

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

1. Minutes of the City Council Meeting, November 4, 2013.
2. Communication from the Mayor re: FY13 Edward Bryne Memorial Justice Grant (JAG) in the amount of \$14,726.00 awarded to the Police Department to be utilized to fund costs associated with the Rape Aggression Defense (RAD) Systems Program, including the recertification of (5) instructors and related supplies for course work.
3. Communication from the Planning Board re: Proliferation of Donation Bins throughout the City.
4. Communication from Attorney Bergeron, to WITHDRAW WITHOUT PREJUDICE, Application for Special Permit on behalf of 54 Main St., LLC to install a drive-thru service window which would be part of a new structure on the property for Dunkin Donuts restaurant, replacing the existing Dunkin Donuts restaurant structure, which does not have a drive-thru service window, Order No. 13-1005542A.
5. Minutes, Recreation Commission, September 11, 2013.
6. Minutes, Planning Board, October 21, 2013.
7. Communication from Hanover Insurance Group re: Arlan Goss, 15 Beaman Lane.

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REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

8. **Order No.13-1005557A - Application for Fuel Storage License, Rinchem Co., 111 Hayes Memorial Drive, for the storage of flammable liquids. PUBLIC HEARING: 10-21-13 Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of the Application for Fuel Storage to Rinchem Co., 111 Hayes Memorial Drive for an amount not to exceed 50,000 gallons. Vote 3-0 (Note: Letter from Fire Chief Fortin for the record.)**
9. **Order No. 13-1005567A - Petition, NGrid to install P#13-50 across the street from 11 Houde Street to solve the sag issue from P#13 to P#14. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property at 11 Houde Street. Branches and limbs near service wires to House #11 are to be cleared as well. PUBLIC HEARING: 10-21-13 Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of NGrid petition to install P#13-50 to solve sag issue. Vote 3-0**
10. **Order No. 13-1005543 - Application for Junk Dealer License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main Street. Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of a Junk Dealer License to Mary Giorgi, Giorgi's Consignment Boutique, 266 Main Street. Vote 3-0**
11. **Order No. 13-1005499 - Application for RENEWAL of Junk Dealer's License by ecoATM, 601 Donald Lynch Boulevard. Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of the Renewal of a Junk Dealer License to ecoATM at 601 Donald Lynch Boulevard. Vote 3-0**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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Marlborough, MA 01752
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NOVEMBER 4, 2013

Regular meeting of the City Council held on Monday, NOVEMBER 4, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Clancy, and Landers. Councilor Seymour arrived at 8:45 PM. Meeting adjourned at 9:55 PM.

ORDERED: That the Honorary Citizen Citations for visiting students from Akiruno, Japan, **FILE**; adopted.

ORDERED: At President Pope's request to recess at 8:12 PM and returned to open meeting at 8:14 PM, **APPROVED**; adopted.

ORDERED: That the minutes of the City Council Meeting OCTOBER 21, 2013, **FILE**; adopted.

ORDERED: That the Comptroller's Office transfer request in the amount of \$1,800.00 from Finance Assistant to Longevity to fund the longevity payment associated with the transfer of a School Department employee to the Comptroller's Office, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11330002-50062 \$1,800.00
Finance Assistant

TO:

Acct. # 11330003-51430 \$1,800.00
Sick Longevity

ORDERED: That the Application for Renewal of Junk Dealer's License, Jean Rabelo, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road, refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Communication from Bohler Engineering on behalf of VNG Co., re: Request to extend Time Limitations on Application for Special Permit, 413 Lakeside Ave. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and piping to February 28, 2014 until 5:00 PM, Order No. 13-1005581, **APPROVED**; adopted.

ORDERED: That the Communication from Attorney Bergeron, Mirick O'Connell, re: Representation of Sky High Studios, Inc. and Anthony and Sandra Antico Real Estate LLC, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough High School Council, October 2, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, October 7, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, September 24, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, September 26, 2013, **FILE**; adopted.

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

- A. H. Theresa D'Angelo, 18 Airport Road, North Grafton, pothole or other road defect
- B. Wilson Chu, 132 Stevens St., other property damage

Reports of Committees:

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

Order No.13-1005557: Application for Fuel Storage License, Rinchem Co., 111 Hayes Memorial Drive, for the storage of flammable liquids. PUBLIC HEARING: 10-21-13

Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of the Application for Fuel Storage to Rinchem Co., 111 Hayes Memorial Drive for an amount not to exceed 50,000 gallons. Vote 3-0 (Note: Letter from Fire Chief Fortin for the record.)

Order No. 13-1005567: Petition, NGrid to install P#13-50 across the street from 11 Houde Street to solve the sag issue from P#13 to P#14. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property at 11 Houde Street. Branches and limbs near service wires to House #11 are to be cleared as well. PUBLIC HEARING: 10-21-13

Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of NGrid petition to install P#13-50 to solve sag issue. Vote 3-0

Order No. 13-1005543: Application for Junk Dealer License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main Street. *Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of a Junk Dealer License to Mary Giorgi, Giorgi's Consignment Boutique, 266 Main Street. Vote 3-0*

Order No. 13-1005499: Application for RENEWAL of Junk Dealer's License by ecoATM, 601 Donald Lynch Boulevard. *Motion made by Councilor Jenkins, seconded by Clancy, to recommend approval of the Renewal of a Junk Dealer License to ecoATM at 601 Donald Lynch Boulevard. Vote 3-0*

Order No. 12/13-1005153C: Communication from the Planning Board re: Acceptance of Dufrense Drive as a Public Way. *Motion made by Councilor Clancy, seconded by Jenkins, to accept/ file the communication from the Planning Board recommending acceptance of Dufrense Drive as a Public Way. Vote 3-0 (The Orders of Acceptance will appear on the City Council November 4, 2013 agenda in proper legal form from the City Solicitor).*

Suspension of the Rules requested - granted

ORDERED: That the Petition of NStar to install 85' of 2" plastic main as a system improvement to supply 463 Stow Rd. as follows:

Simpson Road – From the end of Simpson Road (at the intersection with Stow Road) easterly to the eastern side of Stow Road (23')

Stow Road – From the intersection with Simpson Road southerly on the eastern side of Stow Road towards 463 Stow Road (62')

As depicted on the graphic, **APPROVED WITH THE FOLLOWING CONDITIONS.**

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired by the contractor before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post-construction loaming and seeding, if applicable, are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.

Suspension of the Rules requested - granted

ORDERED: That the Petition of NStar to install 75' of 4" plastic gas main as a system improvement to a new duplex on Crescent Street from 34 Crescent Street southeasterly for 75', as depicted on the graphic, **APPROVED WITH THE FOLLOWING CONDITIONS.**

- 1) A street opening permit must be applied for by the proposed contractor performing the work.
- 2) A proper staging area is to be located/acquired by the contractor before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 3) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 4) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 5) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 6) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 7) Post-construction loaming and seeding, if applicable, are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.

Councilor Oram abstained

Suspension of the Rules requested - granted

ORDERED: That the request for a Sewer Extension, submitted by F & C Construction Corp. for the proposed dwelling at 44/46 Crescent Street, as depicted on the graphic, **APPROVED WITH THE FOLLOWING CONDITIONS:**

- 1) A street opening permit must be applied for by the proposed contractor performing the work.
- 2) A proper staging area is to be located/acquired by the contractor before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 3) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 4) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 5) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 6) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 7) Post-construction loaming and seeding, if applicable, are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 8) All work hereunder is to be done in compliance with § 510-4 of the City Code, governing building sewer connections.

