was removed from the table for discussion. Motion carried.

A. Review/Discussion in regards to letter of support for Code Enforcement Officer Technology.

After much discussion it was noted that additional information needs to be obtained by the Board regarding this matter. It is to be discussed again at the April 8, 2013 meeting.

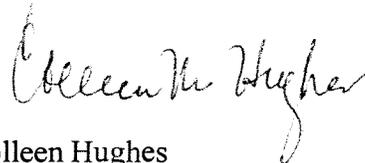
On a motion made by Mr. Hodge, seconded by Mr. Fay a recess was called at 8:45 the meeting reconvened at 8:47pm.

Ms. Hughes noted that she has been in touch with Mr. Cummings regarding the presentation that was given at the last meeting involving the section of Route 20E. She is trying to secure a meeting with him to discuss the possibilities of extending the area in question further west to include a seemingly orphaned part of Route 20.

A request was made to request updates on both Black Horse Farms and Country Club Estates for the next meeting.

Adjournment: On a motion made by Mr. McCarthy seconded by Mr. Hodge it was voted to adjourn at 8:57pm.

Respectfully submitted,



Colleen Hughes

/mai

MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
April 22, 2013
2013 MAY - 7 A 9:20

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present included Barbara Fenby, Colleen Hughes, Sean Fay, Philip Hodge, Edward Coveney, Shawn McCarthy and Clyde Johnson. Also in attendance were Board Secretary Melissa Irish and Assistant City Engineer Timothy Collins

1. Meeting Minutes:

A. April 8, 2013

On a motion made by Ms. Hughes, seconded by Mr. Fay, it was voted to accept minutes of the April 8, 2013 meeting as amended. Motion carried.

2. Chair's Business: None

3. Approval Not Required: None

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Acceptance of Graves Lane and Associated Easements and Release of Bond

On a motion made by Ms. Hughes seconded by Mr. Hodge it was duly voted to accept the correspondence from Assistant Solicitor Panagore Griffin and place it on file. Motion carried.

On a motion made by Mr. Hodge seconded by Mr. Coveney it was duly voted to authorize the release of the remainder of the bond currently being held in agreement with the City Engineers recommendation. Motion carried.

B. Ravenswood Discussion

The City Engineering Review report was read by all members and copies were available to any interested parties. Two major items of note were brought to light: Easements to be obtained on abutting properties and the driveway for house number 621 would be put into nonconformance. It is the opinion of Mr. Fay that the interest of public safety would not be met with a new roadway on Sudbury Street as shown on the current plan due to its proximity to an existing driveway, limited sight distances, slope, traffic volume and width of the roadway. Mr. Fay was especially concerned with travel through this section in the winter months. He stated that the issue is much worse coming from the east than from the direction of Concord Road. Mr. Fay suggested that the developer obtain an outside opinion and that the Board notify the developer to be made aware of the concerns.

On a motion made by Ms. Hughes, seconded by Mr. Coveney the Engineering Department review report was accepted and placed on file with a copy going to the proponent. To accompany the report a letter is to be sent reinforcing the Boards point of view regarding the two issues raised by the Engineering Department and the perceived safety issues. Motion carried

C. City Engineers Report

Assistant Engineer Timothy Collins had two items for the Board. The Engineer for Blackhorse Farms Estates has been in touch with Mr. Collins and the work on the Street lights is being coordinated with National Grid. There has been damage to the granite curbing along the cul de sac and some has to be reset. Mr. Collins is meeting on the site later this week to discuss the needed repairs.

City Engineer Thomas Cullen has noted that nothing has been done to further along the Berlin Farms development to completion, it is indeed close however the developer has done nothing in over a year. The detention basin that was cleared out and mown last year has not been touched and now needs to be cleared again. The developer was made aware that there was the very real possibility of the Planning Board taking the remainder of the bond that he had put in place and having the remaining work finished by the City.

On a motion made by Mr. Fay, seconded by Mr. Coveney it was voted to have a letter sent to Mr. Freeman requesting him to appear at the next regularly scheduled meeting (May 6) to discuss his overall intention to finishing the project. Motion carried

6. Preliminary/Open Space Submissions/Limited Development Subdivisions:

A. Walker Brook Estates, Framingham Rd, Bruce Saluk (June 2)

Ms. Hughes read the application into record.

