

1. Minutes, City Council Meeting, April 28, 2008.
2. PUBLIC HEARING: On the application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunication Facility onto existing building located at 450 Boston Post Rd.
3. PUBLIC HEARING: On the application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunication Facility onto the existing Telecommunications Tower located at 75 Donald Lynch Blvd.
4. Communication from the Mayor re: FY09 Budget.
5. Communication from the Mayor re: capital bond request on behalf of several departments in the amount of \$940,378.00.
6. Communication from the Mayor re: interdepartmental transfer request in the amount of \$9,154.00 which moves funds from Council on Aging, Auditor and Inspectional Services to Plumbing Inspections, Electrical Inspector and In-State Travel for Inspectional Services. The second transfer request in the amount of \$90,243.55 moves funds from Reserve for Salaries and Fringes to cover contractual salary increases for the Library, Public Facilities, Inspectional Services and Police Department.
7. Communication from the Mayor re: budget transfer request on behalf of DPW in the amount of \$214,916.71 which proposes to move funds from currently available salary-related line items to other salary and operating expense line items.
8. Communication from the Mayor re: intra-departmental budget transfer requests in the amounts of \$112.93, \$4,000.00, and \$20,252.00 for City Clerk, Public Facilities and Police respectively.
9. Communication from the Mayor re: Council Order 07-1001543 which provides for an abbreviated budget authorization format as recommended by the Massachusetts Department of Revenue Financial Review and adopted for FY08 which will expire on June 30, 2008 per its "Sunset Clause" provision; therefore request a one-year extension to the "Sunset Clause" through FY09.
10. Communication from the Mayor re: appointment of two new permanent police officers, Soren Levenson and Heather Manning.
11. Communication from the Mayor re: City Assessor, Tony Trodella's successful completion of certification as a Massachusetts Assessor and request City Council's consideration of a salary adjustment via adoption of MGL, Chapter 21A ½.
12. Communication from the Mayor re: designing the upgrades to the Westerly Wasterwater Treatment Plant.
13. Communication from Jack Milgram Esq, on behalf of Ming Wang, re: request to extend deadline for action on Special Permit for conversion of former State Armory building into 12 residential condominium units in a Business B/ Residence C zoned lot at 358-364 Lincoln St, (#08-1001805) to July 21, 2008 at 5:00 PM.
14. Communication from Bell Atlantic Mobile of Massachusetts Corp., Ltd, re: request to extend deadline for action on Special Permit for co-location of antennas and equipment on an existing wireless communications facility at 75 Donald J. Lynch Blvd., (#08-1001795) to June 30, 2008 at 5:00 PM.
15. Application, Fuel Storage License, Ayoub Engineering on behalf of ExxonMobile Corp., 260 West Main St., Marlborough, MA.
16. Application, renew Pool Table (2) licenses, Marlboro Cozy Café, 487A Lincoln St.
17. Minutes, MetroWest Regional Transit Authority Advisory Board, March 17, 2008.
18. Minutes, Planning Bcard, April 7, 2008.
19. CLAIMS:
  - A. Theresa Grieco, 17 Royal Crest Dr., Apt 4, vehicle damage
  - B. Mark Leavitt, 74 Woodland Dr., vehicle damage
  - C. Paul Ramsay, 48 Foley Rd., property damage

REPORTS OF COMMITTEES:



CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
(508)460-3775 FAX (508)624-6504  
APRIL 28, 2008

Regular meeting of the City Council held on Monday APRIL 28, 2008 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juaire, and Landers. Meeting adjourned at 9:26 p.m.

ORDERED: Minutes, City Council meeting, April 7, 2008, **FILE**; adopted.

ORDERED: That the following budget transfer request on behalf of DPW in the amount of \$13,880.00 which would move funds from Motor Vehicle Repairman to Temporary Part-Time Help for continued coverage due to employee injury, **APPROVED**; adopted.

FROM:

Acct. # 14001403-50745 \$13,880.00  
Motor Equipment Repairman

TO:

Acct. # 14001403-51240 \$13,880.00  
Temporary Part Time Help

ORDERED: That the following budget transfer request in the amount of \$26,000.00 which would move funds from Solid Waste to Vehicle Maintenance and Water Plant to cover unanticipated/more costly repairs and to increase production at the Millham Water Treatment Plant respectively, **APPROVED**; adopted.

FROM:

Acct. # 60086006-52935 \$26,000.00  
Solid Waste

TO:

Acct. # 61090006-54810 \$11,000.00  
Vehicles Maintenance

Acct. # 61090006-52322 \$15,000.00  
Water Plant

ORDERED: That the Department of Public Works has received a Municipal Sustainability grant in the amount of \$17,617.80 from the Massachusetts Department of Environmental Protection for the purpose of providing funds for the purchase of consumer educational materials, rain barrels and technical assistance relative to climate protection, **APPROVED**; adopted.

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ORDERED: That the Department of Public Works has received a Municipal Sustainability Climate Protection grant in the amount of \$12,000.00 from the Massachusetts Department of Environmental Protection for the purpose allocating \$9,130.00 to DPW for replacement of traffic lights with energy-saving LED bulbs and \$2,870.00 to Public Facilities for completion of energy audits for the City's municipal properties, **APPROVED**; adopted.

**Suspension of the Rules requested - granted**

ORDERED: At the Mayor's request to convene an executive session for the purpose of discussing strategy with respect to collective bargaining and/or litigation, as an open meeting may have a detrimental effect on collective bargaining and/or litigating position of the City of Marlborough, the City Council moved to EXECUTIVE SESSION and returned to open meeting at 8:41 p.m., **APPROVED**; adopted.

**Yea: 8 – Nay: 0**

**Abstain: 1 (Councilor Juaire)**

**Absent: 1 (Councilor Clancy)**

**Ward 5 seat is vacant**

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

ORDERED: That Diane Smith, City Auditor, successfully passed both the legal and practical sections of the certification exam offered by the Massachusetts Municipal Auditor's and Accountant's Association, **FILE**; adopted.

ORDERED: That the reappointments of Shiela Bracken, Paulina Lynch and Catherine Mockus to the Council on Aging Board for terms of four years expiring on May 1, 2012, refer to **PERSONNEL COMMITTEE**; adopted.

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

(a) departmental receipts credited to the fund shall be limited to payments and fees due the City from those who purchase data and related copy-written material that has been created by the City of Marlborough Geographical Information System, unless otherwise directed by the General Laws; and

(b) that expenditures from said fund shall be limited to the maintenance, improvement and related expenses for the maintenance and improvement of the City of Marlborough Geographical Information System; and

(c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than \$10,000.00 shall be expended during fiscal year 2009, unless otherwise authorized by the City Council and Mayor; and

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

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

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

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and

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

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

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

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

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

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

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and

(b) that expenditures from said fund shall be limited to the maintenance and improvement of neighborhood parks and playgrounds, and that priority for such expenditures shall, through fiscal year 2009, be utilized for the maintenance and improvement of Artemus Ward Park; and

(c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than \$100,000.00 shall be expended during fiscal year 2009, unless otherwise authorized by the City Council and Mayor; and

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

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the following notification from the City Clerk re: 2008 Special Ward Five Election Call, **FILE**; adopted. That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **WARD FIVE SPECIAL ELECTION** will be held in the polling locations as noted below on **MAY 6, 2008** for Ward Five Councilor:

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.  
POLLING LOCATIONS ARE AS FOLLOWS:

WARD FIVE: Prec. 1 Senior Center, 250 Main St,  
WARD FIVE: Prec. 2 Masonic Hall, 208 Main St (corner of  
Main/Newton Sts)

MOTION: Agenda item #12, communication from the City Solicitor regarding RFP/Lease of Bigelow School moved to Reports of Committees, **APPROVED**; adopted.

ORDERED: That the application of Richard Roach d/b/a Hudmar Ltd. for renewal of Junk Dealer's license, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 9, 2008** as the date for a **PUBLIC HEARING** on the application for "SECOND" Special Permit Boston Post Rd LLC for permission to construct and operate a car wash at 355 Boston Post Rd. West as it is also located in the Water Supply Protection District, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

(Councilor Juaire submitted a disclosure statement)

ORDERED: That there being no objection thereto set **MONDAY, JUNE 23, 2008** as the date for a **PUBLIC HEARING** on the application for Special Permit from Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the communication from Dept of Public Utilities re: NSTAR Gas Co. annual Report/Chapter 164 Section 84A, **FILE**; adopted.

ORDERED: That the communication from Commonwealth of Massachusetts, Executive Office of Environmental Affairs re: Environmental Notification Form, **FILE**; adopted.

ORDERED: That the communication from Commonwealth of Massachusetts, Executive Office of Transportation, Massachusetts Highway Department, re: I-495/I-290 Interchange Project, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, March 24, 2008, **FILE**; adopted.

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

- A. Robert Manion, Jr., 275 Mechanic St., vehicle damage
- B. Coleen Logomasini, 141 Raymond Rd., vehicle damage, personal injury, vehicle accident
- C. Shirley Borella, 117 Bolton St., property damage
- D. Kerrie Brasington, 24 Gregoire Dr., vehicle damage
- E. David Winske, 271 Farm Rd., vehicle damage
- F. Michael Kaczmarek, 40 Lakeshore Dr., Hudson, MA, vehicle damage
- G. Rick Valdez, 1 Hobblebush Rd., Shrewsbury, MA, vehicle damage
- H. Nancy Cavallo, 566 Hosmer St., property damage
- I. Sean Cudmore, 560 Hosmer St., property damage
- J. Carole Ricciuti, 236 Framingham Rd., vehicle damage

**Suspension of the Rules requested – granted**

ORDERED: That there being no objection thereto set **MONDAY, JUNE 9, 2008** as the date for a **PUBLIC HEARING** pursuant to § 5 of Chapter 40A of the General Laws, the City Council of the City of Marlborough, having received a submission from the Planning Board of the City of Marlborough to amend the zoning ordinance of the city of Marlborough, as amended, by further amending Chapter 200, Article VI, Section 200-30, entitled “Limited Development Subdivisions,” now ordains that the Zoning Ordinance of the City of Marlborough, as amended, be further amended by adding thereto, as follows:

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

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

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

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

**Suspension of the Rules requested – granted**

ORDERED: That Application for Special Permit from Boston Post Rd LLC Order No. 08-1001806 for permission to construct and operate a car wash at 355 Boston Post Rd. West, is withdrawn with out prejudice, **APPROVED**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That there being no objection thereto set **JUNE 9, 2008** as date for a **PUBLIC HEARING** for resubmitting the application of the Special Permit by Arthur Bergeron, on behalf of Boston Post 355, LLC for permission to construct and operate a car wash at 355 Boston Post Rd. West, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

(Councilor Juaire submitted a disclosure statement)

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**Suspension of the Rules requested – granted**

ORDERED: That the following budget transfer request in the amount of \$9,500.00 re: costs associated with inspections and supplies for “Leavitt” parcel which would move funds from Inspectional Stabilization to Professional Technical, Assistant Plumbing Inspector, and Office Supply accounts, **APPROVED**; adopted.