Councilor Oram abstained

Suspension of the Rules requested - granted

ORDERED: That the Notification of Free Cash recently certified in the amount of \$8,800,061.00 from the Massachusetts Department of Revenue, **FILE**; adopted.

Suspension of the Rules requested - granted

ORDERED: That the following transfer requests to fund the contractual obligations associated with the recently signed contract between the Department of Public Works Engineers Local 176 and the City, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
\$240,170.00	\$2,498	11990006	57820	Reserve for Salaries	\$2,498	14001101	50108	GIS Administrator	\$44,956
	Reason:							Contractual Increase	
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	14001101	50660	Assistant City Engineer	\$53,453
	Reason:							Contractual Increase	
\$240,170.00	\$3,577	11990006	57820	Reserve for Salaries	\$3,577	14001101	50700	Senior Engineering Aide	\$67,418
	Reason:							Contractual Increase	
\$240,170.00	\$2,576	11990006	57820	Reserve for Salaries	\$2,576	14001101	50705	Assistant Civil Engineer	\$47,726
	Reason:							Contractual Increase	
\$240,170.00	\$7,313	11990006	57820	Reserve for Salaries	\$7,313	14001101	50710	Junior Civil Engineer	\$125,821
	Reason:							Contractual Increase	
	\$18,802	Total			\$18,802	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
\$240,170.00	\$1,233	11990006	57820	Reserve for Salaries	\$1,233	14001103	51430	Longevity Pay	\$8,318
	Reason:							Contractual Increase	
\$240,170.00	\$443	11990006	57820	Reserve for Salaries	\$443	14001103	51920	Sick Leave Buyback	\$11,063
	Reason:							Contractual Increase	
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	14001301	50660	Assistant City Engineer	\$53,453
	Reason:							Contractual Increase	
\$240,170.00	\$3,215	11990006	57820	Reserve for Salaries	\$3,215	14001303	51430	Longevity Pay	\$50,812
	Reason:							Contractual Increase	
\$240,170.00	\$126	11990006	57820	Reserve for Salaries	\$126	14001303	51920	Sick Leave Buyback	\$34,707
	Reason:							Contractual Increase	
	\$7,855	Total			\$7,855	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	14001401	50692	Supt. Of Auto Maintenance	\$53,453
	Reason:							Contractual Increase	
\$240,170.00	\$89	11990006	57820	Reserve for Salaries	\$89	14001403	51430	Longevity Pay	\$2,204
	Reason:							Contractual Increase	
\$240,170.00	\$126	11990006	57820	Reserve for Salaries	\$126	14001403	51920	Sick Leave Buyback	\$3,145
	Reason:							Contractual Increase	
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	14001501	50680	General Foreman	\$53,453
	Reason:							Contractual Increase	
\$240,170.00	\$158	11990006	57820	Reserve for Salaries	\$158	14001503	51430	Longevity Pay	\$31,123
	Reason:							Contractual Increase	
	\$6,049	Total			\$6,049	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$240,170.00	\$126	11990006	57820	Reserve for Salaries	\$126	14001503	51920	Sick Leave Buyback	\$14,760
	Reason:							Contractual Increase	
\$240,170.00	\$2,796	11990006	57820	Reserve for Salaries	\$2,796	60080001	50570	Chemist	\$43,424
	Reason:							Contractual Increase	
\$240,170.00	\$2,024	11990006	57820	Reserve for Salaries	\$2,024	60080001	50580	Assistant Chemist	\$33,096
	Reason:							Contractual Increase	
\$240,170.00	\$2,498	11990006	57820	Reserve for Salaries	\$2,498	60081001	50910	Head Treatment Pl. Op	\$46,838
	Reason:							Contractual Increase	
\$240,170.00	\$305	11990006	57820	Reserve for Salaries	\$305	60081003	51430	Longevity Pay	\$6,492
	Reason:							Contractual Increase	
	\$7,749	Total			\$7,749	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$240,170.00	\$2,498	11990006	57820	Reserve for Salaries	\$2,498	60085001	50910	Head Treatment Pl. Op	\$49,448
	Reason:							Contractual Increase	
\$240,170.00	\$169	11990006	57820	Reserve for Salaries	\$169	60085003	51430	Longevity Pay	\$13,185
	Reason:							Contractual Increase	
\$240,170.00	\$2,838	11990006	57820	Reserve for Salaries	\$2,838	61090001	50680	General Foreman	\$53,453
	Reason:							Contractual Increase	
	\$5,505	Total			\$5,505	Total			

Suspension of the Rules requested - granted

ORDERED: That the Capital budget transfer requests, **ORDERED TO BE TAKEN UP WITH THE CORRESPONDING BONDS;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Capital Outlay					FISCAL YEAR: FY 2014				
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$8,800,061.00	\$373,560.00	10000	35900	Undesignated Fund Balance	\$373,560.00	19300006	58731	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				DPW - Equipment			
\$8,800,061.00	\$106,490.00	10000	35900	Undesignated Fund Balance	\$106,490.00	19300006	58462	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				DPW - Water			
\$8,800,061.00	\$54,670.00	10000	35900	Undesignated Fund Balance	\$54,670.00	19300006	58731	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				DPW-Engineering			
\$8,800,061.00	\$575,000.00	10000	35900	Undesignated Fund Balance	\$575,000.00	19300006	58512	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				Fire - Equipment			
\$8,800,061.00	\$30,000.00	10000	35900	Undesignated Fund Balance	\$30,000.00	19300006	58735	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				Emergency Management			
\$8,800,061.00	\$35,000.00	10000	35900	Undesignated Fund Balance	\$35,000.00	19300006	58508	Capital Outlay	\$37,476.80
	Reason:	Certified Free Cash				Police - Vehicle			
\$8,800,061.00	\$57,000.00	10000	35900	Undesignated Fund Balance	\$57,000.00	19300006	58593	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				Police - Equipment			
\$8,800,061.00	\$253,000.00	10000	35900	Undesignated Fund Balance	\$253,000.00	19300006	58467	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				Public Facilities			
	\$1,484,720.00	Total			\$1,484,720.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Capital Outlay					FISCAL YEAR: FY 2014				
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$8,800,061.00	\$100,000.00	10000	35900	Undesignated Fund Balance	\$100,000.00	19300006	55410	Capital Outlay	\$18,650.00
	Reason:	Certified Free Cash				Sidewalk Construction			
	\$100,000.00	Total			\$100,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Capital Outlay					FISCAL YEAR: FY 2014				
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$8,800,061.00	\$20,600.00	10000	35900	Undesignated Fund Balance	\$20,600.00	19300006	58316	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				Evergreen Cemetery Irrigation			
	\$20,600.00	Total			\$20,600.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Capital Outlay		FISCAL YEAR:				FY 2014	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:			
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:	
\$8,800,061.00	\$165,800.00	10000	35900	Undesignated Fund Balance	\$165,800.00	19300006	58618	Capital Outlay	\$5,905.95
Reason:		Certified Free Cash				Computer Hardware			
\$165,800.00	Total					\$165,800.00	Total		

ORDERED: That the Communication from the Mayor regarding Meals Tax, **TAKEN UP WITH ITEMS 12 AND 13**; adopted.

Councilors Ossing, Elder and Robey requested to be recorded in opposition.

