

REGULAR MEETING
DECEMBER 15, 2008

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, December 1, 2008.
2. CONTINUED PUBLIC HEARING: On the Application for Special Permit from The Gutierrez Co. to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave. and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws.
3. PUBLIC HEARING: with Board of Assessors to establish the percentages of tax levy for each property classification for FY2009.
4. Communication from the Mayor re: finalization by the Commonwealth of the City's FY2009 tax levy.
5. Communication from the Mayor re: request for Executive Session for the purpose of discussing strategy with respect to collective bargaining and/or litigation.
6. Communication from the Mayor re: reappointment of Thomas Abel as the City Comptroller/Treasurer for a term of three years expiring August 29, 2011.
7. Communication from the Mayor re: Thomas Abel's certification renewal through December 31, 2013.
8. Communication from the Mayor re: reappointment of Ronald LaFreniere as the City's Commissioner of Public Works for a term of five years expiring on January, 11, 2014.
9. Communication from the Mayor re: reappointment of Deborah Puleo as the City Collector effective February 1, 2009 to correspond with her bond renewal date.
10. Communication from the Mayor re: reappointment of Police Chief Leonard as Keeper of the Lock for a one year term expiring on the 1st Monday of February 2010.
11. Communication from the Mayor re: reappointment of John Rowe to the Board of Health for a term to expire the 1st Monday in February 2012.
12. Communication from the Mayor re: reappointment of Raymond Johnson to the Library Board of Trustees for a three year term to expire the 1st Monday in February 2012 and to submit the name of William Brewin to assume the position now held by Claude Tsai who will be unable to continue past his term which expires on February, 2, 2009. William Brewin's term would expire the 1st Monday in February 2012.
13. Communication from the Mayor re: reappointment of John Peltier and Kevin Boyle as Fence Viewers for a term of one year expiring on the 1st Monday of February 2010.
14. Communication from the Mayor re: position of the City Solicitor, from one of appointment co-terminus with the term of the Mayor, to one of appointment by the Mayor for a term of five years.
15. Communication from the Mayor re: a full time Planner position.
16. Communication from the City Solicitor re: Proposed Acquisition of Sewer Pump Station and Access Easement at 728 Donald Lynch Boulevard.
17. Communication from Superintendent Carlo re: the Fiscal Year 2010 Tentative Budget for Assabet Valley Regional Technical School District.
18. Application of Post Road Used Auto Parts for renewal of Junk Dealer's license.
19. Application for Special Permit from Attorney Anderson, on behalf of New Cingular Wireless PCS, for co-location, construction and operation of a Wireless Communications Facility on and next to the existing multi-carrier monopole located at 860 Boston Post Rd. East.
20. Communication from Andy Candiello, on behalf of MetroPCS Massachusetts, re: request to extend time limitations for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext. to February 3, 2009 at 5:00 PM, Order No. 08-1001971.
21. Communication from Attorney Gadbois re: request to withdraw minor modification of Fore Kicks Special Permit Order No. 07/08-1001465F.
22. Minutes, Community Development Authority, November 6, 2008.
23. CLAIMS:
 - A. John Grant, 45 Hutchinson Dr., vehicle damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

24. **Order No. 08-1001998 – Appointment of Ronald Guest to a vacant position on the Cable Advisory Board with no term associated with said appointment. Recommendation of the Personnel Committee is to approve 3-0.**

25. **Order No. 08-1002049 – Appointment of Morgan Elwood from an alternate to a full board member of the Council on Aging for a term to expire on May 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

Lisa M. Thomas

140 Main St.

Marlborough, MA 01752

(508) 460-3775 FAX (508) 460-3723

DECEMBER 1, 2008

Regular meeting of the City Council held on Monday December 1, at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juairé, Clancy and Landers. Councilor Seymour was absent. Meeting adjourned at 9:25 p.m.

ORDERED: Minutes, City Council Meeting, November 24, 2008, **FILE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** On the Application for Special Permit from The Gutierrez Co. to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave. and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws, all were heard who wish to be heard, hearing recessed at 8:35 p.m., with a continuation to December 15, 2008.

Motion to suspend the rules requested – granted to allow the City Clerk to read a letter from Councilor Seymour as he was not present.

ORDERED: That Agenda #3, Communication from the City Solicitor regarding proposed amended Special Permit from Shalvis Realty, LLC for 204-206 West Main St., in proper form, be moved to Reports of Committees; Wireless Communication Committee, **APPROVED**; adopted.

ORDERED: That Agenda #4, Communication from the City Solicitor regarding Sepracor TIF be moved to item #13; from Finance Committee, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JANUARY 5, 2009** as the date for a **PUBLIC HEARING** requesting minor modification of Condition #38 of the Fore Kicks Special Permit, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

(Councilor Vigeant abstained)

ORDERED: That the minutes, Planning Board, November 10, 2008, **FILE**; adopted.

Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08-1001998 – Appointment of Ronald Guest to a vacant position on the Cable Advisory Board with no term associated with said appointment. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002049 – Appointment of Morgan Elwood from an alternate to a full board member of the Council on Aging for a term to expire on May 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.

Suspension of Rules requested - granted**SHALVIS REALTY LLC
(As Successor In Interest To ERA Corporation)****AMENDMENT
TO ORIGINAL SPECIAL PERMIT
GRANTED TO SHALVIS REALTY LLC
(AS SUCCESSOR IN INTEREST TO ERA CORPORATION)
ON JULY 12, 1999****DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 99/08-10018106E**

Trinity Court Condominiums
204-206 West Main Street
Marlborough, MA

Amendment to Special Permit granted by the City Council on July 12, 1999, a) deleting the condition in paragraph 5 and substituting therefor the following new paragraph 5; and b) adding a new condition in new paragraph 9:

5. Owner-Occupancy. It shall be a condition of the condominium by-laws of the Site that all units in the project, consisting of a total of ten units, that are sold will be purchased by a person or persons who intend to reside in the units. The condominium documents shall provide for appropriate daily fines for the violation of this section of the condominium by laws, and will provide that this section may not be amended. No occupancy permit regarding the Site shall be issued unless and until the City Solicitor has certified to the Building Commissioner that the condominium by-laws, along with the condominium master deed, have been recorded. Applicant (Shalvis Realty, LLC, 1172 Beacon Street, Newton, MA 02461), including its successors and assigns, may, following the issuance of the occupancy permit for a particular unit but prior to the conveyance thereof to the purchaser of the unit, rent said units to tenants; provided, however, that:

- a. No said unit shall be or continue to be rented after the fifth anniversary of the date of issuance of the occupancy permit of said unit;
- b. No unit shall be rented or continue to be rented after the seventh anniversary of the date of issuance of the first occupancy permit for the Site;
- c. The number of units being rented and occupied by tenants shall not exceed (9) units;
- d. An executed "rent to own" contract shall qualify the subject unit as owner-occupied, so long as transfer of title for that unit occurs within 36 months of the starting date of the rental agreement for that unit;
- e. The affordable housing unit, if rented, shall be done in compliance with the rules and regulations applicable to said unit;
- f. Applicant, including its successors and assigns, shall continue to market the units as condominiums with the requirement that one unit be used as a model;
- g. No sign at the premises shall market any units as being for rent; however "rent to own" signs are permissible so long as they are in compliance with City's sign ordinance without variance; and

- h. No unit shall be rented to any person or persons for more than three years unless, prior to the expiration of those three years, said person or persons execute(s) a purchase and sale agreement.

9. **Recording.** Both the original Special Permit granted by the Marlborough City Council on July 12, 1999, as well as this Amendment to the Special Permit, shall be recorded together at the Middlesex South Registry of Deeds in accordance with the provisions of MGL Chapter 40A sec. 11 prior to the issuance of any occupancy permit regarding the Site. The Applicant (Shalvis Realty, LLC, 1172 Beacon Street, Newton, MA 02461), including its successors and assigns, shall be responsible for recording, at its expense, both the original Special Permit, as well as this Amendment to the Special Permit; and shall present evidence of said recording to the City Solicitor's office, which thereupon shall duly forward said recording evidence to the Building Commissioner as a condition of his issuance of any occupancy permit regarding the Site.

A roll call vote was taken as follows:

TO APPROVE THE AMENDMENT TO THE SPECIAL PERMIT

Yea: 10 – Nay: 0

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

Further amendment to Special Permit granted by the City Council on July 12, 1999, a) deleting as clerical oversight the language on page 3, Finding of Fact and Ruling 10.b, fourth line, referencing "four and six" and substituting therefor "five and five" prior to the words "two-bedroom garden style condominiums;" and b) deleting as clerical oversight the language on page 6, WHEREFOR clause, fifth line, referencing "four and six" and substituting therefor "five and five" prior to the word "units."

A roll call vote was taken as follows:

TO AMEND LANGUAGE FROM A CLERICAL OVERSIGHT OF THE SPECIAL PERMIT ORIGINALLY GRANTED IN JULY 1999.

Yea: 10 – Nay: 0

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

ORDERED: That the City Solicitor be requested to draft an amendment to the Wireless Ordinance that will add to "Development Requirements" therein, procedures to provide for a crane test where appropriate and where a balloon test is insufficient, refer to the **CITY SOLICITOR**; adopted.

ORDERED: That the Disposition of Corbin Plaza located at 110/118 Pleasant St., **FILE**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that JOSEPH NORTH ROAD be accepted as a public way, **APPROVED**; adopted.

From JOSEPH NORTH ROAD To Terminus

And the associated easements be accepted as municipal easements as shown on plans thereof, and as hereinafter described:

Plan Entitled "PLAN OF ACCEPTANCE OF JOSEPH NORTH ROAD AND MUNICIPAL EASEMENT IN MARLBOROUGH, MA", DATED OCTOBER 13, 2006 AND LAST REVISED ON APRIL 8, 2008, SCALE 1"= 40', PREPARED BY CONNORSTONE CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS,

10 SOUTHWEST CUTOFF, SUITE 7, NORTHBOROUGH, MA 01532," attached hereto as Exhibit A, and recorded with the Middlesex County South Registry of Deeds herewith;

IT IS THEREFORE ORDERED THAT:

JOSEPH NORTH ROAD be accepted as a public way and its associated easements be accepted as municipal easements in the City of Marlborough.

DESCRIPTION

Residential Street / Municipal Easements

EXHIBIT A

Joseph North Road

Beginning at a stone bound on the northerly sideline of Berlin Road,
Thence northerly by a curve to the left having a radius of 30.00 feet, a central angle of 70°02'27" and an arc length of 36.71 feet to a stone bound,
Thence N 05°47'02"W a distance of 154.75 feet to a stone bound,
Thence northerly, easterly and southerly by a curve to the right having a radius of 50.00 feet, a central angle of 247°58'33" and an arc length of 216.40 feet to a stone bound,
Thence southerly by a curve to the left having a radius of 30.00 feet, a central angle of 67°58'32" and an arc length of 35.59 feet to a stone bound,
Thence S 05°47'02"E a distance of 43.18 feet to a stone bound,
Thence southeasterly by a curve to the left having a radius of 30.00 feet, a central angle of 73°00'43" and an arc length of 38.23 feet to the end of a stone wall at the northerly sideline of Berlin Road,
Thence S 11°12'16"W a distance of 14.98 feet to a point,
Thence S 73°14'27"W a distance of 53.05 feet to a point,
Thence S 64°19'25"W a distance of 36.77 feet to the point of beginning.

The last three courses being by the northerly sideline of Berlin Road.

Said road contains 14,973 square feet and is shown on a plan prepared by Connorstone entitled "Plan of Acceptance of Joseph North Road and Municipal Easement in Marlborough, MA." dated October 13, 2006 and last revised on April 8, 2008.

There is appurtenant to said road the following easements:

Sewer Easement

Beginning at a stone bound on the westerly sideline of Joseph North Road; said point being N 05°47'02"W a distance of 18.94 feet from a stone bound at the point of tangency of a curve,

Thence N 77°18'49"W a distance of 155.87 feet crossing Lot 1 to a stone bound at property now or formerly of William M. and Linda F. Kirwin,

Thence N 16°05'03"E a distance of 30.06 feet by land of Kirwin and Lots 1 and 2 to a stone bound.

Thence S 77°18'49"E a distance of 144.07 feet crossing Lot 2 to a rail road spike on the westerly sideline of Joseph North Road,

Thence S 05°47'02"E a distance of 31.62 feet by the westerly sideline of Joseph North Road to the point of beginning.

Drainage and Water Easement

Beginning at a stone bound on the easterly sideline of Joseph North Road; said point being 129.37 feet distant along an arc from a stone bound at the point of curvature at the beginning of the cul-de-sac on the westerly sideline of said road,

Thence N 06°33'36"E a distance of 116.75 to a stone bound,

Thence N 71°03'36"W a distance of 125.06 to a stone bound,

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Thence N 12°05'19"E a distance of 52.00 feet to a stone bound,
 Thence N 84°28'47"E a distance of 90.73 feet to a stone bound,
 Thence N 14°15'19"E a distance of 120.11 feet to a drill hole in a boulder,
 Thence S 75°44'41"E a distance of 60.36 feet to a stone bound,
 Thence S 09°04'17"W a distance of 242.22 feet to an iron rod,
 Thence S 11°12'16"W a distance of 143.62 feet to a stone bound,
 Thence N 75°58'59"W a distance of 16.84 feet to a stone bound on the easterly sideline
 of Joseph North Road,
 Thence northerly by a curve to the left having an radius of 50.00 feet, a central angle of
 71°21'12" and an arc length of 62.27 feet to the point of beginning.

Said easements are shown on the previously referenced plan.

ORDERED: That the Application from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC, relevant to modifying zoning amendment via modified version of adopting proposed New Car Dealership Overlay District, **DENIED** as it results in Spot Zoning; adopted.

ORDERED: That the transfer request in the amount of \$51,032.98 on the behalf of the Marlborough Fire Department, to cover overtime costs as follows, **APPROVED**; adopted.

FROM:

Acct. # 12200001-50450 \$36,545.12
 Firefighter

TO:

Acct. # 12200003-51300 \$36,545.12
 Additional Gross OT

FROM:

Acct. # 12200001-50800 \$2,567.55
 Captain

TO:

Acct. # 12200003-51300 \$2,567.55
 Additional Gross OT

FROM:

Acct. # 12200001-50810 \$5,596.80
 Lieutenant

TO:

Acct. # 12200003-51300 \$5,596.80
 Additional Gross OT

FROM:

Acct. # 12200001-50450 \$6,323.51
 Firefighter

TO:

Acct. # 12200003-51300 \$6,323.51
 Additional Gross OT

ORDERED: That the Assistance to Firefighters Grant in the amount of \$131,708.00 from the Federal Emergency Management Agency and the Department of Homeland Security be awarded to the Marlborough Fire Department for use in Rapid Intervention Training used in the rescue of firefighters in jeopardy during emergency operations and Driver Safety During Emergency Response instruction to review/improve driving skills required for rapid response situations. The grant is funded by FEMA at 90% (\$118,537.00) and the City will match 10% (\$13,171.00). The City match will come from the Public Safety Training account. This grant is as outlined in MGL, Chapter 44

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Section 53A which stipulates that grant funding be strictly applied to purposes outlined, **APPROVED**; adopted.