## FROM:

Acct. # 836000-32717	\$9,500.00
Inspectional Stabilization	

## TO:

Acct. # 1241004-53180	\$8,200.00
Professional & Technical	

Acct. # 1241001-50960	\$1,000.00
Assistant Plumbing Inspector	

Acct. # 1241004-55422	\$300.00
Office Supplies	

**Suspension of the Rules requested – granted**

ORDERED: That the following budget transfer requests in the amount of \$402,000.00 which would move funds from Stabilization to Computer Hardware, **APPROVED**; adopted.

## FROM:

Acct. # 836000-11515	\$402,000.00
Stabilization	

## TO:

Acct. # 19300006-58618	\$402,000.00
Computer Hardware	

**Suspension of the Rules requested – granted**

ORDERED: That the appointment of Albert R. DeSimone to the position of Plumbing Inspector whose term expires on February 11, 2011, **APPROVED**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That Brian Marchetti, Senior Project Engineer of Tetra Tech Rizzo, on behalf of First Student Inc., requests a Sewer Connection Compliance Certification to construct a Bus Facility on Hayes Memorial Drive, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That there being no objection thereto set **MONDAY, JUNE 9, 2008** as the date for a **PUBLIC HEARING** on the application of 890 Boston Rd. LLC for adopting a proposed New Car Dealership Overlay District for Maps 62 parcels 1 and 24, refer to **PLANNING BOARD, URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That the Marlborough City Council, pursuant to Section 15A of Chapter 40 of the General Laws, and at the request of the Marlborough School Committee, hereby declares the municipal property, known as Bigelow School and identified as Map 81, parcel 190A, to be available for disposition effective on the date municipal activities cease, **APPROVED**; adopted.

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**Yea: 9 – Nay: 0, Absent: 1 (Councilor Clancy), Ward 5 seat is vacant**

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

**Suspension of the Rules requested – granted**

ORDERED: THAT, pursuant to Mass. Gen. Laws c. 40, § 3, the City of Marlborough declares the municipal property known as Bigelow School available for disposition by lease or rent for a period of one year from July 1, 2008 to June 30, 2009, and that said lease or rental agreement be subject to the re-use restrictions below as set forth by the Marlborough School Committee subject to the approval of the City Solicitor and the Mayor:

- 1) One-year lease with four (4) one-year options to renew at City's sole discretion and subject to annual review by the City Council and School Committee
- 2) Educational organizations only
- 3) Lease all or a minimum of 6,500 square feet of the unused school
- 4) Lease at a minimum cost of \$10.00 per square foot
- 5) 90-days Notice of Intent to not renew required from either party

Restrictions 2 and 5 are contingent on the School Committee's approval, if any, of these restrictions; if either or both are not approved by the Committee, the restriction(s) so not approved shall not be in effect.

IT IS FURTHER ORDERED that the Chief Procurement Officer is hereby authorized to ensure compliance with Chapter 30B of the General Laws by issuing Request for Proposals. The most advantageous proposal from a responsive and responsible proposer shall be subject to final approval by the Marlborough City Council and the Marlborough School Committee.

IT IS FURTHER ORDERED that pursuant to § 3 of Chapter 40 of the General Laws, income from any lease or rental agreement shall be deposited in the School Department's revolving maintenance fund and shall be used for the maintenance of the property. Nothing herein shall prevent the Marlborough School Committee from assigning daily management of the property to the Public Facilities Department, **APPROVED**; adopted.

**Yea: 9 – Nay: 0, Absent: 1 (Councilor Clancy), Ward 5 seat is vacant**

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

ORDERED: That the City Clerk and Public Facilities Director be requested to study the feasibility of establishing an alternative to the Ward 4 polling place and report their findings to the City Council within ninety days, refer to **CITY CLERK AND PUBLIC FACILITES DIRECTOR**; adopted.

ORDERED: That the Mayor and DPW Commissioner be requested to develop a recycling plan to deal with the potential increase in disposal of analog-based televisions in early 2009, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

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ORDERED: That the appointments of Ray Hale and Janice Merk to the Library Board of Trustees for a term of three years expiring on the first Monday in February 2011, **APPROVED**; adopted.

ORDERED; That a Grant of Easement to the City of Marlborough from George T. Voyiatizis, Trustee of the Bolton Granger Realty Trust, to provide more efficient access and egress to and from South Bolton St. and Weed St. Extension, **APPROVED**; adopted.

ORDERED: That the City of Marlborough grant a temporary utility easement, to be executed by the Mayor on behalf of the City, to NSTAR Gas Company (a/k/a "NStar"), as described in the attached Grant Of Temporary Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "Easement Agreement Plan, 215 Maple Street, Marlborough Fire Department, Exhibit A," dated December 3, 2007, for the purposes of making necessary excavations, locating, relocating, erecting, constructing, reconstructing, adding to, extending, repairing, replacing, maintaining, operating, inspecting or removing gas mains, together with an instrumentation or "traffic" box and appurtenances associated with the transportation, transmission and monitoring of gas service, and fittings, equipment and other fixtures and appurtenances necessary or useful in connection therewith for the transmission and/or distribution of natural gas on, over, under and across that certain parcel of the City of Marlborough's land described and shown on Exhibit A, which shall be recorded at the Middlesex South District Registry of Deeds, **APPROVED**; adopted.

ORDERED: That the City of Marlborough grant a temporary utility easement, to be executed by the Mayor on behalf of the City, to Massachusetts Electric Company (a/k/a "NGrid"), as described in the attached Grant Of Temporary Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "NATIONAL GRID USA 05-07-1990675\_1; DATE: 02/05/2007," for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating for the transmission of high and low voltage electric current and for the transmission of intelligence an underground electric distribution system in, through, under, over, and across a statutory private way named Crowley Drive and land of the City of Marlborough as shown and described on Exhibit A, which shall be recorded at the Middlesex South District Registry of Deeds, **APPROVED**; adopted.

ORDERED: That the communication from Mark Cavanagh, Executive Director of the Massachusetts State Lottery Commission, pertinent to their latest venture, **KENO to go, FILE**; adopted.

ORDERED: That the following budget transfer in the amount of \$146,120.90 to fund a deficit in the overtime line items for both Police and Fire as a result of staff injuries, **APPROVED**; adopted.

FROM:

Acct. # 12100001-50420	\$76,941.52
Police Officer	
Acct. # 12100001-50820	\$9,696.72
Sergeants	
Acct. # 12200001-50450	\$59,482.66
Firefighters	

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## TO:

Acct. # 12100003-51310

\$71,638.24

Overtime

Acct. # 1210003-51320

\$15,000.00

OT Court

Acct. # 12200003-51300

\$59,482.66

Additional Overtime

(Councilor Juaire abstained)

ORDERED: That the following budget transfer in the amount of \$150,000.00 which would move funds from Undesignated Funds to DPW Repair Shop to fund a significant deficit relative to the purchase of fuel for City vehicles, herewith **APPROVED**; adopted.

## FROM:

Acct. # 100-35900

\$150,000.00

Undesignated Funds

## TO:

Acct. # 14001406-54830

\$150,000.00

DPW Repair Shop-Fuel

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:26 p.m.



# IN CITY COUNCIL

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Marlborough, Mass., APRIL 7, 2008

ORDERED:

That there being no objection thereto set **MONDAY, MAY 12, 2008** as the date for a **PUBLIC HEARING** on the application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunication Facility onto existing building located at 450 Boston Post Rd., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 08-1001857



# IN CITY COUNCIL

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Marlborough, Mass., \_\_\_\_\_ APRIL 7, 2008

ORDERED:

That there being no objection thereto set **MONDAY, MAY 12, 2008** as the date for a **PUBLIC HEARING** on the application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunication Facility onto the existing Telecommunications Tower located at 75 Donald Lynch Blvd., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 08-1001858



*City of Marlborough*  
*Office of the Mayor*

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*Nancy E. Stevens*  
MAYOR

*Karen A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

May 5, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith for your review and approval the proposed budget for Fiscal Year 2009. This overall spending plan's increase of 5.03% reflects rising expenses on several fronts as well as my intent to maintain controlled spending wherever possible. The budget has been prepared with significant input from the Comptroller, the Auditor and city department heads with an overarching focus on continuing to provide the services our taxpayers have come to expect. I am confident that this proposed FY09 budget maintains all essential services required by the City and its residents by properly funding all line items to meet current and anticipated needs.

There are several changes in this year's submittal to which I would like to draw your attention.

Two additional police officers have been included in the FY09 budget for the express purpose of reinstating Traffic Enforcement unit. This will allow for direct patrols on a regular basis – something which the City has not had the resources to perform over the course of the last several years. Increased traffic enforcement efforts will prove to promote traffic safety by reducing both accidents and their associated injuries which are always foremost among the Police Departments priorities.

Funding has been incorporated for two part-time clerical positions. As had been discussed previously with the City Council, a half-time passport clerk is being requested at this time in order to continue to provide this amenity to the public while freeing up the current personnel who are faced with the disruption to their workday when assigned to this duty. The City has been processing passports since last October; however, the fee which the City can now receive for this service has been reduced 16% which, in many cases, does not prove cost

effective given the time taken up in an employee's workday. The Comptroller/Treasurer's office is requesting the second part-time clerical worker who would be responsible for the processing of departmental deposits, invoices for services provided, warrants and payroll checks as well as related spreadsheets and reports; assistance with reconciliation of various Treasury funds and Auditor records; general office research, assistance, routine tasks; and back-up for mail processing.

I am most pleased that this FY09 budget submittal includes a 0% increase in health insurance rates which points to the success demonstrated by the recent plan design changes. While health insurance costs across the industry have increased 135% over the course of the past 5 years, it was our intent, by revising the components of the City's health plans, to hold expenses and to insulate the taxpayers from compounded rate hikes. The slight increase of 4.1% in the health insurance line item is attributable to the back-filling of positions vacated by retirees thereby adding to the total number of individuals covered.

I look forward to the opportunity to discuss the various aspects of this recommendation.

Sincerely,



Nancy E. Stevens  
Mayor

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*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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**DONALD V. RIDER, JR.**  
CITY SOLICITOR

**CYNTHIA M. PANAGORE GRIFFIN**  
ASSISTANT CITY SOLICITOR

**BEVERLY J. SLEEPER**  
CHIEF PROCUREMENT OFFICER

**KATHERINE M. KIMBER**  
PARALEGAL

April 29, 2008

Mayor Nancy E. Stevens  
City Hall, 4<sup>th</sup> Floor  
Marlborough, MA 01752

RE: City Council's Receipt of Budget

Dear Mayor Stevens:

You have inquired as to how Massachusetts law determines the date of a city council's receipt of a mayor's annual budget.

In pertinent part, Mass. Gen. Laws c. 44, § 32 provides that a city council must take action, whether by approval, reduction or rejection, with respect to any amount recommended in a mayor's annual budget "within forty-five days after the receipt of the budget." Section 32 does not itself define how "the receipt of the budget" is determined, nor has there been occasion for a court to supply that definition. However, a proper reading of § 32 is that a city council receives the annual budget on the date when the mayor submits it to the city clerk on behalf of the city council.