ORDERED: That the Marlborough City Council hereby accepts Massachusetts General Law Chapter 64L, s.2 Local Option Meals Excise which imposes a local sales tax upon the sale of restaurant meals originating within the City of Marlborough by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64H. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time in the same manner as the sales tax due to the Commonwealth, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Councilors Ossing, Elder and Robey requested to be recorded in opposition.

ORDERED: That the City of Marlborough establish in the city treasury a special revenue account to be known as the Parks and Fields Development Special Revenue Fund in the City of Marlborough, into which account shall be deposited a) certain receipts comprising a portion of the total restaurant meals tax received annually by the city; and b) any grants and monetary gifts or donations made to the city in furtherance of the purposes of this act. The purposes of this act, and of the Parks and Fields Development Special Revenue Fund, shall be to promote and to sustain the development of sports tourism through the development of parks and fields in the city of Marlborough and the local economy in the City of Marlborough; it is further ordered, that the City Solicitor be requested to draft ***An Act Establishing A Parks and Fields Development Special Revenue Fund in the City of Marlborough*** for adoption by the City Council, approval by the Mayor and petition to the Massachusetts Legislature, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Councilors Ossing, Elder and Robey requested to be recorded in opposition.

ORDERED: That the Fire Department transfer request in the amount of \$45,279.00 which moves funds from Fringe to Sick Leave and Firefighter accounts to fund costs associated with the retirement of a member of the Fire Department, **APPROVED**; adopted.

FROM:

Acct. 11990006-51500 \$45,279.00

Fringe

TO:

Acct. # 12200003-51920 \$35,057.00

Sick Leave

Acct. # 12200001-50450 \$10,222.00

Firefighter

ORDERED: That the sum of \$1,513,720 (one million five hundred thirteen thousand seven hundred twenty) dollars be and is hereby appropriated for departmental equipment.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,513,720.

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

Yea: 10 – Nay: 0 – Absent: 1

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

Absent: Seymour

ORDERED: That the following Capital transfer requests in the amount of \$1,484,720.00 for Departmental Equipment, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Capital Outlay				FISCAL YEAR:		FY 2014		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:							Available Balance
		Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$8,800,061.00	\$373,560.00	10000	35900	Undesignated Fund Balance	\$373,560.00	19300006	58731	Capital Outlay	\$0.00	
	Reason:	Certified Free Cash				DPW - Equipment				
\$8,800,061.00	\$106,490.00	10000	35900	Undesignated Fund Balance	\$106,490.00	19300006	58462	Capital Outlay	\$0.00	
	Reason:	Certified Free Cash				DPW - Water				
\$8,800,061.00	\$54,670.00	10000	35900	Undesignated Fund Balance	\$54,670.00	19300006	58731	Capital Outlay	\$0.00	
	Reason:	Certified Free Cash				DPW-Engineering				
\$8,800,061.00	\$575,000.00	10000	35900	Undesignated Fund Balance	\$575,000.00	19300006	58512	Capital Outlay	\$0.00	
	Reason:	Certified Free Cash				Fire - Equipment				
\$8,800,061.00	\$30,000.00	10000	35900	Undesignated Fund Balance	\$30,000.00	19300006	58735	Capital Outlay	\$0.00	
	Reason:	Certified Free Cash				Emergency Management				
\$8,800,061.00	\$35,000.00	10000	35900	Undesignated Fund Balance	\$35,000.00	19300006	58508	Capital Outlay	\$37,476.80	
	Reason:	Certified Free Cash				Police - Vehicle				
\$8,800,061.00	\$57,000.00	10000	35900	Undesignated Fund Balance	\$57,000.00	19300006	58593	Capital Outlay	\$0.00	
	Reason:	Certified Free Cash				Police - Equipment				
\$8,800,061.00	\$253,000.00	10000	35900	Undesignated Fund Balance	\$253,000.00	19300006	58467	Capital Outlay	\$0.00	
	Reason:	Certified Free Cash				Public Facilities				
	\$1,484,720.00	Total			\$1,484,720.00	Total				

ORDERED: That the sum of \$1,510,000 (one million five hundred ten thousand) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,510,000.

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

Yea: 10 – Nay: 0 – Absent: 1

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

Absent: Seymour

Councilor Seymour arrived in the Chamber at 8:45 PM.

ORDERED: That the sum of \$7,470,000 (seven million four hundred seventy thousand) dollars be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$7,470,000.

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

Yea: 9 – Nay: 0 – Abstain: 2

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

ORDERED: That the sum of \$100,000 (one hundred thousand) dollars be and is hereby appropriated for sidewalk construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$100,000.

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

Yea: 11 – Nay: 0

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

ORDERED: That the following Capital transfer requests in the amount of \$100,000.00 for Sidewalk Construction and Repair Projects, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Capital Outlay				FISCAL YEAR:		FY 2014	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance
\$8,800,061.00	\$100,000.00	10000	35900	Undesignated Fund Balance	\$100,000.00	19300006	55410	Capital Outlay	\$18,650.00
Reason:		Certified Free Cash				Sidewalk Construction			
\$100,000.00	Total				\$100,000.00	Total			

ORDERED: That the sum of \$200,000 (two hundred thousand) dollars be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$200,000.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the sum of \$593,876 (five hundred ninety three thousand eight hundred seventy six) dollars be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$593,876.

Pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than forty (40) years from its date of issue, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the sum of \$200,000 (two hundred thousand) dollars be and is hereby appropriated for water meters.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$200,000.

Pursuant to the provisions of Chapter 44, Section 8 (7A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue, **DENIED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the sum of \$300,000 (three hundred thousand) dollars be and is hereby appropriated for repairs to the landfill cap and drainage system.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$300,000.

Pursuant to the provisions of Chapter 44, Section 8 (21) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the sum of \$545,000 (five hundred forty five thousand) dollars be and is hereby appropriated for reconstruction of municipal outdoor recreational facilities.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$545,000.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the sum of \$20,600 (twenty thousand six hundred) dollars be and is hereby appropriated for irrigation upgrades to Evergreen Cemetery.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$20,600.

Pursuant to the provisions of Chapter 44, Section 7 (20) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue, **DENIED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the following Capital transfer requests in the amount of \$20,600.00 for Cemetery Projects, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Capital Outlay			FISCAL YEAR:		FY 2014		
Available Balance		FROM ACCOUNT:			TO ACCOUNT:			Available Balance	
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
\$8,800,061.00	\$20,600.00	10000	35900	Undesignated Fund Balance	\$20,600.00	19300006	58316	Capital Outlay	\$0.00
	Reason:	Certified Free Cash				Evergreen Cemetery Irrigation			
	\$20,600.00	Total			\$20,600.00	Total			

ORDERED: That the sum of \$165,800 (one hundred sixty five thousand eight hundred) dollars be and is hereby appropriated for computer hardware.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$165,800.