On a motion made by Ms. Hughes seconded by Mr. McCarthy the application was accepted and placed on file and the plan was referred to the Engineering Department, a Public Hearing was set for the second meeting in May (May 20). Motion carried

Mr. Saluk will be requesting an extension from the Planning Board for a decision to be rendered by the second meeting in June (June 17) due to the time constraints caused by the meeting calendar.

7. Definitive Subdivision Submission: None

8. Signs:

A. Rotary Club A-Frame Signs

Ms. Hughes read the request into the record. Ms. Bonnie Doolin and Ms. Elaine MacDonald were in attendance to represent the Rotary Club. The applicants were reminded of what they were told when the Board held a special meeting to accommodate another late request for a sign variance that each request for a variance must be in proper form, list the number and design of the signs requested, and contain a detailed list of the location of the requested signs. In addition, the applicants were informed that their current application was not in proper form. The process required by the current sign ordinance is that an application for signs must be denied by the building commissioner. In this matter, the building commissioner would have no authority to approve off premise signs. The denial is a pre-requisite of the application that must be filed with the Board which is an application for variance. Mr. Fay stated that since the proper procedure was not followed, the Board has no authority to act and informed the applicants that their only option was to have people holding signs.

He reminded the applicants that the signs must be held and cannot be placed in the ground, propped up against city owned property or affixed to any structure.

9. Unfinished Business:

A. Downtown Business District regarding signage review/Discussion

The section of the sign ordinance was briefly discussed and the determination was to make sure the ordinance in its entirety is reviewed by the City Council. The Mayor has sent the request down to the City Council and has been referred to the Operations and Oversight Sub Committee as well as the Legal and Legislative Sub Committee. Hearings have not yet been scheduled.

B. Black Horse Farms Update

This item was covered in the City Engineers Report Item 5C above.

It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

C. Country Club Estates

A brief update was given by Solicitor Rider; all work is progressing and should be available to the Board for the June 3, 2013 meeting as previously discussed.

It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

10. Informal Discussions:

A. Boston Scientific (Addition Hill Modification)

The necessary changes were completed and approved by all parties. This was discussed briefly for informational purposes only. Ms. Hughes read the required changes to the notice of vote into record. The amended covenant will be on the next regularly scheduled meeting agenda. (May 6)

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Sudbury Zoning Board of Appeals, Notice of Decision April 1, 2013

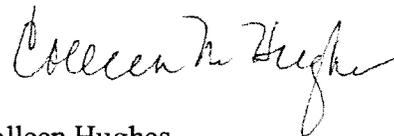
B. Town of Sudbury Zoning Board of Appeals, Notice of Decision April 1, 2013

**C. City of Marlborough City Council, Public Hearing Proposed Zone Change
April 22, 2013**

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept the notices A-C and place on file. Motion carried.

Adjournment: On a motion made by Mr. Johnson seconded by Mr. Coveney it was voted to adjourn at 8:06pm.

Respectfully submitted,



Colleen Hughes

/mai

Marlborough Council on Aging Board
Minutes: Tuesday, April 9, 2013 Meeting
Location: Mayor's Conference Room, City Hall, Marlborough, MA

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2013 MAY 14 A 10:16

Attendance: Lynn Anderson; Jennifer Claro; Jim Confrey; Rita Connors; Brenda Costa; Marie Elwood; Jeanne McGeough and guest: Barbara McGuire, Friends of Marlborough Senior Treasurer

Excused: Sheila Brecken

Absent: Richard Collins

Guest: Barbara McGuire

I. Call to order 8:41a.m.

II. March minutes were reviewed and approved

III. Director's Update

Two letter of Intent were submitted to Baypath. COA Director met with the Mayor, City Auditor and Comptroller for preliminary budget needs for 2014. Exercise evaluations were given out went out with survey questions for participants. These evaluations will give our seniors an opportunity to express their exercise needs and suggestions so we can ensure we are providing the best exercise programs to meet our seniors varying needs.