Therefore, if you submit your annual budget to the Marlborough City Clerk, in her capacity as Clerk of the Marlborough City Council, on Thursday, May 8, 2008, that date would be the date of receipt by the Council. In turn, the Council would be required by § 32 to take action within 45 days of May 8, 2008, i.e., on or before June 22, 2008. However, since that date will be a Sunday, Mass. Gen. Laws c. 4, § 9 dictates that the Council's 45-day deadline would be "on the next succeeding business day," i.e., Monday, June 23, 2008.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor



*City of Marlborough*  
*Office of the Mayor*

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*Nancy E. Stevens*  
MAYOR

*Karen A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

May 6, 2008

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

Honorable President Vigeant and Councilors:

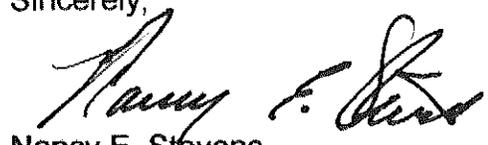
At the Finance Committee meeting on May 5th, there was much discussion surrounding the capital bond requests submitted on behalf of several City departments. As per these discussions, I am submitting herewith the associated transfer requests for your consideration which would move a total of \$940,378 to fund these various projects from Account No. 836000-11515 (Stabilization) into the appropriate capital outlay accounts as follows:

<b>A. Department of Public Works</b>	
Street Sign Replacement	\$64,000
Street Overlays (Rawlins Ave/River Street)	45,000
Guardrail (Richer School)	20,000
Crack Sealing (Various locations)	75,000
Salt Storage Shed	200,000
Drainage Relocation (UG tank removal)	6,000
Evergreen Cemetery (Roadway/water lines)	95,000
<b>B. Police Department</b>	
(2) Unmarked and (1) 4-Wheel Drive Vehicles, Investigative Equipment, Mobile Data Terminals	159,000
<b>C. Inspectional Services</b>	
Ford Pick-Up (1/2 ton)	18,500
<b>D. Public Facilities</b>	
Vehicle	30,000
Energy Upgrades	200,000

E. Parks and Recreation	
Williams Street Ballfields (Relocate outfield and batting cages)	<u>27,878</u>
TOTAL	\$940,378

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

Sincerely,



Nancy E. Stevens  
Mayor

53

# TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT						
AVAILABLE BALANCE	AMOUNT	ORG COIOBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 6,569,910.97	\$ 940,378.00	836000	11515 Stabilization	\$ 505,000.00	193000006	58514	DPW PROJECTS	\$ 6,988.00
				\$ 230,000.00		58467	PUBLIC FACILIT	\$ 81,641.00
				\$ 89,000.00		58508	POLICE VEHICLE	\$ 28,329.00
				\$ 70,000.00		58593	POLICE EQUIP	\$ 9,000.00
				\$ 27,878.00		58718	REC EQUIP	\$ -
				\$ 18,500.00		58595	CITY HALL EQ	\$ 4,240.00
				\$ 940,378.00				

Reason: To fund FY 08 capital request

Capital Outlay from FY 08 Capital Plan

DPW	
DPW Sign Replacement	\$ 64,000.00
Street Overlays	\$ 45,000.00
Street Crack Sealing	\$ 75,000.00
Guardrail (Richer)	\$ 20,000.00
Drainage Relocation after UG Tank Removed	\$ 6,000.00
Salt Storage Shed	\$ 200,000.00
Evergreen Cemeteries (roadway phase 2&3)	\$ 70,000.00
Evergreen Cemeteries (replace water lines)	\$ 25,000.00
	\$ 505,000.00
Public Facilities	
Public Facilities Vehicle	\$ 30,000.00
Energy Upgrades	\$ 200,000.00
	\$ 230,000.00
Police	
Two Unmarked Police Vehicles	\$ 54,000.00
Investigative Equipment	\$ 30,000.00
Mobile Data Terminals	\$ 40,000.00
4 Wheel Drive Vehicle	\$ 35,000.00
	\$ 159,000.00
Inspectional Services	
Ford Pick 1/2 Ton	\$ 18,500.00
	\$ 18,500.00
Parks & Recreation	
Williams Street Ballfield	\$ 27,878.00
Total	\$ 940,378.00

35

Capital Outlay from FY 08 Capital Plan

DPW	
DPW Sign Replacement	\$ 64,000.00
Street Overlays	\$ 45,000.00
Street Crack Sealing	\$ 75,000.00
Guardrail (Richer)	\$ 20,000.00
Drainage Relocation after UG Tank Removed	\$ 6,000.00
Salt Storage Shed	\$ 200,000.00
Evergreen Cemeteries (roadway phase 2&3)	\$ 70,000.00
Evergreen Cemeteries (replace water lines))	\$ 25,000.00
	\$ 505,000.00
Public Facilities	
Public Facilities Vehicle	\$ 30,000.00
Energy Upgrades	\$ 200,000.00
	\$ 230,000.00
Police	
Two Unmarked Police Vehicles	\$ 54,000.00
Investigative Equipment	\$ 30,000.00
Mobile Data Terminals	\$ 40,000.00
4 Wheel Drive Vehicle	\$ 35,000.00
	\$ 159,000.00
Inspectional Services	
Ford Pick 1/2 Ton	\$ 18,500.00
	\$ 18,500.00
Parks & Recreation	
Williams Street Ballfield	\$ 27,878.00
Total	\$ 940,378.00

56

### TRANSFER REQUEST

		FROM ACCOUNT		TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG COI OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 6,569,910.97	\$ 940,378.00	836000	11515 Stabilization	\$ 505,000.00	19300006	58514 DPW PROJECTS	\$ 6,988.00
				\$ 230,000.00		58467 PUBLIC FACILIT	\$ 81,641.00
				\$ 89,000.00		58508 POLICE VEHICLE	\$ 28,329.00
				\$ 70,000.00		58593 POLICE EQUIP	\$ 9,000.00
				\$ 27,878.00		58718 REC EQUIP	\$ -
				\$ 18,500.00		58595 CITY HALL EQ	\$ 4,240.00
				\$ 940,378.00			

Reason: To fund FY 08 capital request



*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

61  
*Nancy E. Stevens*  
MAYOR

*Karen H. Kist*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

May 7, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith two interdepartmental transfer requests which involve salary accounts and, therefore, require Council approval.

The first, for \$9,154, takes funds from the Council on Aging, Auditor and Inspectional Services budgets not needed as had been previously anticipated and moves the money as follows: \$3,363 to Account No. 12410001-50370 (Plumbing Inspections) to provide for the unexpected retirement of Plumbing Inspector, \$4,882 to Account No. 12410001-50380 (Electrical Inspector) to provide for increased demand and \$909 to Account 1241006-57100 (In-State Travel for Inspectional Services).

The second, for \$90,243.55, moves \$84,581 from Account No. 11990006-57820 (Reserve for Salaries) and \$5,662.55 from Account No. 11990006-51500 (Fringes) to cover contractual salary increases for the Library, Public Facilities, Inspectional Services and Police departments as outlined in the attached.

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

Sincerely,

Nancy E. Stevens  
Mayor



CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:

FISCAL YEAR: 2008

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$213,966	\$84,581.00	11990006	57820	Reserve for salaries	\$887.00	16100001	50471	Young adult librarian	\$4,530.22
	Reason:					Contractual agreement			
\$102,191	\$5,662.55	11990006	51500	Fringes	\$851.00	16100001	50656	Head of circulation	\$5,244.56
	Reason:					Contractual agreement			
					\$340.00	16100003	51920	Library/sick leave buy	-\$339.14
	Reason:					Contractual agreement			
					\$71.00	11920001	51385	Facilities/Electrician	\$6,523.02
	Reason:					Contractual agreement			
					\$2,322.55	11920003	51920	Facilities/sick leave buy	-\$2,322.55
	Reason:					Contractual agreement			
					\$3,000.00	12410003	51920	Inspections/sick leave	-\$3,000.00
	Reason:					Contractual agreement			
					\$25,000.00	12100003	51490	Police/holiday	\$192.42
	Reason:					Contractual agreement			
					\$20,000.00	12100003	51310	Police/regular o.t.	\$27,946.28
	Reason:					Contractual agreement			
					\$35,000.00	12100003	51320	Police/court o.t.	\$5,243.44
	Reason:					Contractual agreement			
					\$2,772.00	12100003	51213	Police/public safety disp	\$41,493.43
	Reason:					Contractual agreement			
total	\$90,243.55			total	\$90,243.55				



*City of Marlborough*  
*Office of the Mayor*

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*Nancy E. Stevens*  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

May 7, 2008

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

Honorable President Vigeant and Councilors:

Attached please find a budget transfer submitted on behalf of the Department of Public Works which proposes to move funds currently available in salary-related line items (the result of Worker's Comp injuries or vacancies within positions) to other salary and operating expense lines. Please refer to the attached document for specifics of this \$214,916.71 transfer.

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

Sincerely,

Nancy E. Stevens  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE: 5/7/2008

FY: 08

FROM ACCOUNT:

Amount \$11,230.00  
 Fund 61090001 Object 50460 Account Description: Meter reader

Reason: Available funds caused by W/C injury

Amount \$2,000.00  
 Fund 61090001 Object 50740 Account Description: Equip. Operator

Reason: Available funds caused by W/C injury

Amount \$40,000.00  
 Fund 11990006 Object 57820 Account Description: Reserve for salaries

Reason: Remaining funds after all contractual agreements have been accounted for

Amount \$3,000.00  
 Fund 61090001 Object 50460 Account Description: Meter reader

Reason: Available funds caused by W/C injury

TO ACCOUNT:

Fund 60081003 Object 51310 Account Description: Overtime-Regular

\$11,230 needed to cover remaining holidays, weekends and emergencies. Additional money spent on necessary sludge dewatering and operational issues caused by snow storms and holiday time off.

Fund 61090003 Object 51310 Account Description: Overtime-Regular

Anticipate needing \$45,000 to cover normal overtime needs, which are running exceptionally high. Numerous water main breaks and sewer main blockages have caused this situation.

Fund 61090003 Object 51310 Account Description: Overtime-Regular

Anticipate needing \$45,000 to cover normal overtime needs, which are running exceptionally high. Numerous water main breaks and sewer main blockages have caused this situation.

Fund 61090003 Object 51310 Account Description: Overtime-Regular

Anticipate needing \$45,000 to cover normal overtime needs, which are running exceptionally high. Numerous water main breaks and sewer main blockages have caused this situation.

Department Head Signature: 

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE: 5/7/2008

FY: 08

FROM ACCOUNT:

Amount \$2,500.00  
 Fund 61090001 Object 50460 Account Description: Meter reader

Reason: Available funds caused by W/C injury

Amount \$4,220.00  
 Fund 14001103 Object 51430 Account Description: Longevity

Reason: Sufficient funds in account

Amount \$1,054.00  
 Fund 61090001 Object 50460 Account Description: Meter Reader

Reason: Available funds caused by W/C injury

TO ACCOUNT:

Fund 61090003 Object 51380 Account Description: Overtime Water/Sewer Police

Monies needed to cover police detail during water emergencies, which are running higher than normal

Fund 61090003 Object 51430 Account Description: Longevity

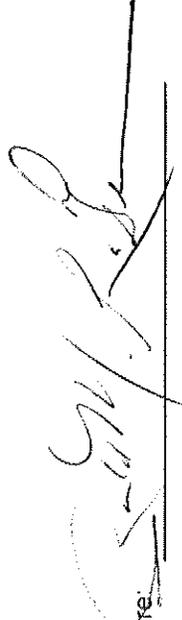
Contractual increase

Fund 61090003 Object 51920 Account Description: Sick Leave Buy Back

Contractual obligation has increased demand on this line item

Amount \$200.00  
 Fund 61090003 Object 51990 Account Description: Meal Allowance

Reason: Extra meal obligation due to numerous emergencies.