Pursuant to the provisions of Chapter 44, Section 7 (28) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue, **DENIED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the following Capital transfer requests in the amount of \$165,800.00 for Technology Upgrade, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Capital Outlay			FISCAL YEAR:		FY 2014		
Available Balance		FROM ACCOUNT:			TO ACCOUNT:			Available Balance	
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
\$8,800,061.00	\$165,800.00	10000	35900	Undesignated Fund Balance	\$165,800.00	19300006	58618	Capital Outlay	\$5,905.95
	Reason:	Certified Free Cash				Computer Hardware			
	\$165,800.00	Total			\$165,800.00	Total			

ORDERED: That the Proposed Taking of permanent Easements, Country Club Estates Subdivision, **MOVED TO AFTER ITEM 18**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that DUFRESNE DRIVE be accepted as a public way

From WEST HILL ROAD To Terminus

and that its appurtenant easements be accepted as municipal easements,

as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance of Dufresne Drive and Municipal Easements," prepared for: City of Marlborough, MA, prepared by: Cabco Consult, Land and Environmental Consulting Services, P.O. Box 14, Clinton, MA 01510, dated: January 7, 2011, last revised: January 27, 2012, Scale: 1" = 40', which plan is to be recorded herewith.

Title to the roadway shown as "DUFRESNE DRIVE" on the above-referenced plan, and title to all the municipal easements, including an access easement across Lot 11A and Lot 20, shown as "10' WIDE CITY OF MARLBOROUGH ACCESS EASEMENT" on the above-referenced plan; a flowage easement located partially on Lot 4C and partially on Lot 9B, shown as "FLOWAGE EASEMENT" on the above-referenced plan; a drainage easement located on Parcel A, shown as "DRAINAGE EASEMENT #1" on the above-referenced plan; a drainage easement located on Lot 3B, shown as "DRAINAGE EASEMENT #2" on the above-referenced plan; a drainage easement located partially on Lot 4C and partially on Lot 9B, shown as "DRAINAGE EASEMENT #3" on the above-referenced plan; and a drainage easement located on Lot 12B, shown as "DRAINAGE EASEMENT #4" on the above-referenced plan, has been granted to the City of Marlborough in a quitclaim deed from Richard E. Terrill, Agent for West Hill, LLC, a Massachusetts Limited Liability Company, said deed to be recorded herewith at the Middlesex (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

DUFRESNE DRIVE be accepted as a public way and its appurtenant easements be accepted as municipal easements in the City of Marlborough.

Yea: 11 – Nay: 0

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

ORDERED: That the City Council of the City of Marlborough hereby acknowledges the City's receipt of a check in the amount of \$32,925.00 from Toll Bros., Inc., as developer of the Country Club Estates subdivision, for the purpose of paying the pro tanto awards specified in the accompanying proposed Eminent Domain Order of Taking; and, pursuant to Mass. Gen. Laws c. 43, § 30, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation in the amount of \$32,925.00 as sufficient funds to pay the pro tanto awards specified in said Eminent Domain Order of Taking. If the Council votes not to approve the proposed Eminent Domain Order of Taking, the above amount of \$32,925.00 shall be returned by the City to Toll Brothers, **APPROVED**; adopted.

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare and safety necessitates that certain improvements be made to Stow Road, and that said improvements require the taking by Eminent Domain of permanent easements in certain parcels of land located on Stow Road, Robert Road and Country Club Circle, as more particularly described herein, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto; and

WHEREAS, in order to promote the public welfare, safety and necessity, it is necessary to take by Eminent Domain permanent easements in, on, under, over, across and through the hereinafter-described land, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79, and every power and authority thereto enabling, does hereby take by Eminent Domain permanent easements in the following described land and all trees and brush thereon, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto.

DESCRIPTION OF LAND TAKEN

1. Lot 1 (136 Stow Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, "Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County"; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1"=30' ("the Easement Plan"); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the "Future Stow Road Taking Line" depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 1 (136 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 51322, Page 423.

OWNERS: Eric J. Malsky and Hye Rin Malsky
136 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 54 on Map 46. The total land area being taken consists of 1,227± square feet.

2. Lot 2 (150 Stow Road)– Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 2 (150 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 27056, Page 49.

OWNERS: Joseph D. Regan and Brenda G. Regan
150 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 55 on Map 46. The total land area being taken consists of 545± square feet.

3. Lot 3 (12 Robert Road)– Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 3 (12 Robert Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 42892, Page 101.

OWNER: Ming Fang
 12 Robert Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 56 on Map 46. The total land area being taken consists of 851± square feet.

4. Lot 50 (15 Robert Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 50 (15 Robert Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 41333, Page 557.

OWNERS: William E. Thomson and Darlene M. Thomson
15 Robert Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 57 on Map 46. The total land area being taken consists of 1,063± square feet.

5. Lot 51 (186 Stow Road)– Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 51 (186 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 47744, Page 289.

OWNERS: Steven Bishop and Amy S. Bishop
186 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 53 on Map 33. The total land area being taken consists of 1,980± square feet.

6. Lot 34 (323 Robert Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 34 (323 Robert Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 25230, Page 508.

OWNERS: Wayne E. Siladi and Elizabeth B. Siladi
323 Robert Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 76 on Map 33. The total land area being taken consists of 1,191± square feet.

7. Lot 25 (210 Stow Road) - Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 25 (210 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 29788, Page 577.

OWNERS: Saleem Mouawad and Ghada Garioss a/k/a Ghada Mouawad
210 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 97 on Map 33. The total land area being taken consists of 1,164± square feet.

8. Lot 26 (226 Stow Road)- Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, "Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County"; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1"=30' ("the Easement Plan"); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the "Future Stow Road Taking Line" depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 26 (226 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 24777, Page 398.

OWNER: Arnold W. Johansen
226 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 98 on Map 33. The total land area being taken consists of 2,930± square feet.

9. Lot 27 (238 Stow Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 27 (238 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 34455, Page 333.

OWNERS: Robert F. Reed, Jr. and Leslie A. Croci-Reed
238 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 99 on Map 33. The total land area being taken consists of 1,312± square feet.

10. Lot 28 (250 Stow Road) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 28 (250 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 26264, Page 188.

OWNERS: Charles L. Estes and Connie M. Estes
250 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 100 on Map 33. The total land area being taken consists of 1± square feet.

11. Lot 29 (264 Stow Road) - Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, "Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County"; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1"=30' ("the Easement Plan"); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the "Future Stow Road Taking Line" depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 29 (264 Stow Road) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 44093, Page 579.

OWNER: Manosha S. Karunatilaka
264 Stow Road

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 101 on Map 33. The total land area being taken consists of 798± square feet.

12. Lot 30 (37 Country Club Circle) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 30 (37 Country Club Circle) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 33098, Page 603.

OWNERS: Pietro D. Parravicini and Gail M. Ogden Parravicini
37 Country Club Circle

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 102 on Map 33. The total land area being taken consists of 716± square feet.

13. Lot 31 (33 Country Club Circle) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 31 (33 Country Club Circle) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 27544, Page 390.

OWNERS: Thomas S. Gluck and Sandra I. Gluck
33 Country Club Circle

The land consisting of Proposed Easement P as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 103 on Map 33. The total land area being taken consists of 776± square feet.

14. Lot 32 (30 Country Club Circle)- Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, "Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County"; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1"=30' ("the Easement Plan"); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the "Future Stow Road Taking Line" depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 32 (30 Country Club Circle) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 56142, Page 15.

OWNER: Bina Keshavan
30 Country Club Circle

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 104 on Map 33. The total land area being taken consists of 640± square feet.