Councilor Pope requested to be recorded that she did not want this to become a contractual obligation by which the City would be paying a stipend to the firefighters for the future training.

ORDERED: The Sepracor TIF proposal, consisting of five documents, **APPROVED**; adopted.

Motion to suspend the rules requested – granted to allow the City Clerk to read a letter from Councilor Seymour expressing support as he was not present.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:25 p.m.



IN CITY COUNCIL

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Marlborough, Mass., _____ DECEMBER 1, 2008
PAGE 1

ORDERED:

Now being the time set for the PUBLIC HEARING On the Application for Special Permit from The Gutierrez Co. to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave. and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws, all were heard who wish to be heard, hearing recessed at 8:35 p.m. with a continuation to December 15, 2008.

Public Hearing – 2009 Tax Levy

LEGAL NOTICE
CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

Notice is given that the City Council of the City of Marlborough will hold a **Joint Tax Classification Public Hearing** with the Board of Assessors on Monday, December 15, 2008 at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2009. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law.

Per Order of: City Council President, Arthur G. Vigeant

Please publish in the MWDN on Monday, December 1, 2008.

Please bill:

**Marlborough City Clerk, 140 Main Street, Main Floor, City Hall,
Marlborough, MA 01752 – please send tear sheets.**



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. Kibby
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

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RECEIVED
December 8, 2008

Council President Arthur G. Vigeant
Marlborough City Council
Marlborough City Hall – 2nd Hall
140 Main Street
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

To provide for the finalization by the Commonwealth of the City's FY2009 tax levy, I am submitting the following recommendations from the Board of Assessors for your approval.

- A five percent (5%) residential tax exemption for owner-occupied homes (submitted by Mayor)
- Residential property FY09 levy of 53.6628%
- Commercial/Industrial/Personal property FY09 levy of 46.3372%

To provide for a reduction in the FY2009 tax levy, I am submitting two budget transfer requests. The first one in the amount of \$1,582,816 would move money from Account No. 100-35900 (Undesignated Funds). This would offset the tax levy by eliminating the snow/ice deficit.

The second submittal would transfer \$27,250 from Account No. 27000-33020 (Sale of Graves), \$186,252 from Account No. 61000-31200 (Aquifer Protection) and \$2,893 from Account No. 27000-33080 (Traffic Enforcement).

City Assessor Trodella, Comptroller Abel and I will be present at the December 15th meeting to respond to any Council inquiries. Your prompt review and vote would provide the necessary timeframe for preparation of the City's tax request to the Commonwealth.

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

Sincerely,

Nancy E. Stevens
Mayor

TRANSFER REQUEST

Office of the Mayor

FROM ACCOUNT		TO ACCOUNT	
AVAILABLE BALANCE	AMOUNT	AMOUNT	AMOUNT AVAIL
\$ 5,925,031.00	\$ 1,582,816.00	\$ 1,582,816.00	
	100 35900 Undesignated Fund		
			To Reduce FY 09 Tax Levy

Reason: Free Cash used to reduce FY 09 tax levy

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CITY OF MARLBOROUGH

CLASSIFICATION HEARING

Allocation of Local Tax Levy

Fiscal 2009

December 15, 2008

MARLBOROUGH BOARD OF ASSESSORS

**Anthony R. Trodella
Anthony C. Arruda Jr.
Daniel C. Brogie**

Information

One of the City Council's responsibilities is to annually determine the percentage of the local tax levy to be borne by each class of property. This responsibility and procedure are described in chapter 40, Section 56 of the Massachusetts General Laws.

The Council's decision is based on technical data provided by the Board of Assessors' data and recommendations. Examples included herein assume adoption by the City Council of the classification as presented by the Board of Assessors.

State law and the regulations of the state Department of Revenue define certain parameters for the City Council's decision. Those parameters are complex, and form the basis of the Board of Assessors' report to the Mayor and the Council.

Beyond those parameters, the Council's decision has policy ramifications that can only be weighed by the elected officials of our community.

It must be understood that the rates and percentages are made final only after the Department of Revenue reviews and certifies our submission on the recap sheet. 2009 values and new growth have been certified by the Dept of Revenue.

Definitions

The following are definitions of terms frequently used in the discussion of the tax rate.

Levy: The levy is the actual amount to be raised by taxes. The levy amount is determined by the budget. The total amount of the approved budget less all revenues from other sources is the amount of the levy.

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the city. This is sometimes referred to as the "Chapter 797 levy"; in reference to the state law that defines it.

Levy Limit: Also referred to as the "allowable levy", this is calculated by adding 2.5 percent of the previous fiscal year's levy limit plus the new growth revenue of the present fiscal year to the last year's levy limit. To exceed the levy limit requires an override of Proposition 2½.

Excess Levy Capacity: The excess levy capacity is the difference between the levy and the levy limit.

The following chart is an illustration of these terms as applied to fiscal 2009.

FISCAL 2009 LEVY LIMIT	
FY 08 LEVY LIMIT	\$89,384,611
2.5% of FY08 Levy Limit	\$2,234,615
FY 09 Growth	\$2,955,938
FY 09 Levy Limit	\$94,575,164
FY 09 Levy	\$81,935,336*
Excess Levy Capacity	\$12,639,828

***THIS INCLUDES OFFSETTING THE TAX LEVY WITH \$1,582,816 FROM FREE CASH TO THE ICE AND SNOW DEFICIT.**

The task before the City Council is to vote on the PERCENTAGE OF LEVY to be borne by the different classes of properties, as prescribed by Chapter 40, Section 56 of the Massachusetts General Laws. While the vote technically is not to set a tax rate or rates, the rates fall out as merely a mathematical calculation based on those percentages. We have provided information on what the tax rate would be for the recommended classification. The Department of Revenue actually sets the rate by certifying all the information submitted to them on the Re-cap sheet.

Although it is never used in any of the calculations, it is interesting to note that the “hypothetical” average single family home is assessed at \$343,030 for FY09. This is down from \$356,542 for FY08.

Dividing the total value of all single-family homes by the number of single-family properties derives this value. This is a decrease of approximately 3.8% from fiscal 2008. Individual tax bills will increase or decrease at varying levels. **NOT NECESSARILY AT -3.8%**

It is important to recognize that this decrease is never uniform across all types of residential properties. There will be variations based on market activity within these property types. As an example, small condominiums decreased at a greater rate than larger homes due to the fact that buyers purchased these properties in 2007 for prices that decreased at a higher rate than the detached more expensive homes.

These varying assessment levels also result in increases or decreases in actual tax bills that vary accordingly.

RECOMMENDATIONS

The key elements that were considered and are included in the criteria that lead to the recommendation being made by the Board of Assessors are as follows:

1. The recommendation by the Mayor of a 5% Residential exemption in the amount of \$15,763 for owner-occupied, residential properties. Dividing the value of all residential properties by the number of residential properties and taking 5% of that value derives this amount. THIS IS A REDUCTION FROM THE 8% EXEMPTION FOR FY08.

This Residential Exemption does not influence the Residential/CIP shift at all but results in an inequitable percentage of taxes saved between assessment levels of owner occupied residential homes.

The effect is that the higher valued homes subsidize the taxes paid by the lower valued homes.

Marlborough is one of 13 communities that offer a residential exemption.

The Board of Assessors continues to recommend a gradual reduction in the Residential Exemption.

2. A lowering of a split in the CIP factor to 1.50 for the Residential/CIP tax structure so that the City of Marlborough will continue to spread the cost of running the City as equitably as possible between both residential and commercial/industrial tax payers and meet its commitment made in years past, that when our financial condition allows, the shift will be adjusted. The Board feels that this will continue to boost the recovery of commercial/industrial values while sending an important signal that Marlborough is a competitive place to do business and wants to encourage both residential and non-residential growth.

This will have a resulting positive impact of meeting the stated goals of the City to lower the split when financially feasible and at the same time lower the percentage of the levy paid by the residential tax payer.

IT MUST BE NOTED THAT UNDER THE LAW, THE PERCENTAGE OF VALUES PAID BY THE RESIDENTIAL AND CIP CLASSES, RESULTS IN THE MAXIMUM SPLIT ALLOWED FOR FY2009 TO BE 150. IT CAN BE MADE LOWER BUT NOT ANY HIGHER. COMMUNITIES CAN NOT RAISE THE SPLIT AS THEY SEE FIT BEYOND THE LEVELS SET BY LAW. **
****SEE ATTACHED COPY OF DOR REG.**

3. Supporting the Mayor's recommendation to apply \$1,582,816 of "free cash" to the tax levy through the application of that sum to the snow and ice deficiency. The ability to do this is a direct result of good fiscal management provided by

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the Administration, the City Council and Department heads while maintaining a well positioned plan for the future.

It is important to note that although the CIP properties account for 30.8915% of the total assessed values in the City, they pay 46.3372% of the tax levy.

Based on these parameters being in place as part of the total package, the Board of Assessors recommends that residential properties bear 53.6628% and the Industrial/Commercial/Personal property bear 46.3372% of the TAX LEVY. This results in a decrease in the percentage of the levy paid by the residential tax payers over last year's percentages and results in the desired effect of benefiting the residential population while still allowing the CIP taxpayer to be competitive.

It must be noted that this year's MEASURE and LIST concentrated on the single family homes and condominiums. The collection of this data continues to results in an accurate evaluation of those properties which leads to more accurate assessments for all properties so as to benefit the residential and commercial/industrial taxpayer and add a continuing proper level of new growth.

The TIF properties, we have in the city, played a large part in the new growth for Commercial and Industrial properties in the city.

The chart below summarizes the Board's specific recommendations and their impact on the tax rate.

IT IS TO BE NOTED THAT THE TAX RATE WILL BE SET BY THE DEPARTMENT OF REVENUE WHEN THE RE-CAP FINANCIAL AND VALUATION INFORMATION IS APPROVED.

Class	Assessed Value	Total Levy	Levy Percent	Tax Rate per Thousand
Residential	3,580,754,183	43,953,561	53.6628	12.76 (+.3%)
CIP	1,600,600,089	37,953,386	46.3372	23.72(-3.5%)
Total	5,181,354,272	81,906,947	100	

CIP LEVY % SEPARATION

COMMERCIAL % = 27.4398

INDUSTRIAL % = 13.1727

PERSONAL % = 5.7247

By way of example, please note that under this recommendation the tax bill on the HYPOTHETICAL, AVERAGE SINGLE FAMILY HOME would be \$4176. A decrease of \$28.00 (-.67%). The tax bill on the AVERAGE COMMERCIAL PROPERTY (\$1,658,632(assessed value) would be \$39,342, an increase of \$3,547 (+9.86%). The AVERAGE INDUSTRIAL PROPERTY (\$1,678,461) assessed value) would have a tax bill of \$39,813 for a decrease of \$3,429 (-7.97%).

If there was no rate shift the tax rate would be \$15.81 per \$1000 of value. This would translate into an average single family tax bill of \$5,174 (+\$998 difference)

**ONCE AGAIN, PLEASE NOTE THAT INDIVIDUAL BILLS WILL VARY
DUE TO CHANGES IN ASSESSMENT LEVELS AND THESE
EXAMPLES DO NOT CLAIM UNIFORMITY AMONGST ALL TAX
BILLS.**



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 51
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

December 9, 2008

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

RE: Request for Executive Session

Honorable President Vigeant and Councilors:

I hereby request that the City Council suspend its rules and permit me the opportunity to meet with you in Executive Session during your scheduled Council meeting on Monday, December 15th. I am requesting this meeting for the purpose of discussing strategy with respect to collective bargaining and/or litigation, as an open meeting may have a detrimental effect on the collective bargaining and/or litigating position of the City of Marlborough.

I have attached a proposed Council order reflecting this request, which is in conformance with the terms and conditions set forth in Mass. Gen. Laws Chapter 39, Section 23B(3).

Thank you for your attention to this matter.

Sincerely,


Nancy E. Stevens
Mayor

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ORDERED:

It is moved, in conformance with the provisions of Section 23B(3) of Chapter 39 of the General Laws of the Commonwealth, that the City Council conduct 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 the collective bargaining and/or litigating position of the City of Marlborough. It is further moved and stated that the City Council will re-convene in open session after the executive session.



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

DEC 11 2008

December 8, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith the name of Thomas J. Abel for reappointment at the City Comptroller/Treasurer for a term of 3 years expiring August 29, 2011. Through Mr. Abel's budgeting and forecasting skills, Free Cash and Stabilization accounts have increased improving the City's overall financial stability. He has successfully defended the City's bond rating with industry leaders allowing for more attractive interest rate offerings during difficult economic times. In addition, he has finalized the GASB 43 & 45 analysis of the funding of postemployment benefits not related to pensions in anticipation of future funding needs.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

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Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

December 11, 2008

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

Honorable President Vigeant and Councilors:

This letter serves to inform you that the Massachusetts Collectors and Treasurers Association has notified the City that Comptroller/Treasurer Thomas Abel's certification has been renewed for an additional five years. This five year extension through December 31, 2013 is the result of successful completion of all course requirements relative to finance, administration and municipal law.

Tom's continuing education efforts serve to ensure that the City's finances are managed according to all updated regulations of the Commonwealth.

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

Sincerely,

Nancy E. Stevens
Mayor

72

*Massachusetts
Collectors and Treasurers
Association*



Michael J. Hanlon, Jr. - Executive Director
510 King Street
Littleton, MA 01460

Phone: (978) 952-6644
Fax: (978) 952-6655
E-mail: masscta@aol.com
www.masscta.com

November 3, 2008

Honorable Nancy Stevens
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Stevens:

We are pleased to advise you that the Board of Certification of this Association has renewed for an additional period of five years expiring December 31, 2013, the Certification of the Treasurer of your city, Thomas J. Abel.

Candidates are eligible for renewal of their Certification as a Certified Massachusetts Municipal Treasurer every five years. Renewal is granted only to those previously certified candidates who continue to attend the Annual School of this Association at the University of Massachusetts at Amherst in August of each year and successfully complete the required courses in municipal law, finance and administration.

We want to congratulate and thank the good people of your city for supporting the efforts of their Treasurer, which culminated in this achievement and honor.

We are confident they will continue to support such efforts as we are equally confident they agree, the better informed and more knowledgeable the public official, the better the community is served.