  
 Department Head Signature:

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

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

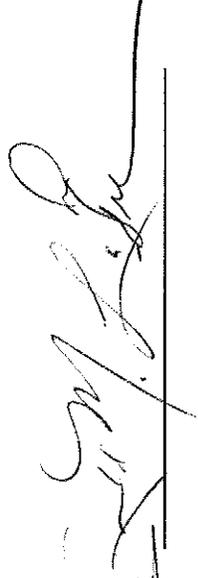
FROM ACCOUNT:

Amount	Fund	Object	Account Description:
\$10,600.00	11990006	57820	Reserve for salaries
Reason:	For contractual agreement		

TO ACCOUNT:

Amount	Fund	Object	Account Description:
\$5,260.00	61090001	50690	Foremen
Reason:	Contractual obligation has increased demand on this line item		

Amount	Fund	Object	Account Description:
\$2,733.00	60085001	50750	Equipment Operator
Reason:	Contractual obligation has increased demand on this line item		

Department Head Signature: 

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CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE:

5/7/2008

FY: 08

FROM ACCOUNT:

TO ACCOUNT:

Amount \$900.00  
 Fund 14001001 Object 50630 Account Description: Assis. Comm.-Admin.  
 Reason: Position was vacant during a period

Fund 14001003 Object 51920 Account Description: Sick Leave Buyback - Admin.  
Employee receives this benefit

Amount \$2,800.00  
 Fund 14001103 Object 51920 Account Description: Sick Leave Buyback  
 Reason: Surplus funds in account

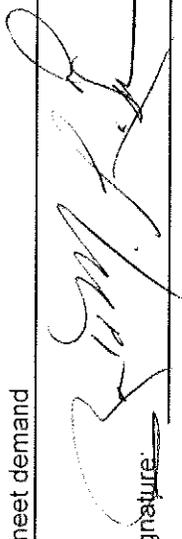
Fund 14001003 Object 51920 Account Description: Sick Leave Buyback - Admin.  
Employee receives this benefit

Amount \$67.00  
 Fund 14001103 Object 51430 Account Description: Longevity  
Surplus funds in account

Fund 14001003 Object 51430 Account Description: Longevity  
Needed to cover retirement

Amount \$711.00  
 Fund 11990006 Object 57820 Account Description: Reserve for salaries  
Contractual agreement

Fund 14001002 Object 50520 Account Description: Principle Clerk  
Insufficient funds to meet demand

Department Head Signature: 

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

75

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE: 5/7/2008

FY: 08

FROM ACCOUNT:

Amount                      Fund                      Object                      Account Description:

\$1,000.00                      14001101                      50660                      Assistant City Engineer

Reason: Position has been vacant for a period

Amount                      Fund                      Object                      Account Description:

\$160.00                      14001101                      50660                      Assistant City Engineer

Reason: Position has been vacant for a period

Amount                      Fund                      Object                      Account Description:

\$2,500.00                      14001101                      50660                      Assistant City Engineer

Position has been vacant for a period

Amount                      Fund                      Object                      Account Description:

\$2,000.00                      14001101                      50660                      Assistant City Engineer

Position has been vacant for a period

TO ACCOUNT:

Fund                      Object                      Account Description:

14001103                      51310                      Overtime-Regular - Engineering

Multiple roadway and water replacement contracts are active during Spring 2008 - \$1,000 equates to 24 working hours

Fund                      Object                      Account Description:

14001104                      53150                      Advertising - Engineering

Remaining Budget = \$57. Advertising is approximately \$70 per which will equate to three advertisements.

Fund                      Object                      Account Description:

14001106                      52560                      Vehicle Repair & Maint. - Engin.

Budget amount expended. One vehicle currently off the road.

Fund                      Object                      Account Description:

14001106                      59570                      Chapter 90 Construction - Engin.

Based on current burn rate and Spring 2008 contracts.

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



CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE: 5/7/2008

FY: 08

FROM ACCOUNT:

Amount \$4,200.00 Fund 14001403 Object 50745 Account Description: Motor Equipment Repairman  
Reason: Funds available due to injury

Amount \$10,100.00 Fund 14001403 Object 50745 Account Description: Motor Equipment Repairman  
Reason: Funds available due to injury

Amount \$14,000.00 Fund 14001101 Object 50660 Account Description: Assistant City Engineer  
Reason: Position has been vacant for a period

Amount \$3,238.00 Fund 14001301 Object 50690 Account Description: Foremen Street  
Surplus funds in account

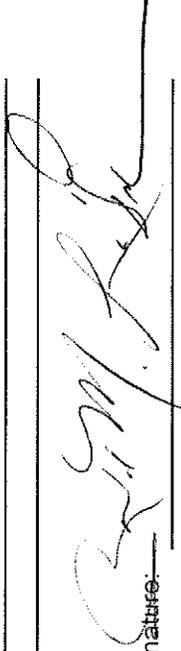
TO ACCOUNT:

Fund 14001403 Object 50760 Account Description: Working Foreman  
Funds anticipated to complete FY 2008

Fund 14001403 Object 51240 Account Description: Temporary Part-Time  
Funds anticipated to complete FY 2008

Fund 14001406 Object 54810 Account Description: Rep./Maint Supplies  
Funds anticipated to complete FY 2008

Fund 14001403 Object 50760 Account Description: Working Foreman  
Contractual obligation has increased demand on this line item

Department Head Signature: 

77

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE: 5/7/2008

FY: 08

FROM ACCOUNT:

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

Reason: Contractual agreement

Amount	Fund	Object	Account Description:
\$8,100.00	14001303	50790	Dispatcher

Reason: Funds available due to vacancy

Amount	Fund	Object	Account Description:
\$3,000.00	14001303	50790	Dispatcher

Reason: Funds available due to vacancy

TO ACCOUNT:

Fund	Object	Account Description:
14001303	50740	Equipment Operators

Contractual Increases

Fund	Object	Account Description:
14001305	55310	Highway Construction Material

Funds anticipated to complete FY 2008

Fund	Object	Account Description:
14001305	5532	Sign Materials

Funds anticipated to complete FY 2008

Department Head Signature: 

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE: 5/7/2008

FY: 08

FROM ACCOUNT:

Amount \$11,000.00  
 Fund 14001101 Object 50660 Account Description: Assistant City Engineer

Reason: Position has been vacant for a period

Amount \$1,000.00  
 Fund 14001503 Object 50740 Account Description: Equipment Operators

Reason: Funds available due to vacancies in division

Amount \$2,000.00  
 Fund 14001503 Object 50740 Account Description: Equipment Operators

Reason: Funds available due to vacancies in division

Amount \$120.00  
 Fund 14001503 Object 50740 Account Description: Equipment Operators

Reason: Funds available due to vacancies in division

Amount \$1,016.00  
 Fund 14001103 Object 51430 Account Description: Longevity

Reason: Sufficient funds in account

TO ACCOUNT:

Fund 14001503 Object 51310 Account Description: Overtime-Regular

Reason: Funds anticipated to complete FY 2008

Fund 14001503 Object 51470 Account Description: Interim Foreman

Reason: Funds anticipated to complete FY 2008

Fund 14001504 Object 53150 Account Description: Advertising

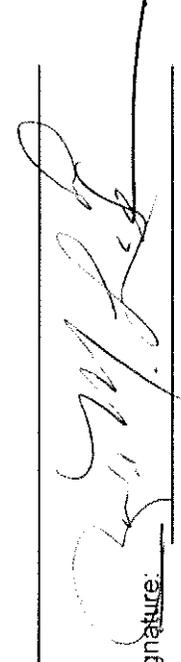
Reason: Funds anticipated to complete FY 2008

Fund 14001506 Object 54240 Account Description: License & Inspection

Reason: Funds anticipated to complete FY 2008

Fund 14001503 Object 51430 Account Description: Longevity

Reason: Contractual increase

Department Head Signature: 



*City of Marlborough*  
*Office of the Mayor*

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81  
*Nancy E. Stevens*  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

May 7, 2008

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

Honorable President Vigeant and Councilors:

Attached please find several intra-departmental transfers which require your approval. They are as follows:

- City Clerk – Transfer of \$112.93 from Account No. 1620002-50770 (Senior Clerk) to Account No. 11620004-53930 (Printing) which proposes to utilize funds available from salary differential to pay additional charges relative to the programming of two Automark voting machine for the Ward 5 special election.
- Facilities - Transfer of \$4000 from Account No. 11920003-50560 (Custodial) to Account No. 1192003-51300 (Gross Overtime) to provide for overtime required to cover for employee out on Worker's Comp.
- Police - Total transfer of \$20,252 between various salary accounts (see attached) utilizing surplus funds either better used elsewhere or from unfilled positions to line items providing for contract increases and retirements and training.

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

Sincerely,

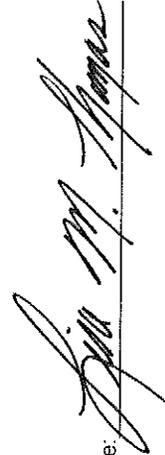
Nancy E. Stevens  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: CLERK

FISCAL YEAR: 2008

FROM ACCOUNT:		TO ACCOUNT:		Amount	Available Balance
Org Code	Object	Org Code	Object		
11620002	50770	11620004	53930	\$112.93	281.52
EXCESS FUNDS DUE TO A RETIREMENT AND A NEW HIRE STARTING AT A LOWER STEP		PRINTING			
Reason:		ADDITIONAL FUNDS NEEDED FOR WARD FIVE PRELIMINARY ELECTION			
Reason:					
Reason:					
Reason:					

Department Head signature: 

CITY OF MARLBOROUGH  
BUDGET TRANSFERS

DEPT: **Public Facilities**

DATE: **5/6/08**

FY: **2008**

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$21,047.33	\$4,000.00	11920003	50560	Custodial	\$4,000.00	11920003	51300	Gross Overtime	(\$1,060.82)
	Reason:	Employee has been out on workers comp since July. Additional funds required to cover overtime							
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	Reason:								

Dept Head signature: *[Signature]*

Mayor signature: *[Signature]*

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DATE: May 5, 2008

DEPT: *Police*

FY: 2008

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$97,163	\$7,352.00	12100001	50510	Police Lieutenants	\$7,352.00	12100001	50420	Police Officers	\$314,653
	Reason:		Surplus in account					New contract, increases not budgeted for, and retirement	
\$7,776	\$4,927.00	12100003	51395	In-Service Training	\$4,927	12100001	50420	Police Officers	\$314,653
	Reason:		Funds needed elsewhere					Same as above	
\$19,343	\$5,100.00	12100003	51450	Night Shift Differential	\$5,100	12100001	50420	Police Officers	\$314,653
	Reason:		Unable to fill positions timely					Same as above	
\$4,736	\$200.00	12100001	50435	Police Specialists	\$200.00	12100001	50420	Police Officers	\$314,653
	Reason:		Unable to fill specialist position					Same as above	
\$4,736	\$600.00	12100001	50435	Police Specialists	\$600	12100001	50420	Police Officers	\$314,653
	Reason:		Unable to fill specialist position					Same as above	
\$7,776	\$2,073.00	12100003	51395	In-Service Training	\$2,073	12100003	51360	Overtime - Training	-\$2,073
	Reason:		Funds needed elsewhere					High FTO costs	

Dept Head signature: *Mark J. Leonard*

Mayor signature: \_\_\_\_\_



*City of Marlborough*  
*Office of the Mayor*

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91  
*Nancy E. Stevens*  
MAYOR

*Karen A. Kirby*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

April 29, 2008

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

Honorable President Vigeant and Councilors:

Council Order No. 07100-1543 which provides for an abbreviated budget authorization format as recommended by the Massachusetts Department of Revenue Financial Review and adopted for FY08 is due to expire on June 30, 2008 per its "Sunset Clause" provision.