15. Lot 33 (26 Country Club Circle) – Permanent Easement: A certain parcel of land located on the northerly side of Stow Road in Marlborough, Middlesex County, Massachusetts and being shown on a plan entitled, “Easement Plan of Land – Country Club Estates, Marlborough, Massachusetts, Middlesex County”; Dated: 1/8/13; Last Revised: 1/23/13; Prepared by ESE Consultants, Inc., 134 Flanders Road, Suite 275, Westborough, MA 01581; Scale: 1”=30’ (“the Easement Plan”); said Easement Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order; said Easement Plan showing the area identified as the “Future Stow Road Taking Line” depicted on a subdivision plan of land dated June 2, 1987, recorded at the Registry as Plan 1576 of 1987, and last revised December 20, 1993, all as duly approved by the Marlborough Planning Board.

Meaning and intending to take and taking by Eminent Domain a permanent easement, for purposes of widening Stow Road and usage, maintenance, repair and utility access relative thereto, shown on Lot 33 (26 Country Club Circle) as described on the aforementioned Easement Plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 51522, Page 234.

OWNERS: Rodney E. Willis and Joanne E. Bradshaw-Willis
26 Country Club Circle

The land consisting of the permanent easement as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 105 on Map 33. The total land area being taken consists of 83± square feet.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNER(S)</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u>	<u>AWARD</u>
Eric J. Malsky and Hye Rin Malsky	46/54	1,227± SF	\$3,200.00
Joseph D. Regan and Brenda G. Regan	46/55	545± SF	\$1,640.00
Ming Fang	46/56	851± SF	\$2,200.00
William E. Thomson and Darlene M. Thomson	46/57	1,063± SF	\$2,760.00
Steven Bishop and Amy S. Bishop	33/53	1,980± SF	\$4,360.00
Wayne E. Siladi and Elizabeth B. Siladi	33/76	1,191± SF	\$3,100.00
Saleem Mouawad and Ghada Garioss a/k/a Ghada Mouawad	33/97	1,164± SF	\$3,000.00
Arnold W. Johansen	33/98	2,390± SF	\$5,260.00
Robert F. Reed, Jr. and Leslie A. Croci-Reed	33/99	1,312± SF	\$3,400.00
Charles L. Estes and Connie M. Estes	33/100	1± SF	\$120.00
Manosha S. Karunatilaka	33/101	798± SF	\$960.00
Pietro D. Parravicini and Gail M. Ogden Parravicini	33/102	716± SF	\$860.00
Thomas S. Gluck and Sandra I. Gluck	33/103	776± SF	\$930.00
Bina Keshavan	33/104	640± SF	\$770.00
Rodney C. Hawkins	33/105	83± SF	\$365.00

APPROVED; adopted.

ORDERED: That the Application for Special Permit from Bohler Engineering on behalf of VNG Co., to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue, **FILE;** adopted.

Councilor Elder read a disclosure statement at this time.

ORDERED: That the sum of \$ 3,000,000 (three million) dollars be and is hereby appropriated for the reconstruction of municipal outdoor recreational facilities.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,000,000.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue, **APPROVED**; adopted.

Yea: 10 – Nay: 1

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

Nay: Delano

ORDERED: That the sum of \$6,500,000 (six million five hundred thousand) dollars be and is hereby appropriated for the construction of a Senior Center.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$6,500,000.

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

Yea: 10 – Nay: 1

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

Nay: Tunnera

ORDERED: At President Pope's request to recess at 9:52 PM and returned to open meeting at 9:53 PM, **APPROVED**; adopted.

ORDERED: MOTION made by Councilor Elder to send a Communication to the Mayor to ensure that the full \$3,000,000.00 be spent on Ward Park – Carries.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:55 PM.



RECEIVED
CLERK'S OFFICE
MARLBOROUGH

NOV 14 A 11:40

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

November 14, 2013

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

Re: Police Department Grant Acceptance

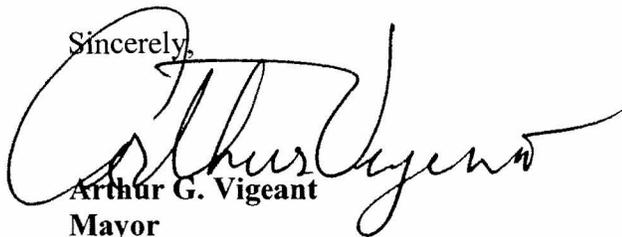
Honorable President Pope and Councilors:

I am pleased to inform you that the Marlborough Police Department has been awarded a grant in the amount of \$14,726.00 from the U.S. Bureau of Justice Assistance.

These funds will be utilized to fund costs associated with the Rape Aggression Defense (RAD) Systems Program, including the recertification of (5) instructors and related supplies for course work. This program provides participants with vital defense skills and education should they ever find themselves in a violent or dangerous situation.

For your information I have enclosed the relevant backup paperwork and respectfully seek your acceptance of this worthy grant award.

Sincerely,


Arthur G. Vigeant
Mayor



City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD
Chief of Police

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

November 7, 2013

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$14,726 from the Bureau of Justice Assistance, FY13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The grant will be used to fund overtime, recertification and supply costs for our Rape Aggression Defense Systems (RAD) Program.

Attached is a copy of the grant approval letter, Notice of Grant Award form, and copy of the grant proposal. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 11/4/2013

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Captain Timothy Naze

NAME OF GRANT: BJA FY13 Edward Byrne Memorial Justice Assistance Grant (JAG) program

GRANTOR: Office of Justice Programs of the Department of Justice

GRANT AMOUNT: 14,726

GRANT PERIOD: 10/01/2012 to 09/30/2014

SCOPE OF GRANT/ Rape Aggressive Defense Systems (RAD) program

ITEMS FUNDED Recertification of five (5) instructors

Overtime for instructors to teach four (4) six week courses

Supplies (folders, booklets, pens, and pamphlets for students)

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: ASAP

**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**

Timothy Naze

From: donot-reply@ojp.usdoj.gov
Sent: Wednesday, September 04, 2013 9:13 PM
To: Mayor; Timothy Naze
Subject: GMS Award 2013-DJ-BX-0666

Congratulations. You have been awarded a grant by the Office of Justice Programs at the Department of Justice. Accepting your award is a two step process.

The first step is to designate a Financial Point of Contact (FPOC) for your award. To designate a FPOC please follow these steps:

1. Log into GMS.
2. Click the "Awards" link on the navigation bar on the left hand side.
3. Click the "View Award Instructions" link to the right of the award you want to accept.
4. A new page displays with this message near the top: "The FPOC designation must be submitted before the Award Package can be accessed." The page contains text boxes highlighted in light yellow to capture the FPOC registration information.
 - a. If information for the FPOC of this award already exists in GMS, the first table entry will contain a box with the text "Available Financial Points of Contact." There is a box with a dropdown arrow to allow the selection of the FPOC. Select the name and click the "Load POC" box. GMS will populate the data entry fields with information from the user Profile. Click the button near the bottom of the page labeled "Submit."
 - b. If the name of the FPOC is not one of the choices using the dropdown arrow, type the appropriate information in each of the fields. Fields with an asterisk (*) are required. Click the button near the bottom of the page labeled "Submit." The FPOC will receive an email requesting them to complete the FPOC registration.
5. Click "Yes" on the confirmation page.
6. You are allowed to assign more than one FPOC to each award. You are able to change the FPOC under the "Manage Users" link on the GMS home page.

NOTE: If you come to the Financial Point of Contact designation screen and the information in the fields are already grayed out and no "Submit" button is available, then the Financial Point of Contact has already been chosen. You will have to accept your award and await confirmation before you can change this designation. If, at that time, you need instructions on how to proceed, you can review the "Creating a Financial Point of Contact instructions" or contact the GMS Helpdesk for assistance.