IV. Board Updates

A. BayPath Elder Services

Area Agency on Aging needs assessment completed. The needs assessment is done every 4 years. Transportation was the need recognized as the most pressing unmet need, both medically and socially.

V. Old Business

A. Coats System - 650 members

B. COA Party Committee

Jim Confrey noted that the St. Patrick's party was a huge success.

C. New Senior Center Committee Reports

1. Building Committee (Jim Confrey)

Schematics were drawn up by architect (13000 sq. ft. ground floor).

2. Advisory Committee (Jennifer Claro)

Met twice. Committee members took tours of the Franklin and Northborough senior centers which was very useful. It gave the members a good overview of senior centers.

D. By-Law Committee Update

No word yet from City legal dept. on revisions. Brenda Costa will send Jim Confrey paralegal's email address.

VI. New Business

A. Proposed COA and Friends Fundraising Strategy Committee for new Senior Center at Ward Park

- B. COA Chairman discussed his disappointment from the COA Board in their attendance at the Friend's open meeting in April. Discussed sending a representative from the COA board to the Friend's Board meeting if permissible by the Friend's Board. Jeanne McGeough volunteered to represent the COA board at the 5/2/13 Friend's board meeting at 3:00 pm if allowed by Friend's Board

Meeting adjourned at 9:45 a.m..

Respectfully Submitted,
Brenda Costa
COA Secretary



CITY OF MARLBOROUGH RECREATION DEPARTMENT

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940
CITY OF MARLBOROUGH OFFICE
CITY OF MARLBOROUGH

2013 MAY -9 P 1:26

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

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

Recreation Commission Minutes of Meeting on April 17, 2013

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

Present were Commission Members: Chairman Kays, Commissioner Zilembo, Commissioner Vital, Commissioner Calder, and Commissioner Klein. Commissioners absent were Commissioner Long and Commissioner Evangelous.

Also in attendance: Recreation Director David Grasso, Recreation Program Manager Chuck Thebado and General Foreman of the Forestry, Parks and Cemetery Division Chris White.

Approval of minutes of 3-13-2013 – Motion made by Commissioner Vital and seconded by Commissioner Klein to accept the minutes of 3-13-13 meeting unanimous vote

Report received from Chris White on various fields, recreation facilities plans for spring projects.
Request received from family of Laurel Trolla via Phyllis Hayes to plant a tree in the city in honor of Laurel Trolla. Commission voted to approve the request unanimously. Chris will work with the family to process the request.

Communication from Karen Callahan, Marlborough Girls Softball Director inquiring about the process placing scoreboards up at Farrell Fields at the Hildreth School for the Girls Softball League. The league is offering to pay for the scoreboards and the installation of them through a planned fundraiser this season. The commission voted unanimously to allow this to happen in conjunction with coordinating with GF Chris White, Public Facilities Director John Ghiloni as well as other City departments needed to work with. The Commission requested a detailed plan outlining the placement and time frame of the project.

On April 22nd the Jericho Hill trail and Kiosk dedication will be happening at 2:45pm All commissioners are welcome to attend the event as relayed by Conservation Officer Priscilla Ryder.

Report from Recreation Director David Grasso and Program Manager Chuck Thebado was received. Summer Sports Schedule was handed out, conversation about staffing for summer programs are going well. Addition items discussed were by Commissioner Vital who is looking into planning an event to raise funds for the One Fund in collaboration with various schools sometime in the next month or so.

Discussion surrounded the question from DPW Commissioner to review the rules of public use of fields and open space. We will look at the current signage posted to be sure it is clear. It was the understanding of the Commission that if anyone would like to reserve a particular field of space they should contact the Recreation Department to obtain a permit by completing the necessary paperwork. Unless a field is posted as closed or someone has a permit for the field, the space is generally open to the public for general use (an example was by a family flying a kite or playing whiffleball on a field that is not permitted out at the time).

The Labor Day Parade is in the planning stages. Commissioner Klein is Volunteer Coordinator for the event.

Motion to adjourn was made by Commissioner Zilembo, seconded by Commission Klein. Meeting was adjourned at 4:45pm.

Respectfully submitted,

Brenda J Calder – recording secretary for meeting.