Under this revised practice, department heads are authorized to transfer funds within their budget lines for all accounts save those which are salary-related with the approval of the Mayor. Salary and interdepartmental transfers continue to require Council approval. In addition, the Auditor provides a monthly summary to the City Council of all intradepartmental transfers.

I respectfully request Council's approval of a one-year extension to the "Sunset Clause" to provide for the continuation of Order No. 07100-1543 through FY09.

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

Sincerely,

Nancy E. Stevens  
Mayor

*Auditor 92*  
*8*

# IN CITY COUNCIL



Marlborough, Mass., APRIL 23, 2007

ORDERED:

Suspension of the Rules requested to allow the Mayor to speak – does not carry

ORDERED:

That the City Council **APPROVE** the Massachusetts Department of Revenue Financial Review Recommendation for adopting an abbreviated budget authorization format for all departments for the FY08 budget process.

Background: The Mass DOR report recommended that the city adopt the best financial practices by approving the FY08 budget as salary and expenditure line items for each department as opposed to the current practice of approving each line item. Department heads would be able to authorize transfers within their department for expenditure line items only. The Auditor will provide a summary of these transfers each month to the City Council. All salary transfers and transfers between departments would require City Council approval. This is for the FY08 budget only, with the provision of a “**Sunset Clause**” that the City Council will assess the results at the end of FY08 to determine if the practice will continue.

Yea: 9 - Nay 2

Yea: Katz, Schafer, Juare, Webster, Clancy, Towle, Ossing, Pope, Levy

Nay: Ferro, Vigeant

ADOPTED  
In City Council  
Order No. 07100-1543

Approved by Mayor  
Nancy E. Stevens  
Date: April 26, 2007

A TRUE COPY

ATTEST:

*Christine Y. Lucier*

Acting City Clerk

10,  
*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

*Nancy E. Stevens*  
MAYOR

*Karen A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

May 1, 2008

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

Honorable President Vigeant and Councilors:

I am writing to inform you of the appointments of two new permanent police officers to the Marlborough Police Department.

Pending their successful completion of all interviews, background checks, physical and psychological evaluations, Soren Levenson and Heather Manning, both Marlborough residents, should be available to begin training at the State Police Academy in New Braintree on May 5th. It is expected that their appointments would be effective late September subject to confirmation contingent upon successfully completing training and evaluations.

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

Sincerely,



Nancy E. Stevens  
Mayor

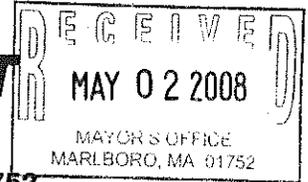


MARK F. LEONARD  
Chief of Police

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# City of Marlborough POLICE DEPARTMENT

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



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

April 30, 2008

RE: Appointment Of Police Officers

Following their successful completion of interviews, background checks, psychological screenings, physical examinations, and physical agility tests, I recommend that the two people listed below be appointed as Permanent Police Officers to fill existing vacancies in the Marlborough Police Department:

Soren Levenson  
Heather M. Manning

They are all scheduled to begin their police training May 5, 2008 at the Massachusetts State Police Academy in New Braintree. Their appointments should be made contingent upon successful completion of the academy.

Sincerely,

Mark F. Leonard  
Chief of Police

cc: personnel



*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens*  
MAYOR

*Karen H. Kibby*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

April 22, 2008

Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough MA 10752

Honorable President Vigeant and Councilors:

City Assessor, Tony Trodella, has recently completed the necessary course of study to be named a certified Massachusetts assessor by the Association of Massachusetts Assessors. With this designation, per MGL Chapter 21A ½, Mr. Trodella is entitled to receive additional compensation equal to 10% of his regular compensation.

I am requesting City Council's consideration of the adoption of MGL Chapter 21A ½ (language attached).

Also attached is the qualifying proof of Mr. Trodella's certification; I respectfully request that his salary be adjusted accordingly in recognition of this designation as well as his job commitment and, in anticipation of your approval, have included a budget transfer request which will provide for same.

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

Sincerely,

Nancy E. Stevens  
Mayor

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# TRANSFER REQUEST

## Assessor

Fringe	FROM ACCOUNT	TO ACCOUNT	Assessor
AVAILABLE AMOUNT	ORG CODE	AMOUNT	OBJECT ACCOUNT DISCRIP
BALANCE	ORG CODE	AMOUNT	OBJECT ACCOUNT DISCRIP
\$ 14,080.95	\$ 1,312.90	11990006	51500 Fringes
		\$ 1,312.90	11410003 50177 Certification
			\$ -

Total \$ 1,312.90

Reason: See attachment from Mayor



**MASSACHUSETTS ASSOCIATION OF ASSESSING OFFICERS, INC.**  
*Affiliated with the International Association of Assessing Officers*

Established 1890      Incorporated 1980      Tax ID. #04-2709997

**President:** Michael P. Flynn, MAA, Framingham  
**President-Elect:** James C. Judge, MAA, Kingston    **Secretary-Treasurer:** Marion A. Fantucchio, MAA, Quincy  
**Immediate Past President:** Donna L. Putt, MAA, Norfolk

**Professional Admissions Committee**  
Kenneth A. Stein, CMA, RMA, MAA – Chairman

April 22, 2008

Anthony R. Trodella, CMA, MAA, MRA, RA  
Chairman/Principal Assessor  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

Dear Mr. Trodella,

Congratulations!! I am writing to inform you that your applications for Professional Designation as a Certified Massachusetts Assessor (CMA) and a Massachusetts Accredited Assessor (MAA) have been approved! Your CMA and MAA Designations were approved and awarded at the Board of Directors Meeting held at the MAA Spring Conference at the Sturbridge Host Hotel on April 16, 2008.

Your CMA Designation number is 74 and your MAA Designation number is 1104. You are authorized by the Massachusetts Association of Assessing Officers to use your designations in all professional correspondence and in all matters that pertain to your position as a member of this association.

In order to maintain the use of your designation, you will be required to submit 45 continuing education credits including USPAP credits (15, 7.5, or 5) and 20 appraisal related credits every three years. Your first recertification date is August 2, 2011. If you are unsure of the recertification procedures, please refer to the Procedure and Educational Requirements for Recertification of Professional Designations, available on the MAAO website.

Again, congratulations! If you have any questions, please do not hesitate to contact me at 617-466-4014.

Sincerely,

Kenneth A. Stein, CMA, RMA, MAA  
Chairman

**Executive Board:** Molly K. Reed, MAA, Wayland, Hannelore Simonds, MAA, Foxboro, Kenneth A. Stein, CMA, RMA, MAA, Chelsea, William D. Chenard, Natick, Virginia Noyes Thompson, MAA, Manchester, Ronald J. Keohan, Jr., MAA, Saugus

*CMA - Certified Massachusetts Assessor      RMA - Residential Massachusetts Assessor*  
*MAA - Massachusetts Accredited Assessor*

P.O. Box 70, Shrewsbury, MA 01540      Fax: 508-757-0108      Email:  
maao@townisp.com

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**§ 21A½. Certified assessors; compensation**

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

Added by St.1987, c. 469.



*City of Marlborough*  
*Office of the Mayor*

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

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*Nancy E. Stevens*  
MAYOR

*Karen D. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

May 7, 2008

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

Honorable President Vigeant and Councilors:

As you are aware, the City of Marlborough is in the process of designing the upgrades to the Westerly Wastewater Treatment Plant. The timeline is to first upgrade the Westerly Plant and then to start the upgrade to the Easterly Plant. The projected cost for upgrading the Westerly Plant is \$44,000,000 dollars.

The city has applied to several governmental agencies to assist in reducing the overall cost associated with the plant upgrades. We have been selected to participate in a reduced interest loan program managed jointly by the Massachusetts Department of Environmental Protection and the Office of the State Treasurer. This program will allow Marlborough to borrow the funds for the Westerly Plant upgrade for a 20 year period at a 2% interest rate (\$7,077,000) vs a projected rate of 4.5% (\$15,923,250). This program has the potential to save our rate payers \$8,846,250 in interest payments over the life of the loan. To take advantage of this low interest loan program, Marlborough, the Department of Environmental Protection and the State Treasures Office must meet the following administrative milestones:

- 1) Intended Use Plan - Completed;
- 2) Approval of the Local Bond Authorization – by June 30, 2008;
- 3) Final Application Filed with DEP – by October 15, 2008;
- 4) Project Approval Certificate Issued;
- 5) Loan Commitment Issued by the Water Pollution Abatement Trust;
- 6) Procurement Process Begins;
- 7) Project Regulatory Agreement Signed;
- 8) Loan Agreement Signed by WPAT & City;
- 9) Loan Closing
  - o Short Term Loans (Interim loans)
  - o Permanent Loans

I have reduced the loan amount by \$10,300,000 which accounts for the \$10,000,000 MORE grant and the \$300,000 STAG grant. It is my intent to continue to pursue any and all grant opportunities which might be available to offset the impact to our ratepayers.

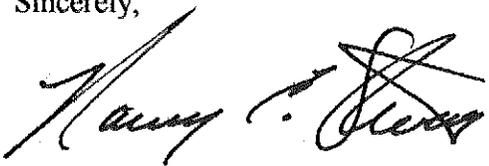
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I am submitting for your review and approval a loan authorization for \$33,700,000 dollars to upgrade the Westerly Wastewater Treatment Plant. This is the second step in the low interest loan process.

I have attached a copy of the Preliminary Design Report prepared by our engineering firm, Camp, Dresser & McKee which provides details on the design including technical aspects as well as cost breakdowns in addition to the anticipated bond payment schedule.