The second step is to click on the "Award Document" link and download the award documents. If you choose to accept the award and ALL the special conditions, please:

1. Print the Award Document and Special Conditions.
2. Have the Award Document signed by the Authorized Grantee Official (Note: In Box 18 of the Award Document, the name and the title of the authorized grantee official are preprinted. The person named as the official in Box 18 should sign the Award Document in Box 19 and enter the signature date in Box 19A).
3. Have the Authorized Grantee Official initial the bottom right corner of each page listing any Special Conditions of the Award Document.
4. Return BOTH the Award Document and the Special Conditions pages to the Office of Justice Programs, Control Desk by email to acceptance@usdoj.gov or by fax to (toll free) 1-866-388-3055 or (local) 202-354-4081. Select only ONE of these submission options to avoid duplicate submissions.

If you choose not to accept the award, or if you do not agree with the terms/conditions of the award and would like to discuss options, then please contact your OJP program manager, Shaketta Cunningham at 2025144493.

If the Authorized Grantee Official named on the Award Document is no longer authorized to accept this award on behalf of your organization, do not alter the pre-printed name in box 18. Please go to the Grant Adjustment Notice (GAN) link and request an adjustment to the name of the authorized official. This GAN must be approved before you can accept the award. Once the GAN to change the name of the authorizing official has been approved, you should:

1. Print the approved GAN;
2. Print the original award document;
3. Have the new approving official sign the acceptance next to the former official's name and initial the special conditions page(s);
4. Email or fax the signed acceptance, special conditions, and the approved GAN to the Control Desk as noted above in #4;

If you have programmatic questions, contact Shaketta Cunningham at 2025144493. For financial questions, contact OCFO Customer Service at 1-800-458-0786. For questions about retrieving or printing these documents, designating a Financial Point of Contact, or creating a Grant Adjustment, please contact the GMS Help Desk at 1-888-549-9901 option #3 or email them at gms.helpdesk@usdoj.gov.

Web link to GMS: <https://grants.ojp.usdoj.gov>

Please follow these links to access important OJP instructions:

Creating a financial point of contact instructions: http://www.ojp.usdoj.gov/funding/pdfs/fsr_user_manual.pdf

Post Award Instructions: http://www.ojp.usdoj.gov/funding/pdfs/post_award_instructions.pdf

OJP Financial Guide: <http://www.ojp.usdoj.gov/financialguide/>

Please do not reply to this message. You can contact your program manager Shaketta Cunningham at 2025144493.



Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

September 4, 2013

The Honorable Arthur Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752-3812

Dear Mayor Vigeant:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local in the amount of \$14,726 for City of Marlborough.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Shaketta Cunningham, Program Manager at (202) 514-4493; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise O'Donnell".

Denise O'Donnell
Director

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

September 4, 2013

The Honorable Arthur Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752-3812

Dear Mayor Vigeant:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

I. RECIPIENT NAME AND ADDRESS (Including Zip Code)

City of Marlborough
140 Main Street
Marlborough, MA 01752-3812

4. AWARD NUMBER: 2013-DJ-BX-0666

5. PROJECT PERIOD: FROM 10/01/2012 TO 09/30/2014

BUDGET PERIOD: FROM 10/01/2012 TO 09/30/2014

6. AWARD DATE 09/04/2013 7 ACTION

1A. GRANTEE IRS/VENDOR NO

046001428

8 SUPPLEMENT NUMBER Initial

00

9 PREVIOUS AWARD AMOUNT \$ 0

3. PROJECT TITLE

Rape Aggression Defense Initiative Project

10. AMOUNT OF THIS AWARD \$ 14,726

11 TOTAL AWARD \$ 14,726

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq

15. METHOD OF PAYMENT

GPRS

AGENCY APPROVAL

GRANTEE ACCEPTANCE

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL

Denise O'Donnell
Director

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Arthur Vigeant
Mayor

17. SIGNATURE OF APPROVING OFFICIAL

Denise O'Donnell

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Arthur Vigeant

19A. DATE

11/10/13

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND	BUD	A	OFC	DIV	RE	SUB	POMS	AMOUNT
EAR	ODE	CT		G.					
X	B	DJ	80	00	00				14726

21. MDJUGT1093



**AWARD
CONTINUATIONSHEET
Grant**

PROJECT NUMBER 2013-DJ-BX-0666

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133. Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



**AWARD
CONTINUATIONSHEET
Grant**

PROJECT NUMBER 2013-DJ-BX-0666

AWARD DATE

09/04/2013

SPECIAL CONDITIONS

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at www.ojp.gov/funding/confcost.htm.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

X



PROJECT NUMBER 2013-DJ-BX-0666

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

16. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R. Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
17. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
18. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
19. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.



**AWARD
CONTINUATIONSHEET
Grant**

PROJECT NUMBER 2013-DJ-BX-0666 AWARD DATE 09/04/2013

SPECIAL CONDITIONS

20. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
21. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
22. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any FY 2013 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
23. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
24. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
25. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
26. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.



PROJECT NUMBER 2013-DJ-BX-0666 AWARD DATE 09/04/2013

SPECIAL CONDITIONS

27. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
28. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
29. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
30. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
31. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
32. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
33. Award recipients must verify Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
34. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Marlborough

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

A handwritten signature in the bottom right corner of the page.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2013-DJ-BX-0666

PAGE 1 OF 1

This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq

1. STAFF CONTACT (Name & telephone number)

Snaketta Cunningham
(202) 514-4493

2. PROJECT DIRECTOR (Name, address & telephone number)

Timothy Naze
Captain
140 Main Street
Marlborough, MA 01752-3812
(508) 624-6967

3a. TITLE OF THE PROGRAM

BJA FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

Rape Aggression Defense Initiative Project

5. NAME & ADDRESS OF GRANTEE

City of Marlborough
140 Main Street
Marlborough, MA 01752-3812

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2012 TO: 09/30/2014

8. BUDGET PERIOD

FROM: 10/01/2012 TO: 09/30/2014

9. AMOUNT OF AWARD

\$ 14,726

10. DATE OF AWARD

09/04/2013

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The grantee will use the JAG award to support overtime personnel for the implementation of a women's defense educational class. A small portion of funds will be used to purchase supplies. The goal of the project is to educate women about self defense and minimize the risks of further assaults. NCA/NCF

OJP FORM 4000/2 (REV. 4-88)



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD
CONTINUATIONSHEET
Grant**

PAGE 7 OF 7

PROJECT NUMBER 2013-DJ-BX-0666

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

35. No JAG funds may be expended on unmanned aircraft, unmanned aircraft systems, or aerial vehicles (US, UAS, or UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Additionally, any JAG funding approved for this purpose would be subject to additional reporting, which would be stipulated by BJA post-award.
36. BJA strongly encourages the recipient submit annual (or more frequent) JAG success stories at JAG.Showcase@ojp.usdoj.gov or via the online form at <https://www.bja.gov/contactus.aspx>. JAG success stories should include the: name and location of program/project; point of contact with phone and e-mail; amount of JAG funding received and in which fiscal year; and a brief summary describing the program/project and its impact.
37. Recipient understands that the initial period of availability of funds for this award is two years. Recipient further understands that any requests for additional time for performance of this award, up to two additional years, will be granted automatically, pursuant to 42 U.S.C. § 3751(f) and in accordance with current fiscal year solicitation. Requests for additional time beyond a four year grant period will be subject to the discretion of the Director of the Bureau of Justice Assistance.
38. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance (BJA) has received documentation demonstrating that the state or local governing body review requirements have been met and a Grant Adjustment Notice (GAN) has been approved releasing this special condition.

