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CITY OF MARLBOROUGH
City Council Agenda

Monday, December 5, 2022
8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34), or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, November 21, 2022.
2. CONTINUED PUBLIC HEARING on the Petition of Verizon New England to lay and maintain underground conduits, with wires and cables to be placed therein under the public way, Desimone Drive, Order No. 22-1008722A.
3. PUBLIC HEARING on the Petition from National Grid to install a hand hole and run conduit from Pole #14 to hand hole at 157 Cook Lane, Order No. 22-1008738.
4. PUBLIC HEARING on the Petition from National Grid to install a Pushbrace off Pole #18 on Mechanic Street which is needed to support pole with wires going down Manning Street, Order No. 22-1008739.
5. PUBLIC HEARING on the Application for Special Permit from Marquel Frink and Divino Oliveira on behalf of All Fur Love, to operate a dog grooming business to be located at 75 Lincoln Street, Order No. 22-1008723.
6. TAX CLASSIFICATION PUBLIC HEARING with the Board of Assessors to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2023, Order No. 22-1008744.
7. Communication from the Mayor, re: FY 2023 Tax Classification Hearing Information and Tax Levy Offset Transfer Requests totaling \$885,019.97.
8. Communication from the Mayor, re: Grant Acceptance in the amount of \$3,000,000.00 from the MassWorks Infrastructure Program through the Executive Office of Housing and Economic Development awarded to the Department of Public Works to be used for various road and intersection improvements throughout the city.
9. Communication from the Mayor, re: Grant Acceptance in the amount of \$49,182.00 from the MA Division of Fisheries and Wildlife awarded to the Conservation Commission to be for continued restoration in the Natural Desert Area.
10. Communication from the Mayor, re: Grant Acceptance in the amount of \$23,100.00 from the MA Cultural Council awarded to the Cultural Council to be to support arts programs throughout the community.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

11. Communication from Assistant City Solicitor Jeremy McManus, re: Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #34 within the layout of the public way near 385 Farm Road, in proper legal form, Order No. 22-1008695.
12. Communication from Central MA Mosquito Control Project, re: Notice of 2023 Commission meeting dates.
13. Communication from Department of Public Utilities, re: Petition of MA Electric Company & Nantucket Electric Company d/b/a National Grid for Approval to Exclude Mystic Cost-of-Service Agreement Costs.
14. Communication from Department of Public Utilities, re: Petition of NSTAR Electric Company d/b/a Eversource Energy for Approval of an Alternative Basic Service Procurement Plan.
15. Communication from Colonial Power Group, re: Response to Department of Public Utilities relative to increased number of complaints regarding aggregation programs.
16. Minutes of Boards, Commissions and Committees:
 - a) School Committee, November 8, 2022.
 - b) Conservation Commission, November 3, 2022.
17. CLAIMS:
 - a) Joseph Mikula, 211 West Hill Road, pothole or other road defect.
 - b) Patrice Tivnan, 47 Sunshine Drive, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

18. **Order No. 22-1008695B: Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #34 within the layout of the public way near 385 Farm Road.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Chair Landers, the committee recommended approval of the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #34 within the layout of the public way near 385 Farm Road, together with the conditions submitted by the City Engineer, incorporated into the draft decision from the Asst. City Solicitor. Vote 2 in favor; 1 absent (Brown).

From Personnel Committee

19. **Order No. 22-1008663A: Reappointment of Cheryl Soucy to the Disabilities Commission for a 3-year term to expire October 21, 2024.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Navin, seconded by Chair Dumais, the committee voted to recommend approval of the reappointment of Cheryl Soucy to the Disabilities Commission for a 3-year term to expire October 21, 2024. Vote 3-0.

20. **Order No. 22-1008664B: Appointment of Adrian Gilbert to the Historical Commission for a term expiring three years from City Council confirmation.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Doucette, seconded by Chair Dumais, the committee voted to recommend approval of the appointment of Adrian Gilbert to the Historical Commission for term expiring three years from the date of City Council confirmation. Vote 3-0.

21. **Order No. 22-1008690: Appointment of N. Paul Tonthat to the Community Development Authority (CDA) for a 3-year term to expire on March 25, 2025, and the REAPPOINTMENT of Paul Sliney for a 3-year term to expire on March 9, 2025.**

Recommendation of the Personnel Committee is to APPROVE.

On a motion by Councilor Doucette, seconded by Chair Dumais, the committee voted to recommend approval of the appointment of N. Paul Tonthat to the CDA for a 3-year term to expire on March 25, 2025, and to reappoint Paul Sliney for a 3-year term to expire March 9, 2025. Vote 3-0.