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

Sincerely,



Nancy E. Stevens  
Mayor

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CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA May 7, 2008

ORDERED:

That \$33,700,000 (thirty three million seven hundred thousand) dollars is appropriated for the purpose of financing the construction and upgrade to the Westerly Wastewater Treatment Plant including without limitation all cost thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by ST. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow \$33,700,000 dollars and issue bonds or notes therefore under Chapter 44 Section 8 (15) and/or Chapter 29 of the General Laws, as most recently amended by ST. 1998,c.78; that such bonds or note shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the Auditor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by ST. 1998,c.78; that the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any action necessary to carry out the project.

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Westerly Treatment Plant \$33,700,000 20 YEAR SRF BOND @ 2%

YEAR	BOND AMOUNT	BOND AMOUNT	BOND AMOUNT	PRINCIPAL	PRINCIPAL	PRINCIPAL	TOTAL PRINCIPAL	TOTAL INTEREST	TOTAL PAYMENT	NET MARLBORO COST 70%
FY 08	\$ 2,000,000.00			\$ 100,000.00			\$ 100,000.00	\$ 40,000.00	\$ 140,000.00	\$ 98,000.00
FY 09	\$ 1,900,000.00	\$ 15,850,000.00		\$ 100,000.00	\$ 792,500.00		\$ 892,500.00	\$ 355,000.00	\$ 1,247,500.00	\$ 873,250.00
FY 10	\$ 1,800,000.00	\$ 15,057,500.00	\$ 15,850,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 654,150.00	\$ 2,339,150.00	\$ 1,637,405.00
FY 11	\$ 1,700,000.00	\$ 14,265,000.00	\$ 15,057,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 620,450.00	\$ 2,305,450.00	\$ 1,613,815.00
FY 12	\$ 1,600,000.00	\$ 13,472,500.00	\$ 14,265,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 586,750.00	\$ 2,271,750.00	\$ 1,590,225.00
FY 13	\$ 1,500,000.00	\$ 12,680,000.00	\$ 13,472,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 553,050.00	\$ 2,238,050.00	\$ 1,566,635.00
FY 14	\$ 1,400,000.00	\$ 11,887,500.00	\$ 12,680,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 519,350.00	\$ 2,204,350.00	\$ 1,543,045.00
FY 15	\$ 1,300,000.00	\$ 11,095,000.00	\$ 11,887,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 485,650.00	\$ 2,170,650.00	\$ 1,519,455.00
FY 16	\$ 1,200,000.00	\$ 10,302,500.00	\$ 11,095,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 451,950.00	\$ 2,136,950.00	\$ 1,495,865.00
FY 17	\$ 1,100,000.00	\$ 9,510,000.00	\$ 10,302,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 418,250.00	\$ 2,103,250.00	\$ 1,472,275.00
FY 18	\$ 1,000,000.00	\$ 8,717,500.00	\$ 9,510,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 384,550.00	\$ 2,069,550.00	\$ 1,448,685.00
FY 19	\$ 900,000.00	\$ 7,925,000.00	\$ 8,717,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 350,850.00	\$ 2,035,850.00	\$ 1,425,095.00
FY 20	\$ 800,000.00	\$ 7,132,500.00	\$ 7,925,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 317,150.00	\$ 2,002,150.00	\$ 1,401,505.00
FY 21	\$ 700,000.00	\$ 6,340,000.00	\$ 7,132,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 283,450.00	\$ 1,968,450.00	\$ 1,377,915.00
FY 22	\$ 600,000.00	\$ 5,547,500.00	\$ 6,340,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 249,750.00	\$ 1,934,750.00	\$ 1,354,325.00
FY 23	\$ 500,000.00	\$ 4,755,000.00	\$ 5,547,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 216,050.00	\$ 1,901,050.00	\$ 1,330,735.00
FY 24	\$ 400,000.00	\$ 3,962,500.00	\$ 4,755,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 182,350.00	\$ 1,867,350.00	\$ 1,307,145.00
FY 25	\$ 300,000.00	\$ 3,170,000.00	\$ 3,962,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 148,650.00	\$ 1,833,650.00	\$ 1,283,555.00
FY 26	\$ 200,000.00	\$ 2,377,500.00	\$ 3,170,000.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 114,950.00	\$ 1,799,950.00	\$ 1,259,965.00
FY 27	\$ 100,000.00	\$ 1,585,000.00	\$ 2,377,500.00	\$ 100,000.00	\$ 792,500.00	\$ 792,500.00	\$ 1,685,000.00	\$ 81,250.00	\$ 1,766,250.00	\$ 1,236,375.00
FY 28		\$ 792,500.00	\$ 1,585,000.00		\$ 792,500.00	\$ 792,500.00	\$ 1,585,000.00	\$ 47,550.00	\$ 1,632,550.00	\$ 1,142,785.00
FY 29			\$ 792,500.00			\$ 792,500.00	\$ 792,500.00	\$ 15,850.00	\$ 808,350.00	\$ 565,845.00
							\$ 33,700,000.00	\$ 7,077,000.00	\$ 40,777,000.00	\$ 28,543,900.00

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LAW OFFICES OF  
JACK P. MILGRAM

52 KNEELAND STREET  
BOSTON, MA 02111  
jackp.milgram@verizon.net  
<http://www.milgramlaw.com>

SYDNEY S. MILGRAM

May 3, 2008

Karen Boule  
Marlborough City Council  
City Hall  
140 Main Street  
Marlborough, MA. 01752

RE: 358-364 Lincoln Street  
Marlborough, MA. 01752

Dear Madam:

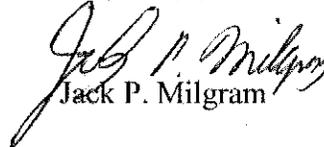
In regard to the above captioned matter, kindly find enclosed herein the following:

1. Agreement To Extend Time Limitations.

If you have any further questions or concerns, please do not hesitate to give me a call.

Thank you for your courtesy and cooperation.

Very truly yours,

  
Jack P. Milgram

JPM/jpm  
enclosure

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**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

2-11-05 – ORDER #08-100-1805

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

-REFER TO URBAN AFFAIRS

**PUBLIC HEARING: MARCH 24, 2008**

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 5:00 p.m. on July 21, 2008.

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

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

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**City Council**

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**From:** Giaimo, Michael S. [mgiaimo@rc.com]  
**Sent:** Thursday, May 08, 2008 5:08 PM  
**To:** City Council  
**Subject:** RE: reminder: extension of time in which to act

Hi Karen - Yes, we agree to the extension. For the time being, please accept this email as the written acknowledgment on behalf of my client, the applicant. I am travelling today and do not have access to your form. I will sign it and fax back to you on my return.

Thank you.

Michael Giaimo  
Attorney for Verizon Wireless

-----Original Message-----

**From:** "City Council" <citycouncil@marlborough-ma.gov>  
**To:** "Giaimo, Michael S." <mgiaimo@rc.com>  
**Sent:** 5/8/08 3:23 PM  
**Subject:** reminder: extension of time in which to act

Atty. Giaimo:

Has Verizon agreed to the extension of time in which to act?

Monday, May 12 is the only regular meeting in May for the Council to act on this matter. The filing deadline is today at 5pm.

You may fax it to me and mail the executed copy for the clerk's files.

Thanks,

Karen

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This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-275-8200, or e-mail at it@rc.com and immediately delete this message and all its attachments.

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This email has been scanned by the MessageLabs Email Security System.

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**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

**2-11-08 – Order No.08-100-1795: Application for Special Permit by Bell Atlantic  
Mobile of Massachusetts Corp., Ltd. [Verizon Wireless] for co-location of antennas  
and equipment on an existing wireless communications facility at 75 Donald J.**

**Lynch Blvd**

**Public Hearing: March 10, 2008**

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 5:00 p.m. on June 30, 2008.

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

By: \_\_\_\_\_  
Michael Giaimo, Esq., acting on behalf of  
and at the direction of Petitioner:  
**Bell Atlantic Mobile of Massachusetts Corp., Ltd.**

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**AYOUB ENGINEERING, INC.**  
ENGINEERING AND ARCHITECTURAL CONSULTANTS

414 Benefit Street  
Pawtucket, Rhode Island 02861  
401-728-5533 fax 401-724-1110  
email: info@ayoubengineering.com

254-B North Broadway, Suite 206B  
Salem, New Hampshire 03079  
603-894-4828 fax 603-894-4827

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**TO:** Lisa Thomas, City Clerk - City of Marlborough  
Fax # 508-460-3723

**FROM:** Tony Guba

**DATE:** May 8, 2008

**RE:** Amendment to UST license for 260 West Main Street (Mobil)  
AEI PROJ # 2956

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**Message**

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Dear Ms. Thomas,

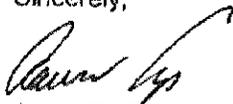
Per your conversation with our office earlier this afternoon, we are forwarding the attached license application for your use in placing us on the agenda for the Council hearing on Monday May 12.

As you requested, here is a narrative for the proposed amendment:

This location is presently licensed for 40,000 gallons gasoline and 1,000 gallons waste oil, copy of current license is attached. We are asking to amend the language to say 30,000 gallons gasoline, 10,000 gallons diesel, and 1,000 gallons waste oil. There will be no change to the current total capacity of the license, and no new tanks are being added to the location. We propose to change the product stored in one existing tank from gasoline to diesel instead. We propose to add diesel to only one of the dispensers so that diesel can be purchased at that one island. This dispenser/hose will be set up for retail diesel sales to passenger vehicles and pickups as the hose will be short and the flow rate will be limited to low flows similar to the gasoline dispensers. We hope to provide additional fuel alternatives for the growing number of high efficiency, high mileage diesel passenger vehicles.

Thank you for your assistance regarding this application. If there is anything else that you need, please do not hesitate to contact me at anytime,

Sincerely,



Aaron B. Cyr  
Ayoub Engineering

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Note: Complete upper portion of form and forward to local fire department. Do not make application to Department of Fire Services.



Commonwealth of Massachusetts

Department of Fire Services - Office of the State Fire Marshal



City or Town Marlborough Date 8 May 2008

APPLICATION FOR LICENSE AMEND LICENSE TO CONVERT ONE EXSTG UG TANK TO DIESEL

For the lawful use of the herein described building... or other structure..., application is hereby made in accordance with the provisions of Chapter 148 of the General Laws, for a license to use the land on which such building... or other structure... is/are or is/are to be situated, and only to such extent as shown on plot plan which is filed with and made a part of this application.

Location of land 260 West Main Street Nearest cross street Beach Street

Owner of land ExxonMobil Corporation Address 3225 Gallows Road, Fairfax, VA 22037

Number of buildings or other structures to which this application applies One (1)

Occupancy or use of such buildings Retail Gasoline Filling Station / Mobil Mart

Total capacity of containers in gallons: - Aboveground \_\_\_\_\_ Underground 41,000 Gals

Kind of fluid to be stored in containers : - (3) 10,000 Gal UG Tanks Gasoline;  
(1) 10,000 Gal UG Tank Diesel;  
(1) 1,000 Gal UG Tank Waste Oil

Approved  Disapproved

\_\_\_\_\_  
(Head of Fire Dept.)