With all good wishes,

Sincerely,

Michael J. Hanlon, Jr., Executive Director
Massachusetts Collectors and Treasurers Association



City of Marlborough
Office of the Mayor

140 Main Street

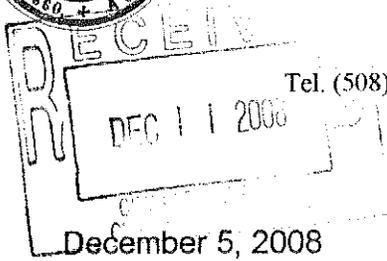
Marlborough, Massachusetts 01752

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Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY



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

Honorable President Vigeant and Councilors:

I am submitting herewith the name of Ronald LaFreniere for reappointment as the City's Commission of Public Works. This would be a 5 year reappointment expiring on 1/11/14. Commissioner LaFreniere not only directs the day-to-day operations and many capital projects ongoing with the Department of Public Works but also serves as an Executive Board member of the Marlborough 2010 and represents the City on numerous issues and committees.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

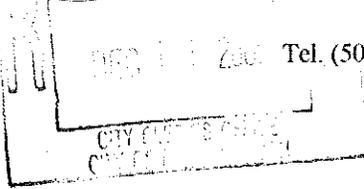
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Nancy E. Stevens
MAYOR

Karen H. Kist
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

9



December 5, 2008

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

Honorable President Vigeant and Councilors:

I am writing to request your approval of the reappointment of Deborah A. Puleo as City Collector effective February 1, 2009. Your prompt approval is respectfully requested as Ms. Puleo's bond status will be invalidated should her current appointment be allowed to lapse or continue on a temporary basis past the bond renewal date of February 9, 2009.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

140 Main Street

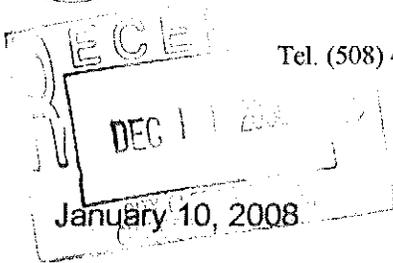
Marlborough, Massachusetts 01752

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Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY



City Council President
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

Honorable President and Councilors:

I am submitting for your approval Police Chief Mark Leonard's reappointment as Keeper of the Lock as required by MGL Chapter 40, Section 35. This one-year term for this reappointment would expire the 1st Monday of February 2010.

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

Sincerely,

Nancy E. Stevens
Mayor



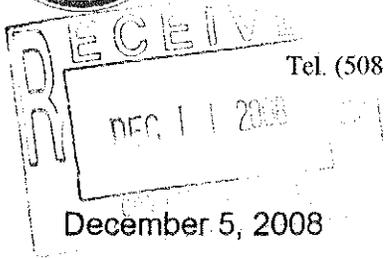
City of Marlborough
Office of the Mayor

140 Main Street
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Nancy E. Stevens
MAYOR

Karen H. Kisty
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Diane C. Halper
EXECUTIVE SECRETARY



December 5, 2008

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

Honorable President Vigeant and Councilors;

I am submitting herewith the name of John Rowe for reappointment to the Board of Health; associated term expiration would be the first Monday in February 2012. Mr. Rowe has proven a valuable member of the Board of Health for many years and his continuation on the Board would prove in the best interest of the City.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

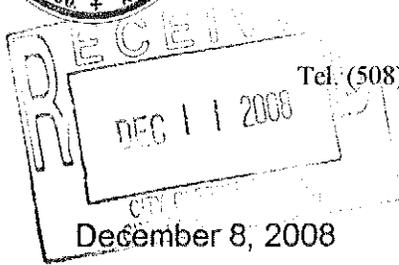
140 Main Street
Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

12



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

Honorable President Vigeant and Councilors:

This letter serves to reappoint Raymond Johnson to continue his valuable service through an additional 3 year term on the Library Board of Trustees expiring the 1st Monday in February 2012.

In addition, I would like to submit the name of William Brewin to assume the position now held by Claude Tsai who will be unable to continue past his term's expiration on February 2, 2009. Mr. Brewin had previously held this position in the early 1990 and is interested in returning to the Library Board of Trustees. His term would also expire the 1st Monday in February 2012.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

140 Main Street
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Nancy E. Stevens 13
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

RECEIVED
DEC 11 2008
December 11, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith the names of John Peltier and Kevin Boyle for reappointment as Fence Viewers. These reappointments would be for a period of one year concluding the first Monday of February – February 1, 2010.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

140 Main Street

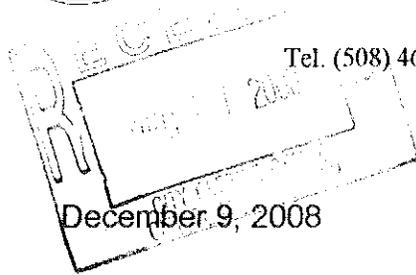
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14
Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY



Council President Arthur G. Vigeant
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, Ma 01752

Honorable President Vigeant and Councilors:

On January 22, 2008, I had submitted the attached request and supporting documentation to change the City Charter relative to the position of City Solicitor from one of appointment co-terminous with the term of the Mayor to one appointed by the Mayor for a term of five years. As discussed in my previous submittal to the Council, maintaining full-time, in-house counsel is vital to ensuring the stability and continuity of legal matters which the City faces on a day-to-day basis be it legal response to claims; court representation; advice to the Mayor, City Council and department heads, etc.

I respectfully request at this time that the matter of revising the position of City Solicitor to one with a designated appointment period of five years move forward to approval. To continue to table this issue since July 14, 2008, and make it contingent upon the completion of an unrelated matter now in process, is not in the best interest of the City of Marlborough.

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

Sincerely,

Nancy E. Stevens
Mayor
Attachments



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

Hi
1/2

Nancy E. Stevens
MAYOR

Karen A. Kist
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY



January 22, 2008

Council President Arthur Vigeant
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

RE: Solicitor's Term

Honorable President Vigeant and Councilors:

Attached please find correspondence from the Legal Department enclosing an order petitioning the General Court to approve an amendment to the City of Marlborough's Charter relative to the office of the city solicitor. The amendment would establish a term for the office of the city solicitor, as well as provide that that office be subject to the appointment and confirmation process to which other department head positions are likewise subject. Unbundling the solicitor's appointment from the two-year mayoral term would provide stability and continuity with respect to oversight of the City's legal issues. I believe this change to be in the City's best interest and is imperative to the success of the recent reorganization of the Legal Department.

Please note that the language of the order has already been reviewed and approved by counsel for the Massachusetts House of Representatives, as Council Order No. 07-1001459A had requested.

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

Sincerely,

Nancy E. Stevens
Mayor

Attachment



City of Marlborough
Legal Department

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

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER
PARALEGAL

22
143

January 22, 2008

Nancy E. Stevens
Mayor
City of Marlborough

Dear Mayor Stevens:

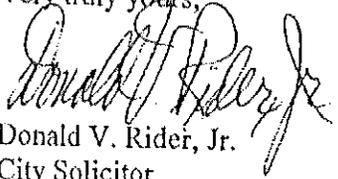
By enclosed Order No. 07-1001459A, the City Council voted on September 24, 2007 to refer to the Legal Department and the Massachusetts House of Representatives' counsel the Council's request that language be drafted necessary to effect a change in the City's Charter relative to the office of the city solicitor. Specifically, that change would involve establishing a term for the office of the city solicitor, as well as providing that that office be subject to the appointment and confirmation process to which other department head positions are likewise subject. Order No. 07-1001459A also requested that the Legal Department report back to the Council for its final approval of the petition.

Accordingly, I enclose a proposed home rule petition that has been reviewed and, in December 2007, approved by House counsel. Because of that late approval, there would not have been enough time for the Council to act upon the petition by the close of the Council's legislative year on December 31, when Order No. 07-1001459A itself expired by operation of Council rule. Thus, the House counsel-approved petition is enclosed for your consideration and submittal to the Council for its review and action at this time.

As you are aware, I have filed a conflict-of-interest disclosure on this matter with you, which you have approved as my appointing authority.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosures



IN CITY COUNCIL

223
144

Marlborough, Mass., SEPTEMBER 24, 2007

ORDERED:

That the SPECIAL ACT submitted by Mayor Stevens to establish the Term of the Office of the City Solicitor and the confirmation and removal process for the required steps needed to create a Charter Change, be and is herewith referred to the Legal Department and the House Counsel to draft the necessary language to effect this change and report back to City Council for final approval.

ADOPTED.

ORDER NO. 07-1001459A

224
145

ORDERED: That a petition to the General Court, accompanied by a bill for a special act relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article II, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

SECTION 1. Chapter 275 of the acts of 1922 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Except as otherwise provided herein, and notwithstanding section 60 of chapter 43 of the General Laws pertaining to the appointment, removal and confirmation of the city solicitor, the city of Marlborough shall conduct its city government under the form provided in sections 56 to 63 inclusive of said chapter 43 of the General Laws, known as Plan B, and said sections 56 to 63 inclusive and sections 1 to 45 inclusive of said chapter 43, shall, except as otherwise provided herein and except to the extent that section 60 of said chapter 43 pertains to the appointment, removal and confirmation of the city solicitor, apply to the said city government to the same extent as if said plan was accepted by the said city in the manner provided in said chapter 43. The city solicitor of the city of Marlborough shall have the term of 5 years beginning on the effective date of this act. Upon the expiration of the first 5 year term, the mayor of the city of Marlborough may reappoint the individual then holding the office of city solicitor, and such reappointment shall be subject to confirmation by the city council of said city. In the event that, upon the expiration of the first 5 year term, the individual then holding the office of the city solicitor is not reappointed by the mayor, or if reappointed, not confirmed by the city council, the mayor may appoint another individual subject to confirmation by the council.

SECTION 2. This act shall take effect upon its passage.

ADOPTED
In City Council
Order No. 08-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

14
6

Marlborough, Mass., JANUARY 28, 2008

ORDERED:

ORDERED: That a petition to the General Court, accompanied by a bill for a special act relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article II, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

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SECTION 2. This act shall take effect upon its passage, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

Note:

Councilor Pope noted that if this ordinance is approved, hence amending the City of Marlborough's charter, that agenda Item 2 of January 28, 2008, regarding the appointment of the City Solicitor shall be null and void.

ADOPTED

ORDER NO. 08-1001778



IN CITY COUNCIL

147

Marlborough, Mass., _____ JULY 14, 2008

ORDERED:

That a petition to the General Court, accompanied by a bill for a special act relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article II, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

SECTION 1. Chapter 275 of the acts of 1922 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

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SECTION 2. This act shall take effect upon its passage, be and is herewith **TABLED**.

ADOPTED

ORDER NO. 08-1001778A



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 151
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

RECEIVED
December 9, 2008

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

Honorable President Vigeant and Councilors:

The City has been without a full-time Planner for many years. As a result, while some of the duties previously completed by the Planner have been shifted to other department heads, these individuals can not offer the full attention or expertise necessary and available from a dedicated planning position. The City is losing its edge in garnering grant funding for projects, development of and advancement of a Master Plan, representation on a state level with respect to infrastructure and transportation issues, inventorying of land and housing, monitoring performance bond and regulation compliance, and more comprehensive site plan and permitting processes.

It is imperative that a community the size of Marlborough has a single point person responsible for advocating on behalf of the City's resources, residents and future. I have attached a comprehensive job description as well as salary ordinance for the City Planner position for your consideration. It is my proposal that the salary be offset by 43D funds (available for a period of two years) and site review fees. I respectfully request that this issue receive your attention and approval.

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

Sincerely,

Nancy E. Stevens
Mayor

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City Planner

City of Marlborough, Massachusetts

The City of Marlborough is seeking a City Planner. The position is full-time and may require occasional evening attendance at meetings. Interested parties should have, at a minimum, a Bachelor's Degree; Master's Degree highly desirable; five years of management and administrative experience; municipal experience preferred; or an equivalent combination of education and experience. Applicant must be well-versed in municipal government and Massachusetts General Laws, and must have excellent communication skills, both written and oral. Advanced computer software skills; supervisory skills; planning and organization skills; and public relations skills are also required. Familiarity with Brownfield mitigation and with 21E contamination site regulations desirable. Varied responsibilities and duties require full knowledge of departmental operations and the exercise of considerable judgment and initiative in responding to inquiries, particularly in situations not clearly defined by precedent or established procedures.

A full job description is available from the Personnel Department, City Hall, 140 Main St., Marlborough, Massachusetts 01752, and online at www.marlborough-ma.gov. Please submit resume and cover letter to the above address by _____. The City of Marlborough is an Equal Opportunity / Affirmative Action employer.

CITY PLANNER

Definition

The City Planner provides professional planning assistance to the City in the form of direction, oversight and administration of duties related to a comprehensive program that includes current and advanced planning, housing studies, transportation improvement planning, land use permitting and project implementation, and special studies. Provides expert professional assistance to the Planning Board, City Council, Public Works Director and others in areas of expertise, including maintaining architectural designs and standards; and performs related work as assigned.

Essential Duties and Responsibilities

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Serves as the Planning Board's representative to administer City laws related to planning and to prepare legal documents related to zoning regulations.

Consults with developers and other Boards prior to Planning Board meetings. Represents the City in meetings with project developers to further and protect the interests of the City.

Researches, writes and presents planning documents related to a variety of planning and land use technical issues such as buildable land definitions, techniques for preservation of open space, review of boundaries, inventory of land, ground water management plans, etc. Participates in updating other related comprehensive planning documents for the City. Conducts special studies and prepares recommendations related to a variety of planning and zoning issues. Collaborates with Boards and groups involved in long range planning, updating the master plan, and other community development planning.

Represents the Planning Board in meetings with other city or state officials. Coordinates Planning Board functions with other city Board and City officials.

Attends all Planning Board meetings and is responsible for the preparation of agendas and minutes as required. Maintains data and files tracking the activities of the Planning Board.

Develops and presents annual report of the Planning Board.

Develops and presents the departmental annual budget and expends funds as authorized within budget.

Responds to a variety of planning, zoning, and subdivision inquires, requests, and complaints.

Conducts research and resolves problems within the scope of his or her authority, referring more complex and sensitive matters to the Planning Board.

Works with consultants and others to provide planning and zoning direction.

Monitors on a regular basis the status of Performance Bonds and appries the Planning Board as appropriate.

Maintains current knowledge of professional through attendance at seminars, workshops, review of literature, peer association, etc.

Reviews submissions to the Planning Board for completeness and accuracy and provides recommendations, insight and direction to board. Monitors ongoing projects, either directly or through others, on behalf of the board to insure compliance with board conditions and regulations.