City of Marlborough
Commonwealth of Massachusetts

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OF MARLBOROUGH

2013 NOV 13 A 11:16

PLANNING BOARD

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

Melissa Irish - Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: MIrish@marlborough-ma.gov



November 12, 2013

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

Dear President Pope,

At a recent meeting of the Planning Board, a discussion on the proliferation of donation bins throughout the City took place, prompted by Ms. Hughes' sharing of a November 4, 2013 article from the MetroWest Daily News entitled "*Donation bins are sometimes a headache for MetroWest Officials.*" The article is attached for your perusal. These bins raise several issues including illegal placement on City or non-owner occupied property, trash that accumulates surrounding the bins, and illegal signage on the bins.

The Planning Board voted to send this communication and accompanying newspaper article to the City Council requesting your consideration to changes to codes or regulations that would allow the City to control the siting of these bins and enforcement against those that are non-compliant.

Should you have any questions, please do not hesitate to contact me or the Board secretary, Melissa Irish, at 508-460-3769.

Very truly yours,


Barbara L. Fenby

Chairperson

Enc.: MetroWest Daily News article



Donation bins are sometimes a headache for MetroWest officials

Local officials say a bylaw passed by Framingham Town Meeting this week could go a long way toward regulating what has in some cases become a common nuisance – donation bins.

While several non-profit and charitable organizations use the ubiquitous metal bins to collect goods to be donated or sold, with proceeds going to charity, local officials said there has been a proliferation of the bins in recent years, in some cases placed there by unresponsive, out-of-state organizations.

Some towns, including Milford and now Framingham, have rules on the books that dictate where the bins can go and set a process for organizations looking to set them up. In other communities, officials say their hands are in many ways tied when it comes to controlling the spread of the bins.

Framingham Town Manager Robert Halpin said that over the last few years, the bins have been showing up in more and more places, sometimes without the permission of the owner of the property where they are dropped off.

"These things just show up," he said. "They are everywhere."

The new bylaw, passed by Town Meeting on Tuesday night, bans the bins from most zoning districts, only allowing them to be used for non-profit uses in some areas – primarily business and manufacturing zones. The bins will also be allowed at religious facilities. The bylaw put in place an annual \$150 licensing fee for the bins.

When asked if Marlborough had any restrictions on donation bins, Code Enforcement Officer Pamela Wilderman said, "No, but I wish we did."

Wilderman said that over the years, the city has tried a few tactics to control the bins, which she said have cropped up in several headache-inducing spots. But she said the city is essentially powerless to do much unless the bin is on city-owned property or its placement substantively alters a property's site plan.

Wilderman said that prominent organizations including the Red Cross, St. Vincent de Paul, or Planet Aid, which has an office in Milford, are usually responsive, but some smaller outfits can be harder to contact.

Complaints from neighbors or property owners about the bins have sparked a City Council discussion here and there about adding zoning language regulating the bins, she said, but the proposals have always lost steam once the initial problem is solved.

In Milford, Town Planner Larry Duncan said the bins aren't much of a problem. Through its zoning, the town has regulated them for several years, he said. Duncan said the bins are only allowed in certain zones and must get special permit approval from the Zoning Board of Appeals.

Duncan said there was a rush a few years ago when several of the boxes popped up and the town issued a number of citations, but said there otherwise haven't been many problems.

Jackson Fernandes, regional partnership manager at Planet Aid, which has several bins throughout MetroWest, said the organization always makes an agreement with a property owner before placing a bin and contacts municipal officials to check on any existing regulations.

The company collects clothes and sells them, using the proceeds to support local and international charities, Fernandes said.

"We want to make sure that when we place a box, we are following the regulations," he said. Fernandes said the organization is looking to see how the new Framingham bylaw affects existing boxes. Planet Aid will move them to a permitted location if necessary, he said.

"We will simply remove the box and look for another business that will be able to host the box," he said. "We will follow the guidelines with every single location."

Kendall Hatch can be reached at 508-490-7453 or khatch@wickedlocal.com. Follow him on Twitter @Kendall_HatchMW.

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MIRICK O'CONNELL

A T T O R N E Y S A T L A W

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2013 NOV 13 P 4: 18

Arthur P. Bergeron
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
abergeron@mirickoconnell.com
t 508.929.1652
f 508.463.1385

November 13, 2013

Councilor Trish Pope, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Request for Special Permit, 54 Main LLC,
Order # 13-1005542 A

Dear Councilor Pope:

My client, 54 Main LLC, hereby requests that its application for a special permit to operate a drive-thru at 54 Main Street be withdrawn without prejudice.

Very truly yours,



Arthur P. Bergeron

APB/alm



CITY OF MARLBOROUGH RECREATION DEPARTMENT

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 624-6940

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CITY OF MARLBOROUGH

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

2013 NOV -6 P 3:51

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

September 11, 2013

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

Present were Commission Members: Chairman Kays, Commissioner Zilembo, Commissioner Calder, Commissioner Vital and Commissioner Klein.

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

Approval of minutes 06-12-2013:

On a motion duly made by Commissioner Vital and seconded By Commissioner Zilembo, it was unanimously:
VOTED: To approve the 06-12-13 minutes.

Recreation Report:

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

- It was a grueling summer as far as weather went. The only rain days that we had just happened to fall on Thursdays, which caused four concert rainouts. We did manage to get three of those in on rescheduled dates, that was a challenge as rain threatened those dates as well.
- July was especially tough as far as the pools went. We had several bumps in the road with respects to motor equipment at Farrell and the mushroom motor at Ward , which was down for nearly a week. All in all this year we didn't lose one day of operation thanks to Chuck and the cooperation of Joe, Andy from John Ghiloni's office, Tom Evangelous, Ken Calder, and the crew from the water dept. Both pools were packed every day.
- Director Grasso was able to help coordinate the new boat launch set up where boats coming in were cleaned of any weeds as water was made accessible to spray the bottoms and propellers of the boats. This wouldn't have been possible without the cooperation of Ken Calder, Dave Lavallo and their crew of the water dept. Boat launch closed for the season this Sunday, September 15th.
- All of the programs went well, especially PSA under the direction of Rick Cincotta. Director Grasso was extremely impressed with the lifeguards this summer. As you know our department struggled at the beginning in recruiting new ones as we lost many to the full time working force. We latched on to a great 8 new hirees, now all with a year under their belt during a very hot summer . Our three Head Guards, Kyle, Celina, and Alyssa were absolutely gems throughout the entire summer. We did remain open during the Labor Day Weekend, despite the unsettled and cool weather conditions.
- Other programs which went well include swimming lessons were Skyhawks, F.A.S.T. , Basketball , Bricks for Kids, and Young Rembrandts.
- Big events at Ghiloni Park included Relay for Life and a huge soccer tournament over the Labor Day Weekend, which played 82 games. Thanks goes out to Adam Matthews of MYSA for helping coordinate the tournament with Global Premiere Soccer.