[Signature]  
(Signature of Applicant)  
C/O Ayoub Engineering, agent for ExxonMobil  
254B N. Broadway, Suite 206, Salem, NH 03079  
(Address)

\_\_\_\_\_  
(Date)



Commonwealth of Massachusetts

Department of Fire Services - Office of the State Fire Marshal



City or Town \_\_\_\_\_ Date \_\_\_\_\_

LICENSE

In accordance with the provisions of Chapter 148 of the General Laws, a license is hereby granted to use the land herein described for the lawful use of the building... or other structure... which is/are or is/are to be situated thereon, and as described on the plot plan filed with the application for this license.

Location of land \_\_\_\_\_ Nearest cross street \_\_\_\_\_

Owner of land \_\_\_\_\_ Address \_\_\_\_\_

Number of buildings or other structures to which this application applies \_\_\_\_\_

Occupancy or use of such buildings \_\_\_\_\_

Total capacity of containers in gallons: - Aboveground \_\_\_\_\_ Underground \_\_\_\_\_

Kind of fluid to be stored in containers: - \_\_\_\_\_

Restrictions - If any: \_\_\_\_\_

\_\_\_\_\_  
Signature of licensing authority Title

THIS LICENSE OR A PHOTOSTATIC OR CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED IN A PROTECTED

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ExxonMobil  
Fuels Marketing Company  
3225 Gallows Road  
Fairfax, Virginia 22037

**ExxonMobil**  
Fuels Marketing

August 7, 2006

To Whom It May Concern:

ExxonMobil Corporation ("ExxonMobil") does hereby authorize *Ayoub Engineering, Inc. of 401 Benefit Street, Pawtucket, Rhode Island 02861* to apply for and represent ExxonMobil in filing of any applications for required permits and/or approvals for the construction, operation and maintenance of convenience store/self serve gas stations. This authorization also includes, but it is not limited to, appearing before any governmental agency at general meetings or public hearings addressing such construction/improvement of ExxonMobil retail facilities.

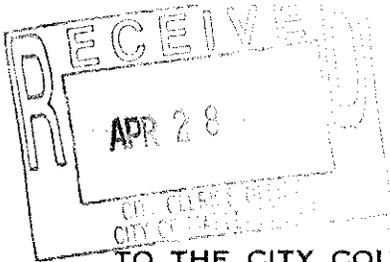
Very truly yours,

ExxonMobil Corporation

By:



David O'Toole  
Construction Project Coordinator



#150 pd 16

MARLBOROUGH, MASS., ..... 19

TO THE CITY COUNCIL:

The undersigned Peter Coulombe - Cozy Cafe  
respectfully requests that he be granted a renewal for 2  
pool tables at 487A Lincoln St  
Marlboro Ma

P. O. Address Peter J Coulombe  
508 460-0095

IN CITY COUNCIL

..... 19

Referred to Committee on Public Safety.

..... Clerk.

REPORT ON THE ABOVE PETITION

IN CITY COUNCIL

..... 19

The Committee on Public Safety, to whom the above petition was referred, having considered the same, report in favor of granting the same.

..... } Committee

IN CITY COUNCIL

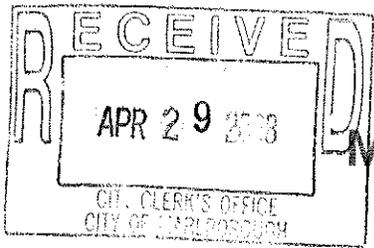
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Accepted and report of committee adopted.

Attest: ..... Clerk.

Issued .....

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**MetroWest Regional Transit Authority  
Advisory Board  
Meeting Minutes  
Monday, March 17, 2008**

The Metro West Regional Transit Authority Advisory Board meeting was held on Monday, March 17, 2008 at 4:00 PM, at the maintenance and operations facility located at 160 Waverley Street, Framingham, MA, at the call of Chairman John Stasik. In attendance were John Stasik, Framingham, Edward Carr, Administrator, Carl Damigella, Holliston, Charles Hughes, Natick, Joseph Nolan, Wayland, Elise Marcil, Disabled Community Representative, and Christopher Peck, of Sherborn. Seated in the audience were David Sorter, Frank Hess, and Doug Brody from Sherborn. Board member Kristin Kiesel from Sudbury arrived shortly after. Mr. Stasik announced that a quorum was present. Mr. Stasik stated there were a few issues with the previous minutes. On page 5, a correction was made to include the wording of "net cost of service" to a sentence. On page 6, a spelling error was corrected. A motion was made to waive the reading of the previous minutes. It was seconded, and approved, with two abstentions, Christopher Peck of Sherborn and Carl Damigella of Holliston. A motion was made to approve the minutes, as amended, which was seconded and approved with two abstentions.

• **Administrators Report**

Fixed route is working well, with ridership increasing. Included in members packages are numbers from the electronic fareboxes. Farebox project is not complete as yet, but will become more sophisticated as time goes on. Service policies regarding weather and other conditions that may cause interruption of service are now in place. When decision to stop service is made, announcements are put on the website as well as the phone messaging system to inform riders of that decision. Natick Neighborhood Bus administrative duties have been absorbed by Eva Willens and David Parker of the MWRTA. With the exception of a few maintenance issues, it has been running quite smoothly. The bus shelter pre-construction phase has begun. When the shelter is built, the Natick Neighborhood Bus route will be connected with the rest of the system, with transfers being made at the MWRTA facility.

• ***Demand Response***

Demand Response contracts have been executed for Holliston, Sherborn, Ashland, Wayland, and Sudbury. They will subsidize COA service as of February 1<sup>st</sup>, 2008 through the end of the fiscal year. Discussions with Holliston are ongoing with elder affairs regarding promotion of collaboration with the MWRTA.

Ed Carr and Charles Stevenson have been working with First Transit to develop an RFP for demand response. It will include service that the MWRTA will become responsible for when Marlborough and Southborough become members. The current contract with First Transit allows the MWRTA to use First Transit as the broker for the demand response service. It will allow for centralization of the service at the MWRTA facility.

- *ADA Implementation*

Eva Willens and Elise Marcil have begun to set up procedures that adhere to the policies set forth by the ADA committee. Eva and Lorraine Grieff are working on interfacing with THE RIDE to allow transfers to happen at the MWRTA facility. It is hoped to be made possible by the end of the fiscal year.

- *Capital*

Fifteen buses are now in the fleet. Five used buses have been acquired from BAT at a cost of \$1.00 per vehicle, plus the cost of tires/paint. Montachusett, Cape Cod, and Worcester RTAs may have some useful vehicles as well. These vehicles will all be used until the RTA gets fully into the mobility assistance program, where the RTA can receive new vehicles every year.

- *Planning*

Mr. Carr has received a letter from the Boston MPO transportation planning program committee acknowledging a letter sent by Mr. Carr regarding consideration for the Suburban Mobility Program funding. The letter indicated that the proposal was eligible for funding. He will receive some help from CTPS for the work program for the MWRTA service planning alliance, which he indicated was in the members' previous package.

- *Outreach*

Mr. Carr and his assistant visited TJX and Boston Scientific this month with the understanding of future ridership potential when the RTA can adjust some scheduling. Reverse commute options are needed. The Suburban Mobility Program may be able to help with that issue.

- *Southborough/Marlborough*

In members packages are news articles relating to both towns, who Mr. Carr believes will be joining the RTA shortly. Mr. Carr and Mr. Stevenson are currently working to develop an RFP for the demand response service in that area, now being provided by the WRTA. Mr. Carr met with Marlborough Mayor, Nancy Stevens, and the WRTA administrator, regarding the rumor that the current demand response service would be stopped before the June 30, 2008 timeline. WRTA assured the mayor that they would continue to provide the service until that time.

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- *CDL*

Training is ongoing. After a few more classes, participants should be ready to pass the permit and licensing tests.

- *FTA Training*

Ed Carr and Eva Willens attended a two-day training seminar in preparation for a triennial audit. There are twenty-three subject areas involved with the audit for anyone receiving federal funding.

- *Research*

A partnership with Bridgewater State College pertaining to GPS continues. BAT will collaborate with Geo Labs and the MWRTA towards the use of more effective technology. Larry Harmon and Ed Carr met with Jim O'Leary, who runs the commuter rail for the MBTA, about possibly putting the GPS system on the rail. Mr. Harmon has begun testing with Google Transit to incorporate a travel/planning piece that will interact with the rest of the system.

Elise Marcil's term on the board will expire June 30, 2008 and the next member to represent the disabled community will have to be from a town other than Framingham. Mr. Carr will talk to attorney Charles Stevenson and make the Board aware of the correct process for choosing a replacement.

Mr. Stasik inquired as to what the figures on the ridership data sheet represented. Mr. Carr explained each column, and pointed out that NNB figures will be separate until they start using the RTA's fareboxes, after June 30, 2008. Mr. Carr also reminded the Board that until the fareboxes are fully implemented, the figures may not show all of the ridership. He told the board that routes 2 and 3 are basically Framingham ridership, route 5 is Hopkinton/Ashland, route 6 Milford/Holliston/Ashland, route 7 is the Marlborough run, and route 9 is the Route 9/Worcester Road run. Mr. Carr will give a more complete breakdown at fiscal year end.

Mr. Damigella wanted to know when assessing the routes will begin. Mr. Carr wants to wait for the CTPS study to be completed before making any decisions. Mr. Stasik commented that with marketing the numbers will improve. Mr. Damigella told the board that the feedback he is getting on route 6 includes how reliable the service has become. He also asked Mr. Carr his reasoning behind choosing Eliot St. commuter station as a potential shuttle run, and not another station. Mr. Carr responded that he thought the route was more direct in regards to being an "express route". Mr. Carr talked about the potential reverse commute ridership from companies like TJX, MathWorks, and Boston Scientific, that would take advantage of a green-line shuttle. He also mentioned that Suburban Mobility funds would be used for the shuttle, with a small amount of matching funds that the RTA would need to provide.

Mr. Carr told Mr. Nolan, and the board, that when new towns intend to join the MWRTA, there needs to be a vote of the Advisory Board. Mr. Nolan asked the Administrator if he foresees any significant challenges when larger communities join the RTA. Mr. Carr responded that absolutely, there will be challenges, but he reminded the board that the RTA is already providing fixed route service to parts of Marlborough and Southborough and that the funding is from the inter-district monies. He also stated that Mayor Stevens of Marlborough was instrumental in acquiring those funds. He also said that when those towns join, they also bring their local assessments to the RTA, and any state contract assistance that is now going to the WRTA will then go to the MWRTA. Mr. Carr believes that the MWRTA will be able to provide them with better service, and he also believes that they will be a good fit within the MWRTA. There was some discussion of lack of service on Route 20 near the Wayland-Sudbury line.

Mr. Peck of Sherborn commented that he didn't want to see the smaller towns overshadowed by the larger communities.

Mr. Carr answered Ms. Kiesel's question about whether Busy Bee Transportation was large enough to expand service to all member communities. Mr. Carr said no, and stated that the RFP will be developed to hire multiple operators. He also stated that everyone working together the COAs, the operators, and the RTA will make it work. Mr. Carr will keep the board apprised of the development of the RFP. Elise Marcil mentioned that some of the COAs themselves will be the operators.