Writes decisions of Planning Board, correspondence and completes necessary forms to follow up on the votes of the Planning Board. Maintains current files of the Planning Board. May assist Counsel in defending lawsuits arising out of Board decisions and in legal actions required to enforce Board regulations, conditions, or bylaws of the City.

Is responsible for the administration of Planning Board activities including preparation and submission of bills and deposits as well as creation and placement of all legal advertisements and required notices.

May collaborate with the Director of Community Development in preparing annual housing certifications, and in meeting compliance with state planning requirements and regulations.

Has a primary role in maintaining City by-laws and regulations, and in implementing City's planning priorities. Drafts new or revised zoning and subdivision regulations.

Makes presentations, prepares materials for public distribution, and helps in developing policy statements.

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May act as City's Transportation Improvement Plan (TIP) coordinator in representing city before the Boston MPO.

May undertake oversight of updates to the City's Master Plan

May write grant applications and other proposals.

May be responsible for Commonwealth Capital Planning.

Performs similar or related work as required, or as situation dictates.

Supervision

Reports directly to the Mayor.

Supervisory Responsibilities

May supervise up to two full time or part time individuals.

Work Environment

Work is performed under typical office conditions; the nature and volume of work is subject to various fluctuations, due to budget and grant cycles; the employee is required to attend meetings and events outside of regular hours and work additional hours to meet deadlines. Work occasionally involves outdoor site visits to wooded areas and sites under construction.

The employee operates standard office equipment.

The employee has ongoing contact with city and state departments, outside agencies and the public; contacts require excellent public relations skills, persuasiveness and resourcefulness.

The employee has access to some confidential information, including bid documents, legal proceedings, budget negotiations and executive sessions.

Errors could result in delay or loss of service, monetary loss, damage to city property and legal repercussions.

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Recommended Minimum Qualifications

Education and Experience

Bachelor's Degree in government or a related field; Master's Degree preferred; five years of experience in a professional office setting; land use or municipal experience preferred; or an equivalent combination of education and experience.

Knowledge, Ability and Skill

Knowledge of municipal government planning and zoning issues; Familiarity with office practices and procedures;

Ability to communicate effectively orally and in writing with town employees and the general public; ability to use software, including word processing, spreadsheets and databases; ability to read and interpret blueprints is desired.

Familiarity with Brownfield mitigation and 21E site contamination regulations is desired.

Advanced computer and typing skills; planning and organization skills; writing and oral communication skills are essential.

Physical Requirements

Minimal physical effort is required to perform duties under typical office conditions. The employee is frequently required to sit, speak and hear and use hands to operate equipment. Vision requirements include the ability to read and analyze documents and use a computer.

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

**City of Marlborough
Marlborough, Massachusetts 01752**

IN CITY COUNCIL

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO CHAPTER 32, COMPENSATION SCHEDULE, THE FOLLOWING:

TITLE	EFFECTIVE DATE	MIN 1ST SIX MONTHS	STEP 1 2ND SIX MONTHS	STEP 2 NEXT 12 MONTHS	MAX
City Planner	1/2/2009	\$ 55,454.90	\$ 57,673.10	\$ 59,980.02	\$ 62,379.22

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City of Marlborough
Legal Department

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

DONALD V. RIDER, JR.
CITY SOLICITOR
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER
KATHERINE M. KIMBER
PARALEGAL

December 11, 2008

Arthur Vigeant
President
Marlborough City Council

RE: Proposed Acquisition of Sewer Pump Station and Access Easement
728 Donald Lynch Boulevard

Dear President Vigeant and Members:

Enclosed for your convenience is a City GIS map denoting (as "PS") a sewer pump station located on private property at 728 Donald Lynch Boulevard, where the Olive Garden restaurant is situated. That pump station was constructed, and is presently owned and controlled, by Upper River Road LLC. For nominal consideration (\$10.00), Upper River Road is proposing in its enclosed letter that it transfer ownership and control of the pump station to the City; and, for additional nominal consideration (\$10.00), that the owner of the Olive Garden property, Shops at the Pond, LLC, grant an easement to the City in order to provide access to the pump station for various purposes, including its operation, repair and maintenance.

On behalf of the Department of Public Works, I ask that the proposed acquisition of the sewer pump station and its associated access easement be referred to committee, while the parties are finalizing language for the bill of sale and the grant of easement. Tentative drafts of both documents are also enclosed. When the documents' language has been finalized, I will notify the committee that it may then schedule a meeting to take up this matter.

I am available to discuss the above with you at your convenience. Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Nancy Stevens, Mayor
Ronald LaFreniere, DPW Commissioner
Corey Wilk, Esquire

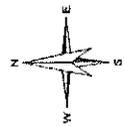


DISCLAIMER
 This map is a representation of the information available to the City of Marlborough at the time of its preparation. It is not intended to be used as a legal document. The City of Marlborough is not responsible for any errors or omissions in this map. The City of Marlborough is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Marlborough is not responsible for any claims, including consequential claims, arising from the use of this map. The City of Marlborough is not responsible for any claims, including consequential claims, arising from the use of this map.

City of Marlborough, MA

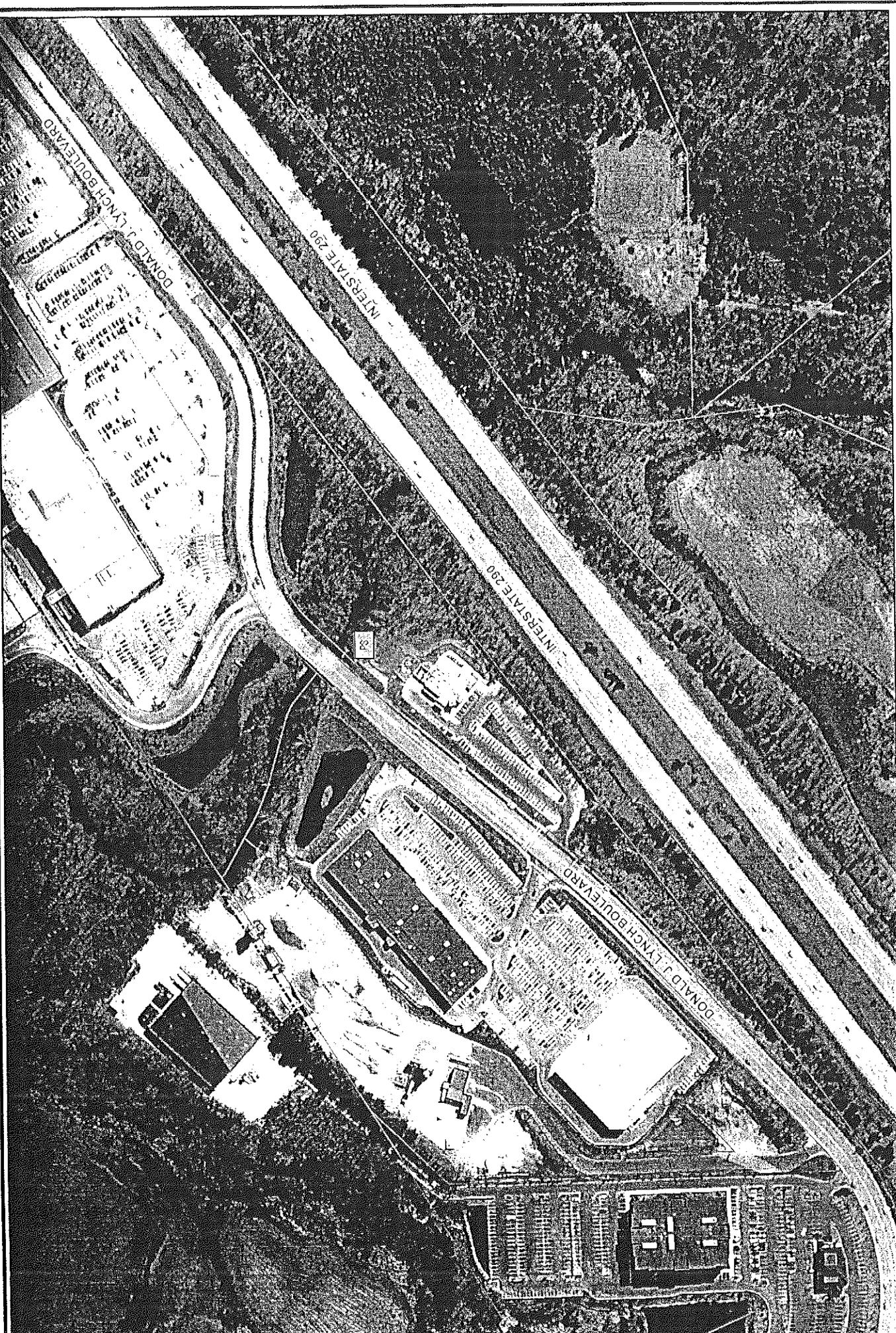


1 inch = 285 feet



City of Marlborough
 GIS
 100 City Center
 Marlborough, MA 01501
 508-253-1234
 www.marlboroughma.gov

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UPPER RIVER ROAD LLC
One Wells Avenue
Newton, MA 02459

January 11, 2008

Mr. Ronald LaFreniere, P.E.
Commissioner of Public Works
City of Marlborough Department of Public Works
135 Neil Street
Marlborough, MA 01752

Re: Pump Station; Donald J. Lynch Boulevard, Marlborough, MA

Dear Commissioner LaFreniere:

As contemplated in connection with the initial construction, ownership and control of the Pump Station along Donald J. Lynch Boulevard by Upper River Road LLC, we understand that the City of Marlborough has indicated its intention to accept the ownership and control of the Pump Station. In connection, we have prepared the following documents, drafts of which are enclosed for your review: (i) Bill of Sale with respect to the transfer of the Pump Station, and (ii) Grant of Easement from the current property owner granting access rights to the City.

We will contact you shortly to coordinate execution of the enclosed documents and to effectuate the formal transfer of the Pump Station. In the meantime, if you have any questions, please do not hesitate to contact the undersigned directly at (617) 243-7042.

Very truly yours,

UPPER RIVER ROAD LLC

By: SPM Manager LLC

By: 

William R. Cronin, Jr.
Duly Authorized Agent

cc: Shops at the Pond, LLC
John E. Twohig, Esq.

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BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that UPPER RIVER ROAD LLC, a Massachusetts limited liability company having a mailing address of c/o New England Development, One Wells Avenue, Newton, Massachusetts 02459 ("Grantor"), for and in consideration of the sum of TEN AND 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby bargain, sell, grant, transfer, assign, and convey, without recourse, to THE CITY OF MARLBOROUGH, MASSACHUSETTS ("Grantee"), its successors and assigns, for its and their own use and benefit, forever, all of Grantor's right, title and interest in and to that certain sewer pump station, together with all appurtenant equipment and infrastructure used in connection therewith (together, the "Pump Station"), which Pump Station is located on the real property located on Donald Lynch Boulevard in Marlborough, Massachusetts, more particularly described on Exhibit A.

Grantee, by its acceptance hereof, acknowledges and agrees that Grantor shall have no further obligation to maintain or operate the Pump Station. This conveyance is subject to the reservation of rights between Grantor and Shops at the Pond, LLC in that certain Termination of Sewer Easement, Operation and Maintenance Agreement dated as of _____, 2008.

IN WITNESS WHEREOF, Grantor has executed this Bill of Sale, as of the ___ day of _____ 2008.

GRANTOR:

UPPER RIVER ROAD LLC,
a Massachusetts limited liability company

By: SPM Manager LLC,
a Massachusetts limited liability company,
its Manager

By: _____ (SEAL)

Name:

Title:

By: Marlborough Properties, Inc.,
a Delaware corporation, its Manager

By: _____ (SEAL)

Name:

Title:

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EXHIBIT A

Legal Description

A CERTAIN PARCEL OF LAND SHOWN AS LOT B2 ON A PLAN BY HAYES ENGINEERING, INC. RECORDED IN THE MIDDLESEX (SOUTH) REGISTRY OF DEEDS AS PLAN NO. 331 OF 1998 AND SITUATED IN THE CITY OF MARLBOROUGH, COUNTY OF MIDDLESEX, COMMONWEALTH OF MASSACHUSETTS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDELINE OF DONALD J. LYNCH BOULEVARD AT A STONE BOUND DRILL HOLE (FOUND); THENCE RUNNING N46°17'38"E ALONG SAID SIDELINE A DISTANCE OF 611.98 FEET TO A POINT; THENCE RUNNING NORTHEASTERLY ALONG SAID SIDELINE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 2035.00 FEET, WITH AN ARC LENGTH OF 263.30 FEET TO A POINT; THENCE RUNNING N38°52'50"E ALONG SAID SIDELINE A DISTANCE OF 437.70 FEET TO A POINT; THENCE RUNNING NORTHEASTERLY ALONG SAID SIDELINE WITH A CURVE TURNING TO THE RIGHT WITH A RADIUS OF 965.00 FEET, WITH AN ARC LENGTH OF 73.27 FEET TO A POINT; THENCE RUNNING N43°13'51"E ALONG SAID SIDELINE A DISTANCE OF 181 FEET MORE OR LESS TO A POINT; THENCE TURNING AND RUNNING SOUTHEASTERLY BY THE CENTERLINE OF THE ASSABET RIVER A DISTANCE OF 345 FEET MORE OR LESS TO A POINT ON THE NORTHERLY SIDELINE OF INTERSTATE ROUTE 290; THENCE TURNING AND RUNNING S52°23'46"W ALONG SAID SIDELINE A DISTANCE OF 1843 FEET MORE OR LESS TO A POINT; THENCE TURNING AND RUNNING N01°32'53"W A DISTANCE OF 17.13 FEET TO A POINT ON THE SOUTHERLY SIDELINE OF DONALD J. LYNCH BOULEVARD; THENCE TURNING AND RUNNING NORTHEASTERLY ALONG SAID SIDELINE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 535.00 FEET, WITH AN ARC LENGTH OF 116.19 FEET TO THE POINT OF BEGINNING.

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GRANT OF EASEMENT

Shops at the Pond, LLC, a Delaware limited liability company with a mailing address of c/o Kimco Realty Corporation, 3333 New Hyde Park Road, New Hyde Park, NY 11042 ("Grantor"), for and in consideration of Ten Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby GRANT to **The City of Marlborough**, a Massachusetts municipal corporation, with a mailing address of Marlborough City Hall, 140 Main Street, Marlborough, MA 01752 (the "Grantee"), with QUITCLAIM COVENANTS, the non-exclusive, perpetual right and easement to enter upon that portion of the property of Grantor described as Parcel B2 on Exhibit A attached hereto ("Parcel B2") when necessary with vehicles, persons and equipment for the purposes of installing, repairing, maintaining, making connection to and operating the sewer pump station owned by Grantee which is located on Parcel B2 and any replacement thereof (the "Pump Station").