- New goal posts were installed at Kelleher.
- A new scoreboard will also be installed at Kelleher Field.
- Chairman Kays was the Grand Marshal for the Labor Day Parade. Mr. Grasso stated that he sat on the Mayor's committee throughout the year leading up to the event and was present the entire day along with Commissioner Nancy Klein and the many volunteers Nancy and Ed Thurber recruited. The Committee consisted of Trish Pope, Don Landers, Trish Barnard, Ed Thurber and Nancy Klein.
- The final number isn't in yet, but the fundraising committee did a tremendous job!
- Program Manager Chuck Thebado informed the Commission all Fall program are on line and flyers are going to schools within the next week.

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

Old/ New Business:

Chairman Kays stated that he and Chuck will be attending the upcoming MEDC meeting regarding field improvements with the Youth Sports Partnership group.

Meeting adjourned at 4:49pm

Attest to:



Simela Perdikomatis
Senior Clerk/Comm. Secretary

MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Call to Order

~~2013~~ October 7, 2013 21

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 Sean Fay, Colleen Hughes, Barbara Fenby & Edward Coveney.

Also in attendance were Board Secretary Melissa Irish and City Engineer Thomas Cullen. Philip Hodge, Shawn McCarthy and Clyde Johnson were absent.

1. Meeting Minutes:

A. Regular Meeting October 7, 2013

On a motion made by Mr. Fay, seconded by Chairperson Fenby it was voted to approve the minutes of the October 7, 2013 meeting. Motion carried.

2. Chair's Business:

A. Draft Open Space and Recreation Plan

Ms. Hughes read the notification from Priscilla Ryder, Conservation Officer into record.

On a motion made by Ms. Hughes seconded by Mr. Coveney the correspondence was accepted and placed on file. Motion carried.

Chairperson Fenby encouraged all Board members to access the draft plan at www.marlbrough-ma.gov finding it under the Conservation Commission heading and give feedback as each member sees fit.

3. Approval Not Required:

A. Slocumb Realty, 5 lots with 2 lots being registered land, 2 lots comprised of both registered and un-registered land, 1 lot un-registered land.

Ms. Hughes read the application into the record.

Mr. John Nenart of Geurriere & Hanlon Inc. presented the plan in question to the Board. The plan had been approved by the Board previously on September 10, 2012, however since there is registered land involved there was another layer of approval required. That approval has since been granted, and this plan needs to be endorsed.

On a motion made by Ms. Hughes, seconded by Mr. Coveney the plan was referred to the Engineering Department for review. Motion carried.

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Mr. Cullen reported to the Board that both the Westridge Estates Subdivision and the Country Club Estates Subdivision are currently in front of the City Council for formal acceptance. Mr. Cullen also noted that the Mauro Farms Subdivision has got its paving schedule on target for the end of the month.

B. Jenks Rd Subdivision Soil Suitability Notification (November 30, 2013)

Ms. Hughes Read the notification regarding Soil Suitability from Robert Landry

Sanitarian/Administrator the Board of Health into record.

On a motion made by Ms. Hughes, seconded by Mr. Coveney the correspondence was accepted and placed on file. Motion carried.

Ms. Hughes read correspondence from Mr. Joe Peznola Hancock Associates, dated October 17, 2013, addressing issues raised by the City Engineer dated September 26, 2013 into the record.

On a motion made by Ms. Hughes, seconded by Mr. Coveney the correspondence was accepted and placed on file as well as referred to Engineering. Motion carried.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. First Church Congregational, 37 High Street

Ms. Hughes read the variance request into the record.

Mr. George Pellerin presented the request to the Board.

After much discussion regarding the placement and size of the requested sign as well as temporary signage on the property, it was decided that Mr. Pellerin would return to the congregation and discuss the alternatives as proposed by the Board. Mr. Pellerin is to appear at the next regularly scheduled meeting (November 4) to further the discussion.

B. New Hope Community Church, 204 Main Street

Ms. Hughes read the variance request into the record.

Mr. Robert Woods presented the request to the Board.

Mr. Woods informed the Board that the reason for the requested signage is that it is perceived that people are having trouble locating the church as they arrive in the downtown area. The Church is requesting to place an A-Frame style sign on the sidewalk every Sunday morning to draw attention to the church location.

During discussions between the Board and Mr. Woods the idea of a banner instead of the A-Frame style sign was raised. It was the thought process that if Mr. Woods placed a banner along the front entry railing of the church every Sunday it would be less intrusive to the flow of pedestrian traffic along the sidewalk. Mr. Woods was in agreement with the Board.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to approve the placement of a 24" X 36" temporary banner to be placed on the Main St entry side railing of the building every Sunday morning and removed every Sunday after services for the entire year. Motion carried.

9. Unfinished Business:

A. Berlin Farms

Mr. Fay read an email he had received from Mr. Freeman into the record. Mr. Freeman was unable to attend the meeting however he has given an update and assurances that he is diligently working towards the goal of completing the subdivision to everyone's satisfaction. Mr. Freeman does plan on appearing in front of the Board at the next regularly scheduled meeting (November 4) to give his update in person.

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

B. Blackhorse Farms Estates

Ms. Hughes noted that she had visited the site earlier in the day and it would appear that the sidewalk has been excavated. The question is what is the purpose for the disruption of the sidewalk and driveway apron area? It was also noted that new lot signage has been installed on the unimproved lots. The subdivision is still not as orderly as the Board would like to see it but it was noted that the condition is better than it was at this time last year. Mr. Cullen will have an update for the Board at the next meeting.

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

10. Informal Discussions: None

11. Correspondence:

A. MassHealth Update 2013

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

12. Public Notices of other Cities and Towns:

- A. Town of Berlin, Planning Board, Public Hearing October 29, 2013.**
- B. Town of Northborough, Planning Board, Public Hearing October 23, 2013.**
- C. Town of Northborough, Planning Board, Public Hearing October 23, 2013**
- D. Town of Southborough, Planning Board, Public Hearing October 21, 2013.**
- E. Town of Framingham, Planning Board, Notice of Decision July 24, 2013.**
- F. Town of Sudbury, Zoning board of Appeals, Public Hearing November 4, 2013.**

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

Adjournment: On a motion made by Mr. Coveney, seconded by Ms. Hughes it was voted to adjourn at 7:52pm.

Respectfully submitted,

Colleen Hughes

/mai



The Hanover Insurance Company
Citizens Insurance Company of America

Property Unit
PO Box 15147

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Worcester MA 01615-0147
Telephone: 800-628-0250 Ext: 5148
Fax Number: 508-926-5660

November 11, 2013

2013 NOV 14 A 10:07

CITY CLERK'S OFFICE
140 MAIN ST
MARLBOROUGH MA 01752

Re: Our Insured: Arlan Goss
Policy Number: HPN 5329995
Claim Number: 15-00202941 001
Date of Loss: 10/10/2013
Property Address: 15 BEAMAN LANE MARLBOROUGH MA

To whom it may concern :

Claim has been made involving loss, damage or destruction of the above captioned property, which may either exceed \$1,000.00 or cause Mass. General Laws, Ch. 143, Sec. 6 to be applicable. If any notice under Mass. General Laws, Ch. 139, Sec. 3B is appropriate, please direct it to the attention of the undersigned and include a reference to the captioned insured, location, policy number, date of loss, and claim number.

On this date, I caused copies of this notice to be sent to the persons named above at the addresses indicated above by first class mail.

Sincerely,
Nicholas Delianedis

Nicholas Delianedis
CAT Adjuster
Citizens Insurance Company of America

CC legal