Mr. Carr mentioned to an audience member that the route maps were available online from the Geo Lab website link found on [www.mwrta.com](http://www.mwrta.com).

Mr. Stasik asked if Marlborough had joined as of yet. Mr. Carr said no, that it is a three step process. The first step has been accomplished by Home Rule Petition. The second step is to write a letter to the Governor, and the third is to receive RTA board approval. If they bring a copy of the Governor's letter to the next board meeting, the advisory members can then vote to accept them as a MWRTA member. Southborough town meeting will vote in April to allow the question to go on the ballot in May. Mr. Stasik stated that by this summer, the MWRTA could have eleven members. Mr. Carr thought more than likely, that would be the case.

Mr. Stasik asked if all MWRTA buses were equipped with GPS. Mr. Carr said yes. He also asked if route 6A and 6B were separate buses, and if Route 9 was no longer being provided. Mr. Carr told the board that yes, Route 6A and 6B were two separate buses, and that while Route 9 was now only one bus, it was still providing service.

Mr. Carr mentioned that in the member's packages was a memo from Charles Stevenson that addresses the mistake by DOR on the towns cherry sheets, and that the issue should be resolved soon. Mr. Carr said that the assessments won't be real until he certifies it with the state treasurer, which cannot happen until a financial audit is done. He believes that assessment won't be until October or November, which is when it will go on the cherry sheet.

Mr. Carr stated that he, along with Charles Stevenson will begin work on the FY09 budget. That budget will be brought to the board in June.

Elise Marcil asked about the affect of the gas prices on the budget. Mr. Carr responded that he will have to figure that increase into the budget. He stated that besides insurance the fuel prices were probably the most volatile expense in the budget. He stated that the ten new buses were gas powered.

- *Capital Expenditures*

Mr. Carr talked about his five year capital plan. In five years he hopes to have a certain amount of new buses, construction of a maintenance and operations facility, and construction of an intermodal center.

Mr. Carr also commented on Mr. Stasik's inquiry about the cost of the new buses, and Ms. Marcil's question regarding the bus accessory cost. Mr. Carr stated that the vehicle accessory costs for providing fixed route service is different than when providing paratransit service. Mr. Carr explained that on the capital sheet, 5309, 5310, 5307 and others are all different types of federal funds available.

Mr. Stasik asked if the board members had a chance to look at the CTPS scope. He would like the study to include moving the hub of the service to Waverley Street, and the area of the mall for the intermodal center. The study will also look at the whole system and how it works. A board member asked what CTPS stood for. Mr. Stasik told the board that it stands for, "Central Transportation Planning Staff", which is the transportation part of the MAPC, (Metropolitan Area Planning Council.)

Mr. Stasik also talked about the evaluation of the Administrator for this year, and the detailed report of goals and objectives for FY09. He stated that the document could be the basis for the evaluation of the Administrator for FY09. Mr. Nolan talked about setting goals and objectives now, and evaluating them this time next year. Mr. Hughes asked if the goals and objectives document could be discussed in April, at the next board meeting.

A motion was made to adopt the draft evaluation of the Administrator. It was seconded and approved.

Charles Hughes mentioned that some new service would be discussed at the Natick Selectmen meeting tonight.

Christopher Peck of Sherborn stated that the town had entered into a contract with JFK Transportation, and wanted to know the procedure of reimbursement for services. Mr. Carr stated that the MWRTA pays the Town of Sherborn, who in turn reimburses the operator for the service. Mr. Carr also stated that the RTA needed to have details regarding monthly ridership submitted along with the invoice.

The next meeting was scheduled for Monday, April 14, 2008 at 4:00 p.m.

A motion to adjourn was made at 5:15 p.m. It was seconded and approved.

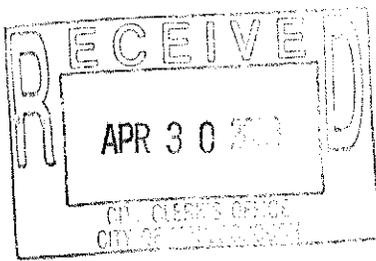
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Certificate

The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on March 17, 2008

---

Carl Damigella, Holliston



*City of Marlborough*  
*Commonwealth of Massachusetts*

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**PLANNING BOARD**

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

**PLANNING BOARD MINUTES**  
April 7, 2008  
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, April 7, 2008 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Phil Hodge, Clyde Johnson, Edward Coveney, Robert Hanson and Sean Fay. Also present: City Engineer Thomas Cullen.

**MINUTES**

*Meeting Minutes March 24, 2008*

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

To accept and file the meeting minutes with the minor changes.

**CHAIR'S BUSINESS**

*City Council Correspondence*  
*Public Hearing Request for LDS*

The City Council is holding a public hearing to amend the zoning ordinance for "Limited Development Subdivisions" on May 12 at 8pm. The Planning Board will need to hold their own public hearing for the zoning amendment.

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

To accept and file correspondence; to schedule a public hearing for May 12 at 7:15 pm.

*New Car Dealership Overlay District*

The City Council will be holding a public hearing to adopt a proposed "New Car Dealership Overlay District". The Planning Board will need to hold their own public hearing for the proposed overlay district.

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

To accept and file correspondence; to schedule a public hearing for May 12 at 7:30 pm.

**APPROVAL NOT REQUIRED PLAN**

***Boston Post Road East/Dicenzo Blvd***  
*Correspondence from Tim Collins*

Mr. Collins sent to the developer comments he would like to see before the Engineering department could recommend approval.

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

To accept and file correspondence.

*Approval of ANR Plan*

Mr. Cullen sent correspondence to the Planning Board recommending his approval for the ANR plan for Lot 1F & Lot 1G, Indian Development Corp.

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

To accept and endorse a plan of land believed to be Approval Not Required of Indian Development Corporation, 120 Quarry Drive, Second Floor, Milford, MA 01757. Name of Engineer: Guerriere & Hanlon, Inc. 333 West Street, P.O. Box 235, Milford, MA 01757. Deed of property recorded in South Middlesex Registry of Deeds book 20403, page 600. Location and description of property: Two (2) lots and two (2) parcels on the southerly side of Boston Post Road and the westerly side of Dicenzo Boulevard being #639 and #661 Boston Post Road East.

***Forest Street/Martinangelo Drive***  
*Special Olympics Submittal*

Colleen Collins from VHB submitted the ANR Plan for the new Special Olympics administrative building that will be located on Forest Street. They are proposing to take about 5 acres out of the 29 acres currently available.

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

To accept and refer the proposed plan to the City Engineer for his review and recommendation at the next meeting on Monday, April 28, 2008.

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

***City Engineer Duplicate Mylars***

Mr. Cullen sent to the Board a request for duplicate mylars for the ANR endorsements. He stated that the copies that are being made the ink off the mylars are smudging and not making a true copy. He suggested to the Board to have the developers make two mylars and the Planning Board can endorse both copies. Mr. Hodge asked how we will know which copy is the copy to be kept by the Engineering Department. It was suggested to have the Planning Board member print their signature and write underneath copy.

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

To accept and file correspondence.

**Update from City Engineer**

Mr. Cullen stated that they are working on the As-builts for O'Leary's Landing. They are awaiting further information and the weather to complete the Fiddlehead subdivision.

**Forest Trail**  
*City Engineer*

Mr. Cullen confirmed the bond amount for Forest Trail stands at \$112,000.00. Mr. Kerrigan asked Mr. Cullen if that was sufficient enough to complete the subdivision in case the developer does not complete. Mr. Cullen stated that the amount was sufficient enough.

*City Solicitor*

Mr. Rider presented to the Board the proposed agreement "mini covenant", the confirmatory certificate of performance or guarantee and the scrivener's affidavit. The "mini covenant" states that Avidia will be fully responsible for completion of all outstanding issues as per terms of the agreement.

The confirmatory certificate of performance or guarantee is stating that with the Scrivener's Affidavit signed by Pamela Wilderman, Board secretary on November 18, 2002, confirms that Board voted to release all lots(Lots 1 through 16, including Parcel 15A and 16A) on November 18,2002; and that her handwritten language on the Certificate of Performance or Guarantee, stating "Lots 1 through 10 inclusive" were being released, was incorrect and should have stated that Lots 1 through 16, including Parcel 15A and 16A, were being released.

Mr. Dan Burger, attorney for Avidia Bank stated that his client was willing to sign the agreement once the Planning Board approved the agreement. He also mentioned that the agreement, confirmatory certificate and the scrivener's affidavit will all be recorded by Avidia Bank at the Registry of Deeds.

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

To accept and allow Dr. Fenby to endorse the confirmatory certificate of performance or guarantee.

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

To accept and endorse the agreement with Avidia Bank.

**O'Leary's Landing**  
*Bond Reduction*

Mr. Bumpus is requesting the Board to reduce the guarantee bond. He has accommodated the requests of the Engineering Department with the remaining items of his punchlist.

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

To accept and file correspondence; refer request to the City Engineer for his review.

*City Engineer Correspondence*

Mr. Cullen sent correspondence to the Planning Board regarding the legal descriptions that need to be changed.

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

To accept and file correspondence.

**The Residences of Oak Crest**  
*Subdivision Extension*

Mr. Breslouf, the developer, for the subdivision is requesting an extension for the development. According to his covenant the "construction of all was and the installation of all municipal services...within a period of two years form the date of approval of the "Plan"...failure to complete to do so complete or obtain an extension shall automatically rescind approval of the "Plan" as to lots not yet released". With the approval of plan being February 27, 2006 the two year date would have been February 27, 2008 and all lots were released by the Panning Board on December 7, 2007. This would mean that all lots have been released prior to the covenant expiration.

The City Solicitor suggested on a new covenant to be prepared to include the anti-blight ordinance. Mr. Breslouf agreed to a new covenant.

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

To accept and file correspondence, to ask the City Solicitor to revise the current covenant to include the anti-blight ordinance.

Correspondence by the City Engineer

Mr. Cullen stated that several items need to be completed including an updated completion schedule for the subdivision.

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

To accept and file correspondence.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

*Past Scenic Roads*

At the last meeting it was discussed that the Planning Board was not legally bound to hold any public hearing on a scenic road without any road maintenance to be performed. With this ruling by the City Solicitor it was questioned weather to contact the proponents who have appeared in front of the board for scenic roads. The statute of limitations is two years for any recourse.

The Board has asked for Mrs. Lizotte to research the past scenic roads within the last two year time period and report back to the Board.

**SIGNS**

**INFORMAL DISCUSSION**

*Abutters Literature*

At this time there is not further information.

*Subdivision Status Report*

Mrs. Lizotte is working on a update subdivision status report and had the preliminary report to show the Board.

**COMMUNICATIONS/CORRESPONDENCE**

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

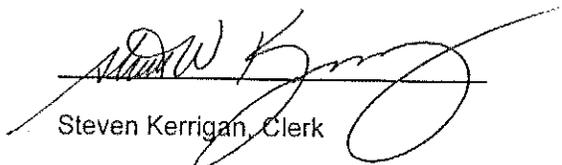
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:45 p.m.

**A TRUE COPY**

ATTEST:

  
\_\_\_\_\_  
Steven Kerrigan, Clerk