Notwithstanding anything to the contrary herein contained, the rights and easements herein granted are granted subject to the following:

- (a) Grantee shall be responsible at its sole cost and expense for maintaining the Pump Station in good order, repair and condition. All work performed by Grantee on Parcel B2 shall be performed, and Grantee's rights hereunder shall be exercised, with a minimum of interference with Grantor's and any tenant's use and enjoyment of Parcel B2 and land adjacent thereto. Upon any occasion of disturbance by Grantee of Parcel B2 in connection with such work, Grantee shall promptly restore the surface of such land area as nearly as possible to its condition prior to such disturbance (or as mutually agreed upon).
- (b) The exercise by Grantee of the rights and easements herein granted shall be at the sole risk of Grantee, and Grantor shall have no responsibility or liability except for its own negligence and willful misconduct. By its acceptance of this Grant of Easement, the Grantee agrees to indemnify and hold the Grantor, its successors and assigns, harmless of and from any damage to persons or property to the extent resulting from the negligence or willful misconduct of the Grantee in the exercise of the rights and easements herein granted.
- (c) The provisions of this instrument shall be binding upon, and shall inure to the benefit of, the Grantor and the Grantee and their respective successors and assigns.
- (d) The rights and easements herein granted are subject to restrictions, covenants, easements and other encumbrances of record, to the extent in force and applicable.

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We the undersigned members of the City Council of the City of Marlborough hereby accept and agree to the foregoing Grant of Easement to The City of Marlborough.

CITY COUNCIL OF THE CITY OF MARLBOROUGH

Councilor

Councilor

Councilor

Councilor

Councilor

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss. _____, 2008

On this ___ day of _____, 2008, before me, the undersigned notary public, personally appeared _____

_____,
Councilors of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was a _____, to be the persons whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires: _____

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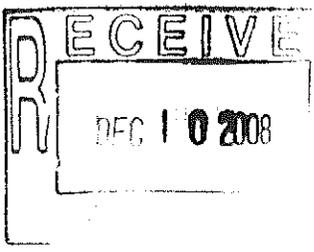
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ASSABET VALLEY REGIONAL TECHNICAL SCHOOL DISTRICT



FISCAL YEAR 2010 TENTATIVE BUDGET

Prepared November 25, 2008

Eugene F. Carlo
Superintendent-Director

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Assabet Valley Regional Vocational School District

215 Fitchburg Street
Marlborough, Massachusetts 01752-1288

Mary Jo Nawrocki
Principal

Eugene F. Carlo
Superintendent-Director

Patrick C. Collins
Director of Business Operations

November 26, 2008

TO: MUNICIPAL OFFICIALS

Our District Agreement requires that the District School Committee forward to you a **Tentative Capital, Operating and Maintenance Budget for Fiscal Year 2010** approved by a two-thirds vote of the elected members of the District School Committee on or before December 15, 2008.

BUDGET

The District School Committee is required to vote on a finalized budget in January, 2009. Your suggestions or questions to Committee members or my office would be appreciated. The voted **Tentative Capital, Operating and Maintenance Budget for FY2010** is as follows:

The Total Budget is \$ 16,775,000
A difference from FY09 of \$ 755,076 or 4.7%

ASSESSMENT

Our District Agreement does not require the setting of the assessment to member communities until the Department of Elementary & Secondary Education has submitted all necessary state figures to the Superintendent-Director. At this time there is no way we can determine how state school aid and policies will affect assessment practices under school reform. This is presently being formulated by the state. We do not want to be in the position of giving you false information.

In closing, we express appreciation for your great support over the years as we continue to provide quality vocational education and services to students and residents of the District.

Sincerely,



Eugene F. Carlo
Superintendent-Director
on behalf of the ASSABET VALLEY REGIONAL
VOCATIONAL DISTRICT SCHOOL COMMITTEE

EFC/jr



Equal Opportunity Institution

Boylston, Clinton, Shrewsbury
West Boylston
1-800-537-6663

Berlin, Hudson, Maynard, Marlborough
Northborough, Southborough, Westborough
(508) 485-9430

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**THE BUDGET
OF THE
ASSABET VALLEY REGIONAL VOCATIONAL
DISTRICT SCHOOL COMMITTEE
FISCAL YEAR 2010**

DISTRICT SCHOOL COMMITTEE

Lynn G. Ryan, Chairman	Berlin (978) 838-7334
George M. Luoto, Vice Chairman	Hudson (978) 568-8918
Joseph A. Valarioti	Marlborough (508) 485-4377
Laura Ross	Maynard (978) 897-8671
Michael Casaceli	Northborough (508) 393-7138
James B. Denman, Secretary	Southborough (508) 485-8753
Paul L. George	Westborough (508) 366-7894

**SUPERINTENDENT-DIRECTOR
Eugene F. Carlo**

A detailed copy of this budget is available by contacting
Patrick Collins, Director of Business Operations.

ASSABET VALLEY REGIONAL
TECHNICAL SCHOOL DISTRICT
215 Fitchburg Street
Marlborough, MA 01752
Tel. (508) 485-9430

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II. Enrollment Data	3-5
III. State Aid History	6-7
IV. Operating Budget	8-12
V. Student Performance	13-15

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BUDGET OVERVIEW AND KEY ASSUMPTIONS

I. Budget Overview

The development of the FY budget involved all district administrators, lead teachers, and department heads. It is a collaborative effort that took into account the following major considerations:

- a) District Three to Five Year Plan
- b) School Improvement Plan
- c) Lean economic times

We are pleased to bring forward a budget that we think meets the needs of the students but is also modest in terms of its increase.

The overall budget plan totals \$16,775,000 and represents a 4.7% increase over FY09.

II. Key Assumptions

Every school budget has a series of underlying assumptions that support its development. The end result ought to be a budget that on the whole meets the educational goals and also is a fair representation of reality. In this case, we have used the following assumptions:

- a) Enrollment will be relatively flat for FY10.
- b) Like other school districts, Assabet annually receives over \$600,000 in state and federal grants. We have projected level-funding for FY10 and would have to adjust our programs and purchases if this amount were not received.
- c) With our teachers contract not settled for FY09 or FY10, we have made assumptions about the results of collective bargaining. The main economic impacts will be salaries and health insurance. We hope these negotiations end soon.
- d) Enterprise funds such as the cafeteria and childcare operations must continue to operate on a self-funding basis. Revenue and expense estimates will be reviewed in early Spring 2009 for probable price increases in both programs for FY10.
- e) The district will not implement student fees for athletics or activities.

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- f) Capital improvements for the facility are not budgeted in FY10. However, the district has submitted a Statement of Interest to the Massachusetts School Building Authority. If we move forward in that process some funding may be needed for professional services to proceed. The district is also exploring the possibility of capital improvements through "performance contracting".

- g) State aid (Chapter 70 and Regional Transportation Reimbursement) are likely to be reduced in FY10. If this occurs, our plan is to reduce the overall budget and review and adjust other sources of revenue/offsets. This will have the net effect of keeping member assessments stable. The administration is devising a recommendation for reductions to be discussed in February with the school committee.

As the statewide FY10 budget process begins, it is our goal to maintain a stable operation with respect to students, staff, and our communities. This means that communities will be best-served with stable assessment estimates and that reductions in our budget have the least negative impact on student learning.

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ENROLLMENT

Enrollment is a driving force in a district member's annual assessment and Chapter 70 state aid allocation to Assabet. Any significant increase or decrease in a district's enrollment percentage of Assabet may cause a corresponding shift in their assessment.

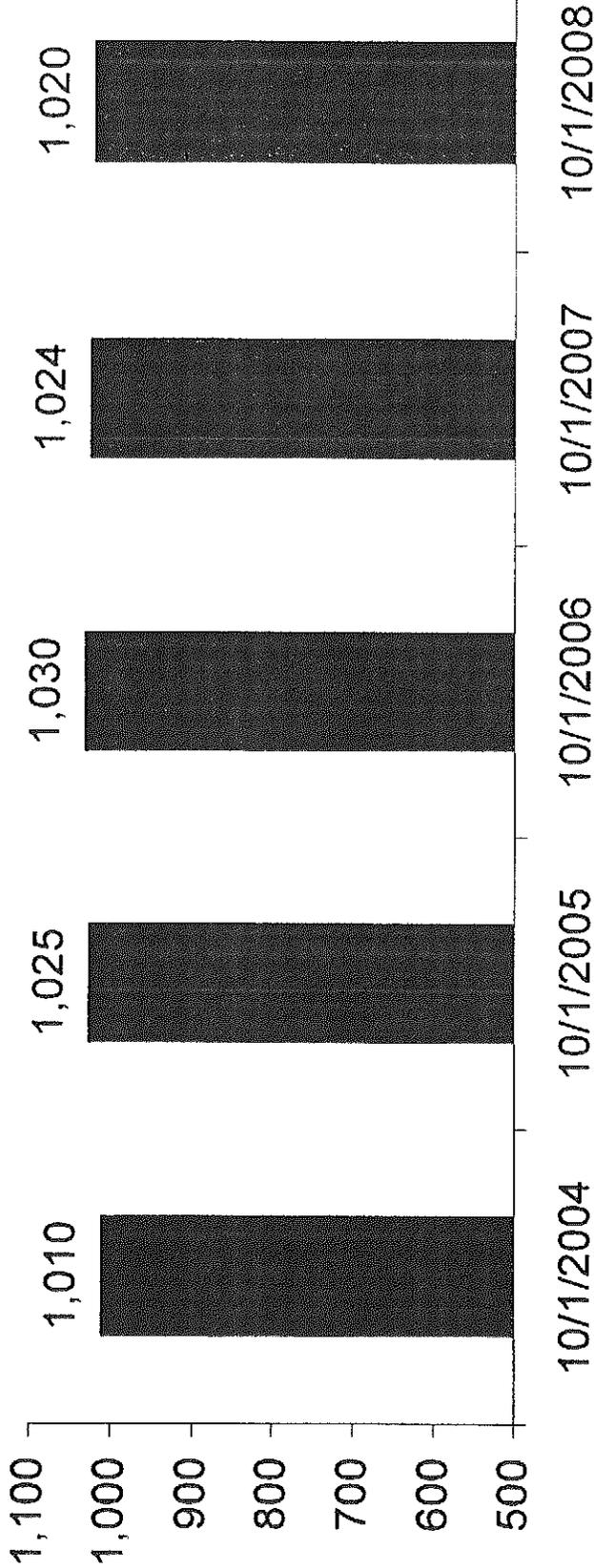
Enclosed are several charts that display pertinent enrollment data from different perspectives.

First, is the Five-Year Enrollment History for grades 9-12 and post-graduates. One can see enrollment has been steady.

Second, is the October 1, 2008 enrollment and distribution by member community. This is the data used for apportionment of the FY10 budget. Note the areas shaded in gray to see how the regional district "ownership" will shift for FY10.

ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL

Five-Year Enrollment History



GRADE LEVEL DISTRIBUTION					
	10/1/2004	10/1/2005	10/1/2006	10/1/2007	10/1/2008
Grade 9	242	235	239	245	251
Grade 10	253	241	242	237	248
Grade 11	220	247	228	240	215
Grade 12	198	193	218	208	220
Post-Grad.	97	109	103	94	86
Total	1,010	1,025	1,030	1,024	1,020

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**ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL
ENROLLMENT DISTRICT ALLOCATIONS OF FY10 BUDGET**

ASSABET VALLEY REGIONAL VOCATIONAL SCHOOL DISTRICT												
1-Oct-08												
CITY ~ TOWN	GRADE 9	GRADE 10	GRADE 11	GRADE 12	P.G.	BUDGET	TOTAL	Budget			Diff. 09 to 10	City~Town
								FY-10	FY-09	Change		
Berlin	11	8	0	8	1	28	28	4.15%	4.25%	-0.10%	-1	Berlin
Hudson	19	27	24	43	10	123	123	18.22%	20.38%	-2.16%	-16	Hudson
Marlborough	86	85	68	75	19	333	333	49.33%	46.48%	2.85%	16	Marlborough
Maynard	24	15	21	15	3	78	78	11.56%	10.70%	0.86%	5	Maynard
Northborough	6	10	16	11	4	47	47	6.96%	7.92%	-0.96%	-7	Northborough
Southborough	2	5	2	2	1	12	12	1.78%	2.35%	-0.57%	-4	Southborough
Westborough	12	9	17	13	3	54	54	8.00%	7.92%	0.08%	0	Westborough
Boylston	14	5	8	4	0	31	31	10/1/2008	10/1/2007		8	Boylston
West Boylston	16	13	8	10	1	48	48				6	West Boylston
Clinton	26	32	28	21	1	108	108				-2	Clinton
Shrewsbury	30	36	23	16	3	108	108				-5	Shrewsbury
Other	5	3	0	2	40	50	50				-4	Other
TOTALS	251	248	215	220	86	675	1020				-4	1024

1-Oct-07	245	237	240	208	94	682	1024
10/1/07 to 10/1/08	6	11	-25	12	-8	-7	-4

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STATE AID HISTORY

Chapter 70 Aid

The chart on the following page displays a five-year history of Chapter 70 (education) aid. Despite a relatively flat enrollment, one can see that the district's allocation has increased each year as the formula is adjusted upward to reflect the impact of inflation on operating costs.

We consider the FY09 allocation still to be a projection as not all funds are received and the state experiences a significant revenue shortfall from their original projections.

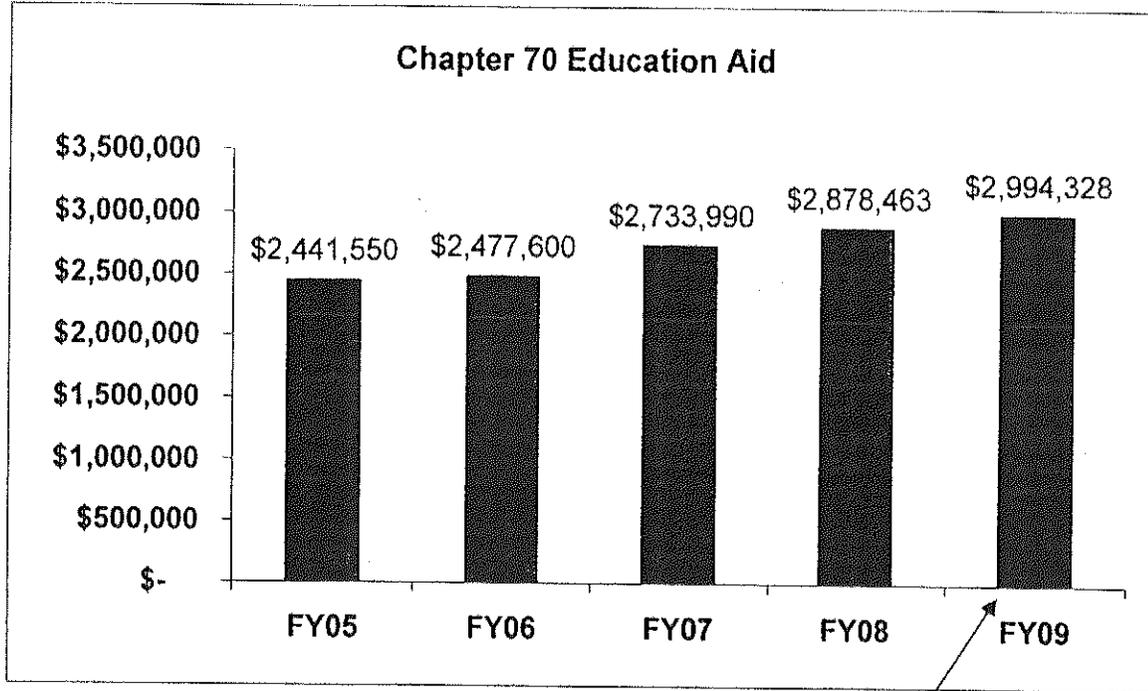
Regional Transportation Reimbursement

The district's level of reimbursement is a function of; the district cost to transport students to and from school, and secondly the overall funds available allocated on a statewide level. FY10 is the final year of a five-year transportation contract. Annual busing rates will increase by 3% for FY10. But the overall available funds from the state are in serious question. It is very probable that the district will experience a decrease as the state looks for areas to cutback their budget.

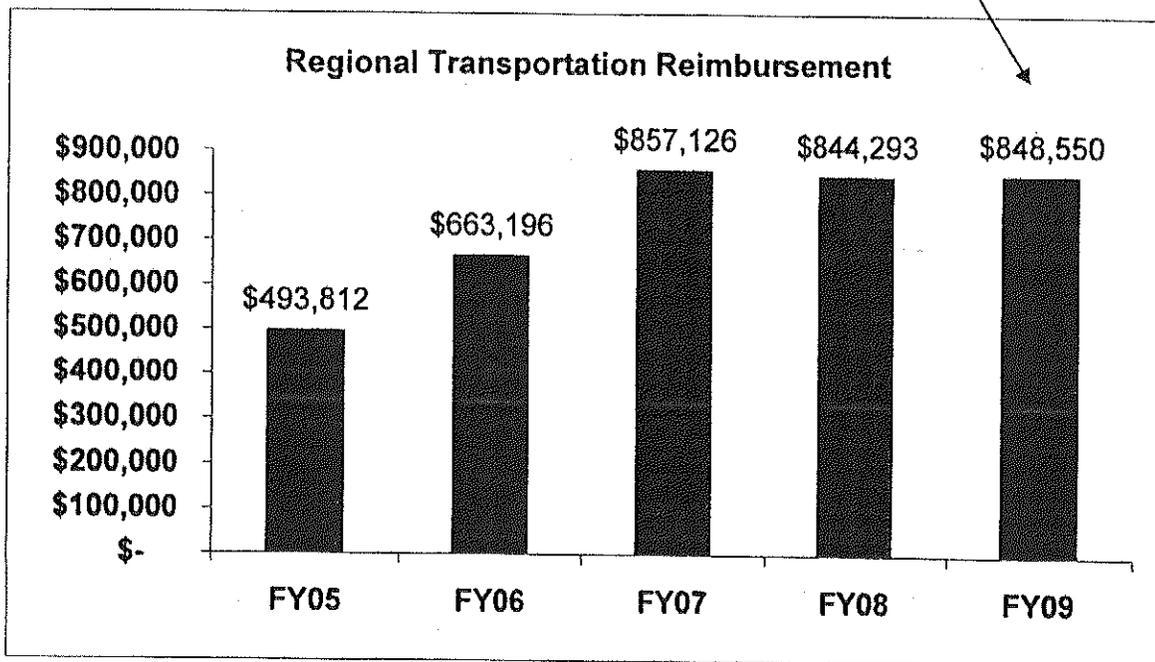
In the chart on the following page, FY09 funding is displayed in red to show that it too is a projection as not all funds will be received from the state until next spring.

ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL
STATE AID: FIVE-YEAR HISTORY

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FY09 figures are projected. Not all funds received.



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OPERATING BUDGET

The following pages provide several charts and spreadsheets that overview the FY10 budget plan. The district adopted a new accounting package (*BudgetSense®*) in the Spring of 2008 and implemented it as of July 1, 2008, the beginning of FY09. As a result, all of the account codes were updated to reflect current reporting requirements from the Department of Elementary and Secondary Education (DESE). In the transition, the number of accounts increased from 350 to 779 to facilitate our reporting requirements at year-end. Because there is not a one-to-one relationship between the old accounting system and new one, this year we will display only FY09 and FY10 budget years. Additional budget data will be presented as we progress through future fiscal years.

Enclosed documents include:

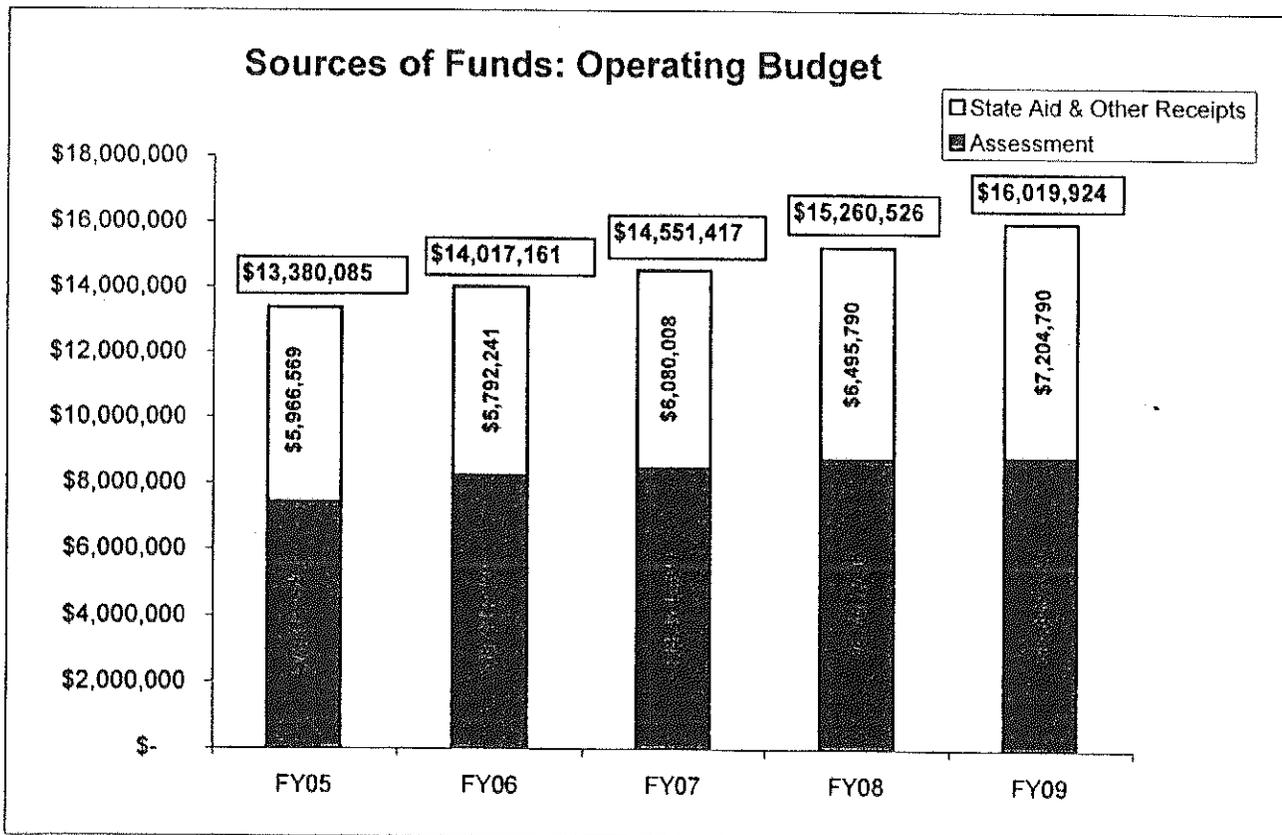
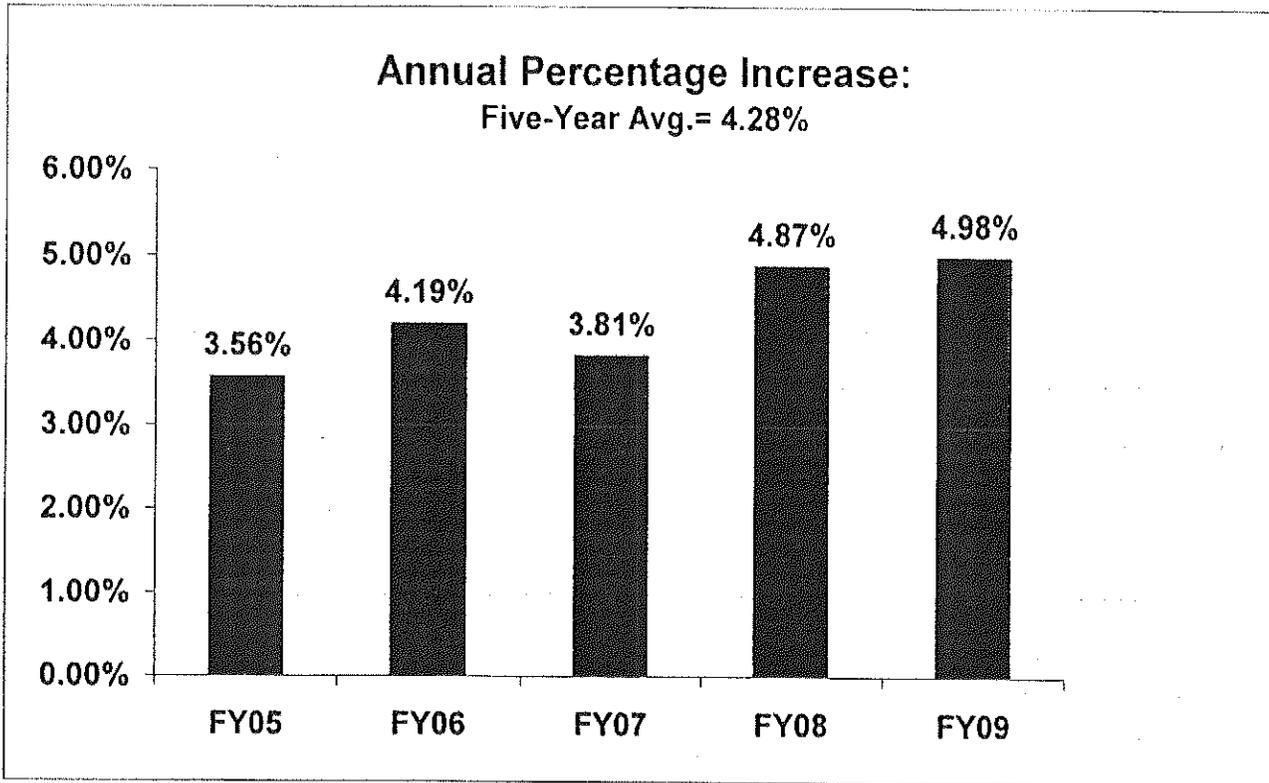
- ▶ Chart of Annual Percentage Increase (five years)
- ▶ Chart on Sources of Funds: Assessment History vs. Other Funds (five years)
- ▶ Chart on Allocation of Funds by major category (FY10)
- ▶ Recap of FY10 budget by DESE Function Code

The charts indicate the district's efforts to control overall costs (five-year average increase of 4.28%) and assessments (FY09 assessment only increased by \$50,398).

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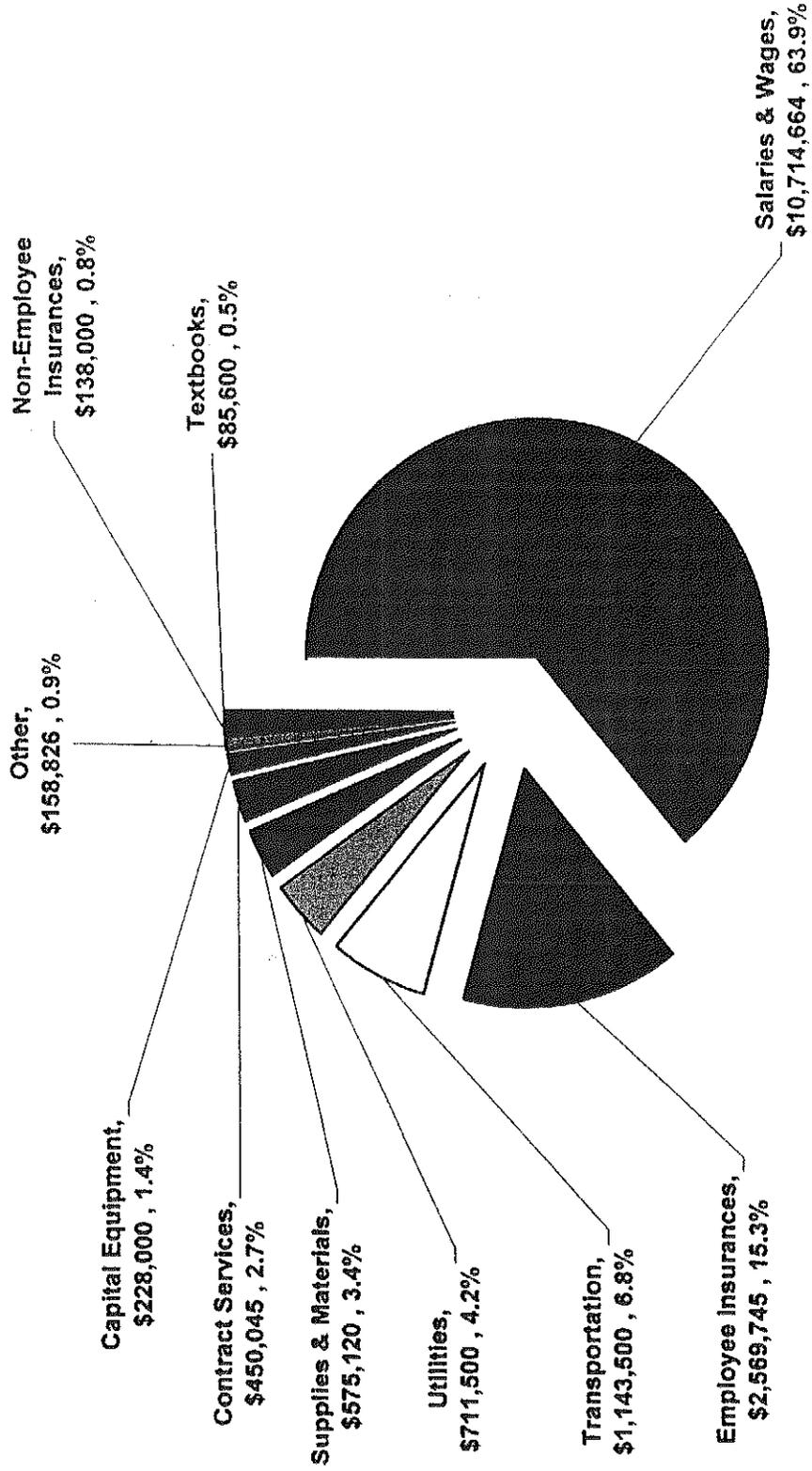
ASSABET AVLEY REGIONAL TECHNICAL HIGH SCHOOL

FIVE-YEAR BUDGET and ASSESSMENT HISTORY



**ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL
FY10 BUDGET ALLOCATIONS**

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ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL
FY10 BUDGET RECAP BY FUNCTION CODE

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Dept. of Elem. & Sec. Educ. Function Code	Function Code Description	FY09 Budget	FY10 Budget	Amount Increase	Percent Increase
1100	General Administration (School Cmtee)	\$ 11,026	\$ 11,126	\$ 100	0.9%
1210	District Administration (Superintendent)	\$ 217,830	\$ 220,315	\$ 2,485	1.1%
1400	Finance & Admin. Services	\$ 12,800	\$ 13,000	\$ 200	1.6%
1410	Finance and Business Office	\$ 330,275	\$ 341,774	\$ 11,499	3.5%
1420	Human Resources, Benefits, Personnel	\$ 65,796	\$ 73,170	\$ 7,374	11.2%
1430	Legal Services	\$ 22,001	\$ 26,000	\$ 3,999	18.2%
1435	Legal Settlements	\$ -	\$ -	\$ -	0.0%
1450	Districtwide Information Management	\$ 7,500	\$ 15,000	\$ 7,500	100.0%
2100	Districtwide Academic Leadership	\$ 233,410	\$ 240,056	\$ 6,646	2.8%
2110	Curriculum Directors (Supervisory)	\$ 245,710	\$ 252,126	\$ 6,416	2.6%
2120	Department Heads (Non-supervisory)	\$ 270,621	\$ 278,288	\$ 7,667	2.8%
2200	School Building Leadership	\$ 13,000	\$ 13,500	\$ 500	3.8%
2210	Principal's Office	\$ 175,301	\$ 154,365	\$ (20,936)	-11.9%
2300	Instruction- Teaching Services	\$ 6,073,836	\$ 6,502,695	\$ 428,859	7.1%
2310	Specialist Teachers	\$ 663,076	\$ 686,739	\$ 23,663	3.6%
2320	Medical/ Therapeutic Services	\$ -	\$ -	\$ -	0.0%
2340	Librarians/ Media Center Directors	\$ 117,219	\$ 121,129	\$ 3,910	3.3%
2350	Professional Development	\$ 61,775	\$ 61,550	\$ (225)	-0.4%
2351	Director of Curr./Professional Development	\$ 89,134	\$ 85,000	\$ (4,134)	-4.6%
2357	Prof. Dev. Stipends, Providers, Expenses	\$ -	\$ -	\$ -	0.0%
2400	Instructional Materials and Equipment	\$ 210,260	\$ 220,760	\$ 10,500	5.0%
2410	Textbooks and Related Software	\$ 59,000	\$ 85,000	\$ 26,000	44.1%
2420	Instructional Equipment	\$ -	\$ -	\$ -	0.0%
2450	Instructional Technology	\$ 22,330	\$ 32,830	\$ 10,500	47.0%
2600	Audio/Visual	\$ 2,000	\$ 2,000	\$ -	0.0%
2710	Guidance	\$ 405,502	\$ 425,758	\$ 20,256	5.0%
2720	Testing and Assessment	\$ 5,450	\$ 5,450	\$ -	0.0%
2800	Psychological Services	\$ 94,350	\$ 94,350	\$ -	0.0%
3100	Attendance and Parent Liaison Services	\$ 26,500	\$ 27,295	\$ 795	3.0%

**ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL
FY10 BUDGET RECAP BY FUNCTION CODE**

Dept. of Elem. & Sec. Educ. Function Code	Function Code Description	FY09 Budget	FY10 Budget	Amount Increase	Percent Increase
3200	Health Services	\$ 86,053	\$ 89,772	\$ 3,719	4.3%
3300	Student Transportation Services	\$ 1,073,800	\$ 1,106,000	\$ 32,200	3.0%
3510	Athletic Services	\$ 408,287	\$ 406,411	\$ (1,876)	-0.5%
3520	Other Student Activities	\$ 99,000	\$ 115,500	\$ 16,500	16.7%
3600	School Security	\$ 70,559	\$ 80,970	\$ 10,411	14.8%
4000	Operations and Maintenance of Plant	\$ 78,144	\$ 80,098	\$ 1,954	2.5%
4110	Custodial Services	\$ 549,500	\$ 564,000	\$ 14,500	2.6%
4120	Heating of Buildings	\$ 618,000	\$ 643,000	\$ 25,000	4.0%
4130	Utility Services	\$ 137,125	\$ 144,000	\$ 6,875	5.0%
4210	Maintenance of Grounds	\$ 102,000	\$ 105,700	\$ 3,700	3.6%
4220	Maintenance of Buildings	\$ 259,000	\$ 263,400	\$ 4,400	1.7%
4230	Maintenance of Equipment	\$ -	\$ 5,000	\$ 5,000	na
4300	Extraordinary Maintenance	\$ -	\$ -	\$ -	0.0%
4400	Networking & Telecommunications	\$ 68,182	\$ 69,887	\$ 1,705	2.5%
4450	Technology Maintenance	\$ 98,772	\$ 101,241	\$ 2,469	2.5%
5100	Employee Retirement	\$ 244,745	\$ 254,745	\$ 10,000	4.1%
5200	Insurance Programs- Employees	\$ 2,301,825	\$ 2,365,000	\$ 63,175	2.7%
5260	Non-employee Insurance	\$ 136,230	\$ 138,000	\$ 1,770	1.3%
7100	Acquisition and Improvement of Sites	\$ 23,000	\$ 23,000	\$ -	0.0%
7200	Acquisition and Improvement of Buildings	\$ 8,000	\$ 8,000	\$ -	0.0%
7300	Acquisition and Improvement of Equipment	\$ -	\$ -	\$ -	0.0%
7350	Capital Technology	\$ 81,000	\$ 81,000	\$ -	0.0%
7400	Replacement of Equipment	\$ 116,000	\$ 116,000	\$ -	0.0%
7600	Replacement of Motor Vehicles	\$ -	\$ -	\$ -	0.0%
9400	Tuition to Collaboratives	\$ 25,000	\$ 25,000	\$ -	0.0%
Totals		\$ 16,019,924	\$ 16,775,000	\$ 755,076	4.7%

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17/17

STUDENT PERFORMANCE DATA

It almost goes without saying that the district's investment in education must be connected to educational outcomes for the students. A concerted effort is made to ensure that every student a success story.

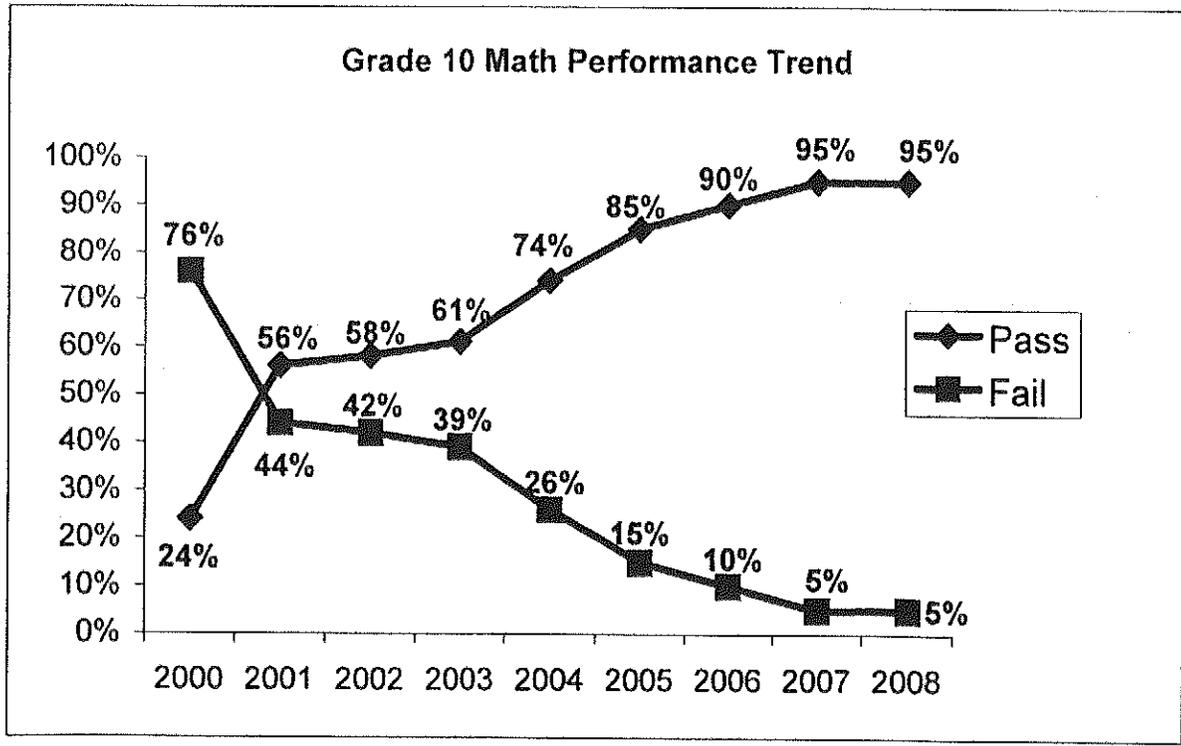
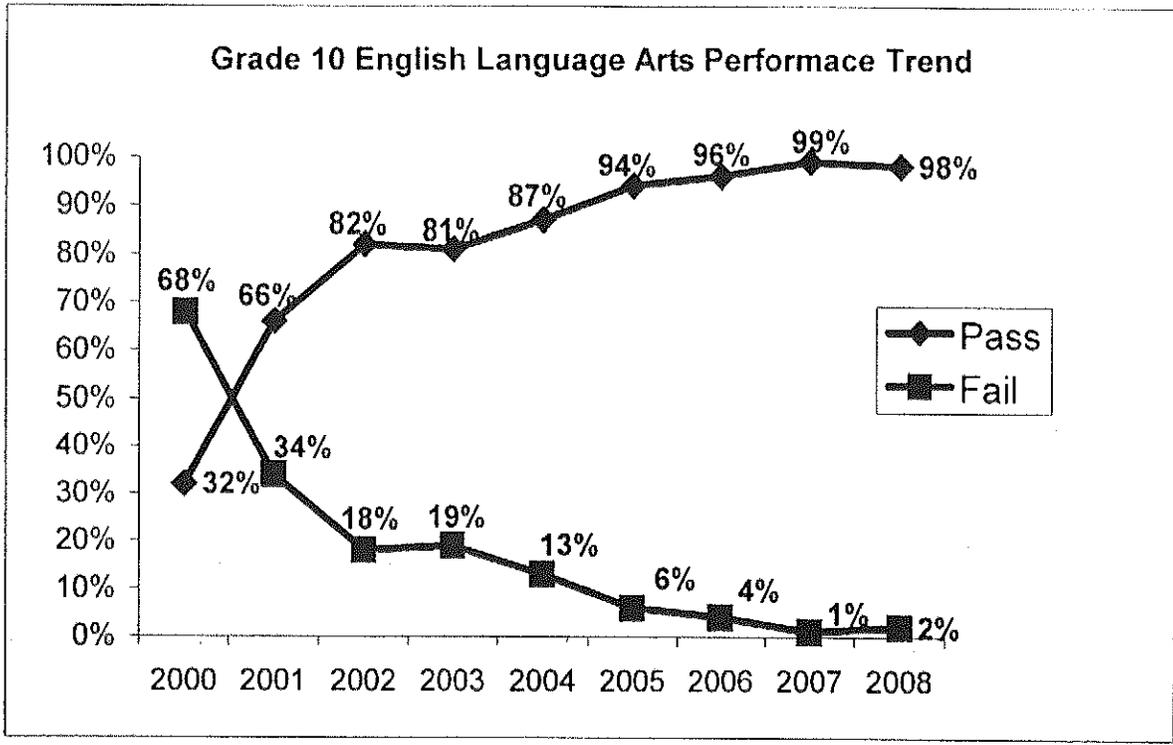
With approximately half of the academic time as a comprehensive high school, it is challenging for teachers and students to master curriculum that is tested during MCAS. However, the district has had great success as displayed in the chart on the following page. For the last four years 100% of the seniors have passed MCAS, some by taking the make-up exam.

Another indicator of academic rigor is our increasing enrollment in upper-level math courses, honors courses, and advanced placement courses. The second chart displays a three-year history of this growing trend.

Finally, it surprises some people not familiar with Assabet to learn about the large and growing number students who graduate and enroll in two or four-year colleges. The pie enclosed pie chart displays the graduation plans for the Class of 2008.

ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL MCAS PERFORMANCE TREND

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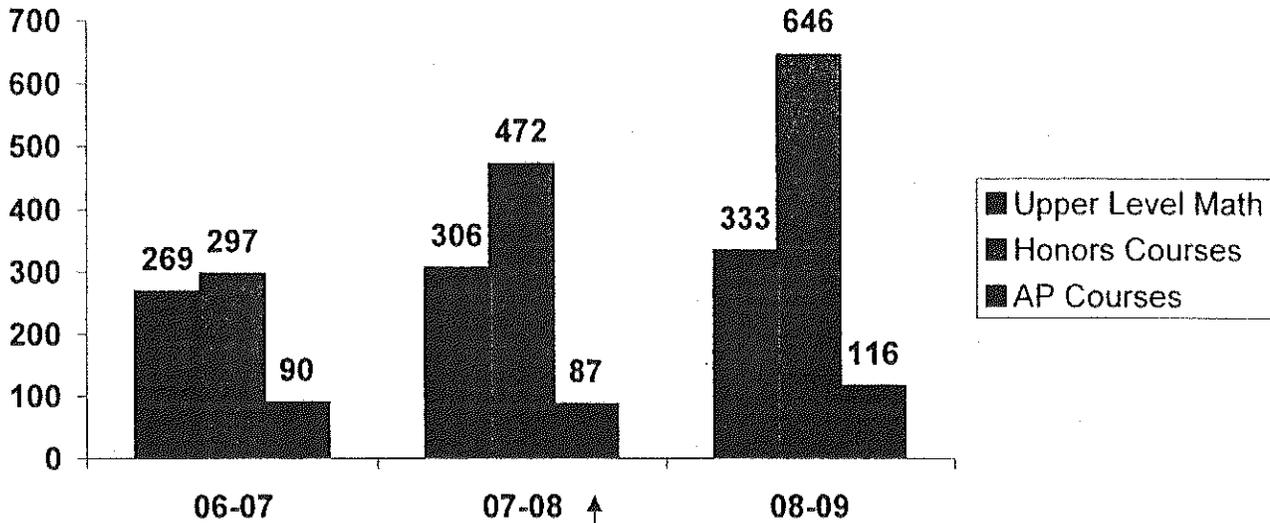


The graduating classes of 2005, 2006, 2007, and 2008, had 100% of students pass both English and Math MCAS by re-taking the exams when needed.

ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL
STUDENT PERFORMANCE DATA

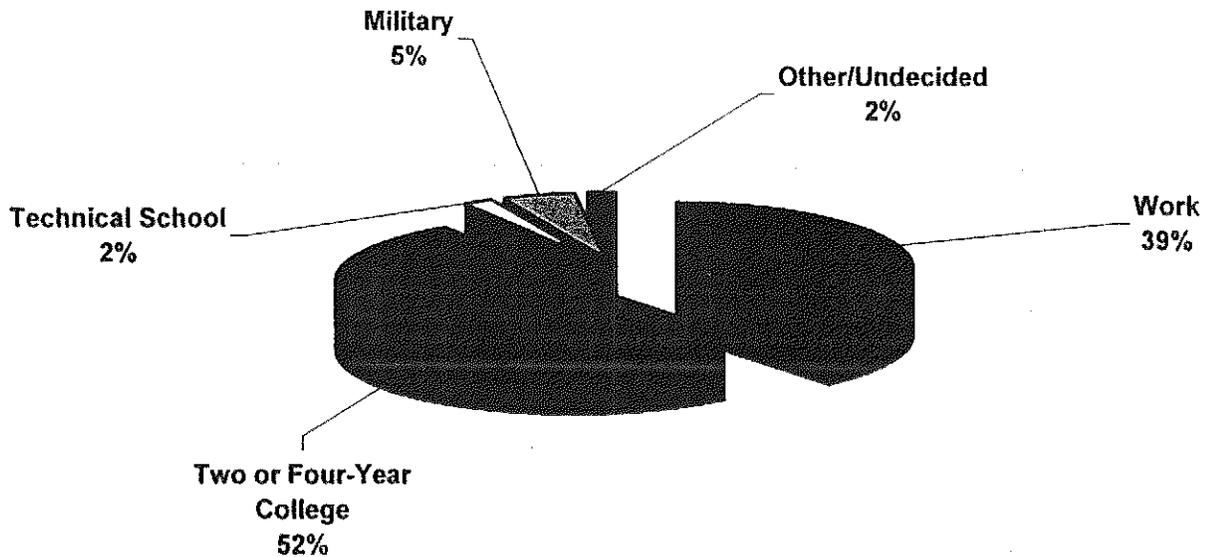
17/19

**Student Enrollment:
Academically Challenging Courses**



-Upper-level math courses include: Algebra II, Trigonometry, Intro. To Calculus
 -Honors courses offered in English, Math, Science, and Social Studies
 -AP courses offered in English, Math, and Social Studies

Graduation Plans: Class 2008



RECEIVED
DEC 10 2008

'06, '07, '08, '09

\$0 100.00 pd. 18

MARLBOROUGH, MASS. 12/10/08 19

TO THE CITY COUNCIL:

The undersigned POST ROAD USED AUTO PARTS
respectfully requests that he be granted a JUNK DLR License

JEAN E.C. RABELO 195 VEGA RD MARLBORO, OWNER
508-485-1538 work
508-485-2893 home

P. O. Address 785 BOSTON POST ROAD

IN CITY COUNCIL

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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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CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

New Cingular Wireless PCS ("AT&T") c/o Stephen D. Anderson; Anderson & Kreiger LLP, One Canal Park, Suite 200, Cambridge, MA 02141

2. Specific Location of property including Assessor's Plate and Parcel Number.

860 Boston Post Road East (Map 61 Parcel 16)

3. Name and address of owner of land if other than Petitioner or Applicant:

City of Marlborough

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article VI, VIII, I Section ^{200-25,} ~~200-59, 200-02~~ Paragraph _____ Sub-paragraph _____

6. Zoning District in which property in question is located:

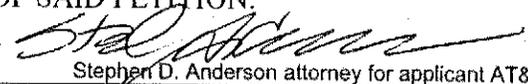
Rural Residential (RR)

7. Specific reason(s) for seeking Special Permit

New Cingular Wireless PCS, LLC ("AT&T") applies to the City Council for a Special Permit and for any other necessary zoning relief to permit the co-location, construction and operation of a Wireless Communications Facility on and next to the existing multi-carrier monopole located at 860 Boston Post Road East.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

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


Stephen D. Anderson attorney for applicant AT&T
Signature of Petitioner or Applicant

Address: Anderson & Kreiger LLP
One Canal Park, Suite 200, Cambridge, MA 02141

Telephone No. 617-621-6510

Date: 12/10/2008

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CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

8-18-08 – ORDER #08-100-1971

Application for a Special Permit by MetroPCS Massachusetts LLC for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext.

- REFER TO WIRELESS PUBLIC HEARING: OCTOBER 6TH, 2008
- WIRELESS SUBCOMMITTEE MEETING: NOVEMBER 24TH, 2008
- WIRELESS SUBCOMMITTEE MEETING: DECEMBER 10TH, 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 February 3^d, 2009.

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: Andrew Candiello - Agent
Andrew Candiello -Agent
Acting on behalf of, and at the direction of,
Petitioner:
MetroPCS Massachusetts LLC

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DAVID P. GADBOIS
Attorney at Law
27 Prospect Street
Marlborough, MA 01752

Phone (508) 481-0101

E-MAIL David@attygadbois .com

Fax (508) 485-8506

December 2, 2008

Councilor Arthur Vigeant, President
And City Council Members
City Hall 140 Main Street
Marlborough, MA 01752

Via E-mail

RE: NOTICE OF WITHDRAWAL of
Request for Minor Modification
City Council Order No. 07-1001465D
Grant of Special Permit (Special Permit)
To Fore Kicks, II, Inc. (Applicant)
201-219 Forest Street

Dear President and Members:

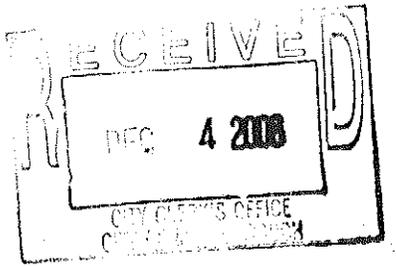
On behalf of Fore Kicks, II, Inc., I hereby withdraw the above referenced request for a minor modification to the Special Permit granted to my client.

Respectfully yours,

David P. Gadbois

David P. Gadbois,
Attorney at Law

Cc; City Clerk



22,
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CITY OF MARLBOROUGH
Department of Community Development
255 Main Street
Marlborough, Massachusetts 01752
Voice (508) 460-3715 TDD (508) 460-3610 Facsimile (508) 460-3700

MINUTES

Thursday, November 6, 2008

8:30 AM, 4th Floor conference Room Marlborough City Hall

CONVENED: Meeting called to order at 8:36A.M. by Mayor Stevens

MEMBERS PRESENT: Mayor Stevens, Michael Hogan, Camille Duridas, Dr. David Muir, Steven Vigeant, Lynn Faust and David McCabe

OTHERS PRESENT: Jackie Malloy, Michelle Ciccolo, Tom Abel, Diane Smith, Tony Trodella, Stephanie Pagio, John Ghiloni and Ron LaFreniere

1. PAST MINUTES – VOTE: Faust made a motion to accept and file the minutes of 9/25/08 as submitted. Vigeant seconded. The Motion passed unanimously.
2. VOTE: To elect officers not filled Vigeant made a motion to nominate M. Hogan for Vice Chairman of the MCDA. L. Faust nominated S. Vigeant for Treasurer of the MCDA – Motions passed unanimously.
3. INVOICES TO BE PAID – VOTE: Hogan made a motion to pay the invoices, Duridas seconded. The Motion passed unanimously.
4. HOUSING DIRECTOR'S REPORT – Housing Bills Payable for November and H.A.P. for October and November were presented and reviewed. VOTE: Motion by Faust seconded by Hogan to accept and approve the bills payable and the Housing Assistance Payments as presented. The Motion passed unanimously.

Section 8 Audit Reports for fiscal years ending 2006 and 2007 were distributed to members. Vigeant commented on the vacation and sick time information provided for the Housing staff. He requested that a dollar value be calculated to

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show unfunded liability per required accounting standards. Tom Abel spoke about City policy. The amount of vacation earned in a year can be carried over and all sick time accumulates. The CDA should have an actuarial study done regarding accrued employee health, sick time and vacation. Housing Director to obtain information from Tom Abel and proceed on this.

Section 8 Fiscal Year End Change: The CDA was presented with a letter from HUD dated October 7, 2008, approving our request to change the Section 8 fiscal year end date from December 31 to June 30.

Applicable Payment Standards (APS) for the Section 8 Housing Choice Voucher Program. Requested information regarding rents, utilities, family shares, and rent burden were presented. VOTE: Motion made by Vigeant, seconded by Faust to keep the APS as is, no change, and to revisit this issue in 6-8 months. The Motion passed unanimously.

Budgets for the State Housing Programs for FY 2009 (Elderly 400-1; Special Needs Housing 689-1; and AHVP) were presented. A 4% increase for the administrative staff has been included. Discussion followed. Vigeant would like to see the Policy on Carrying over time. Hogan explained that we have been using the City Policy, moving forward we want to use our own policy. Vigeant would like to see this clarified. Hogan continued to say that Housing Health benefits should be coming from the State. Housing Director to work with Michelle to create an overall budget/spreadsheet for staffing for the next meeting that is scheduled for November 20, 2008. VOTE: Motion made by Muir, seconded by Vigeant to authorize the transfer of \$61,178.00 from the Special Purpose Reserve to the FY 2009 Operating Budget. The Motion Passed unanimously. Vigeant would like to see one spreadsheet with all staff, positions and salaries. VOTE: Motion made by Hogan, seconded by Faust to table the State Housing Budgets until next meeting. The Motion passed unanimously.

Income Limits for the Admission to State Housing Programs effective August 9, 2008, were presented. 1 person=\$46,300, 2 person=\$52,950, 3 person=\$59,550 VOTE: Motion made by Faust, seconded by Vigeant to adopt DHCD's Income Limits for the Admission to State Housing Programs as presented. The Motion passed unanimously.

Window Update – John Ghiloni updated the members. Workers began on November 3, 2008. Sample Windows should be submitted for approval in approximately one week. Contractor is going with Harvey windows (no substitutes) and color will be bronze. One apartment will have windows installed and will be reviewed and approved prior to proceeding. They estimate about four (4) weeks from order to receiving the windows. Residents have been notified that the work has begun. John Ghiloni to update again at next meeting.

VOTE: Motion made by Vigeant, seconded by Faust to accept the Housing Director's Report. The Motion passed unanimously.

5. Subordination Request Case # 08-001 – VOTE: Faust made a motion that the homeowner pay \$5000.00 down on the City's Loan in order for the Members to Subordinate Loan. Seconded by Duridas. The Motion passed unanimously.
6. Tony Trodella was present to update the Members on Stephanie Pagio, Intern. Her task was to research the Assessors' records to attempt to identify parcels that are owned by the Community Development Authority. Tony informed the Members what a great job Stephanie did. The Community Development Authority controls 26 properties within the City.
7. Approval of Public Hearing Minutes. VOTE: Hogan made a motion to adopt Final Program Income Plan, seconded by Faust. The Motion passed unanimously.
8. CDA to consider outside Counsel – VOTE: Hogan made a motion to send Attorney Aldo Cipriano a letter offering him the position. Seconded by Stevens. The motion passed unanimously.
9. Update on Status of current direct pay loans: A discussion occurred around developing a policy to respond to any delinquent loan payees. The CDA considered whether or not to have Counsel draft letters. The Housing Director indicated that she has procedures in place and will send her samples over to the office to use as a basis for how the CDA can respond.
10. Update on Executive Director Search – Approximately 25 resumes were received. Hogan thanked Ciccolo for screening the applicants. The subcommittee will begin its interviews very shortly.
11. Progress Report Update – Update from Michelle Ciccolo that everyone is doing a great job, and substantial progress on identifying discrepancies between the DHCD (CGMS) data system and the City's has been accomplished. In a week or so we should be able to begin data entry to reconcile between the two systems. This effort will likely take around 30 hours. Other tasks on the progress report distributed a week ago have already been accomplished.
12. Discussion relative to the Mayor's written request to use a portion of Program Income for families with Urgent needs – The Mayor informed the Members that the Mayor's Charity Fund will not be able to carry them through the winter this year. There will be more requests this year for food and utility assistance and this demand will be difficult to meet. Although only an informational discussion at this point, the Mayor will likely be asking the CDA to consider a program income request of \$59,000 in the near future. She has a committee which will be meeting to discuss the city's needs in this area. Any requests for assistance of this sort would be managed by the Human Services Director who would assist in

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the process and screening the need and qualifications of the residents. This is something that is very near and dear to the Mayor and she asks the Members for their support.

13. 3 South Street – Ron LaFreniere explained to the members that there is a landscape Easement over the property. Demers has completed his portion of the work. Ron provided the Members with a cost estimate for the landscaping. Hogan would like to see a sign there for Riano's farm. Discussion regarding St. Mary's Credit Union making a donation towards the landscaping. Jackie to prepare request and forward to Jack Caufield prior to the Credit Union's Board meeting on November 17, 2008. On a motion by Vigeant, seconded by Faust, the CDA voted unanimously to approve the landscape plan including signage.
14. New Business – CDA Operations Manual Outline – Motion made by Hogan to Table until the next meeting, seconded by McCabe. Motion passed unanimously.
15. VOTE: to approve Job Description, set salary and benefits of CDA Staff. Motion made by Vigeant, seconded by Faust to table the item until further information is available.

Also under new business, the Mayor read a procurement letter prepared by Beverly Sleeper pertaining to the Ciccolo Group contract. On a motion by the Mayor, seconded by Faust, the CDA voted to extend the contract to a new total price not to exceed \$31,248.75. The motion passed unanimously.

16. On a motion by the Mayor, seconded by Vigeant, the CDA voted unanimously by roll call to enter Executive Session, not to return to public session, to discuss the value of real property.