From City Council

22. **Order No. 22-1008678B: Proposed Salary Ordinance pursuant to Chapter 125 "Personnel", §6 "Salary Schedule" to create a new position entitled, Substance Use Prevention Coordinator and Intervention Specialist, within the Health Department, with 7-step salary table, minimum of \$58,000.00 to maximum of \$65,317.42, for a 35-hour work week, together with the proposed Job Description pursuant to Chapter 125 "Personnel", §5 "Preparation of Classification Descriptions".**

Recommendation of the Finance Committee is to approve as amended. Action was POSTPONED to the December 5, 2022, City Council meeting; Advertising requirement has been met.

23. **Order No. 22-1008701A: Proposed amendment to City Code, Chapter 125, 'Personnel' §6. Salary Schedule and Proposed Job Description pursuant to Chapter 125 'Personnel' §5 Preparation of Classification Descriptions to create a new position entitled Treasury/Payroll Manager within the Finance Department.**

Recommendation of the Finance Committee is to APPROVE. This matter was ordered advertised at the November 21, 2022, City Council meeting (advertisement was published on Monday, November 28, 2022). Action cannot be taken until the December 19, 2022, City Council meeting to comply with the 10-day period required in the Charter.

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Teona C. Brown
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, NOVEMBER 21, 2022**

The regular meeting of the City Council was held on Monday, November 21, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 9:49 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, November 7, 2022, **FILE**; adopted.

At this time Chief Breen introduced the new members and recently promoted members of the Fire Department for the City of Marlborough, they are:

James J. Cacciapaglia	Gus H. Franchi	Jesus A. Murillo
Captain Michael Peckham		Lieutenant Danny Martins

That the PUBLIC HEARING on the Petition of Verizon New England to lay and maintain underground conduits, with wires and cables to be placed therein under the public way, Desimone Drive, Order No. 22-1008722, **CONTINUED UNTIL DECEMBER 5, 2022, AT 8:00 PM**, adopted.

Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

That the PUBLIC HEARING on the Application for Modification of Special Permit from Brian Martinelli on behalf of Dish Wireless, to install three (3) new antennas on the existing cell tower along with a 5x7 platform, at 860 Boston Post Road East, Order No. 22-1008710, all were heard who wish to be heard, hearing closed at 8:13 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

That the That the PUBLIC HEARING on the Application for a Sign Special Permit from Attorney Brian Falk, on behalf of Wayside Crossing, for a proposed EMC sign that will serve as an ordering board for the Starbucks drive-thru at 661 Boston Post Road East, Order No. 22-1008724, all were heard who wish to be heard, hearing closed at 8:16 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

That the PUBLIC HEARING on the Application for Special Permit from Attorney Terrence Morris, on behalf of 272 Lincoln LLC, to build a 12-unit multi-family dwelling with accessory parking to be located at 272 Lincoln Street, Order No. 22-1008709, all were heard who wish to be heard, hearing closed at 9:15 PM, adopted.

Councilors Present: Wagner, Doucette, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

Councilor Dumais Recused.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$10,000.00 from the Massachusetts Interlocal Insurance Agency (MIIA) awarded to the Public Facilities to be used to evaluate the HVAC systems in three Fire Stations, the Police Station and the Whitcomb School and to provide the city with an analysis report and recommendations; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$42,300.00 from Department of Housing and Community Development (EOHED) and the Massachusetts Development Finance Agency (MassDevelopment) awarded to the Marlborough Economic Development Corporation (MEDC) to be used to secure technical assistance in drafting zoning ordinances, mapping build-out analysis, community outreach, preliminary compliance review assistance, and implementation efforts in compliance with Section 3A MBTA Communities guidelines; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$60,205.00 from the Massachusetts Executive Office of Public Safety awarded to the Police Department to be used to support additional traffic safety equipment, and increased enforcement efforts; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$100,000.00 which moves funds from the Undesignated Fund to Unemployment Payment for city and schools to fund mandated unemployment costs, referred to the **FINANCE COMMITTEE**; adopted.

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
\$6,006,264.80	\$100,000.00	10000	35900	Undesignated Fund	\$50,000.00	11970006	51730	Unemploymt Paymt-City	\$17,528.80
	Reason:	To fund unemployment payments through year-end							
					\$50,000.00	13100003	51730	Unemploymt Paymt-School	\$44,611.85
	\$100,000.00	Total			\$100,000.00	Total			

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,154,893.76 which moves funds from Meals Tax Revenue account to fund FY23 bond payments associated with Parks & Recreation improvements, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Auditor		FISCAL YEAR:		2023				
FROM ACCOUNT:				TO ACCOUNT:						
Available Balance	Amount	Org Code	Object	Account Description	Amount	Org Code	Object	Account Description	Available Balance	
\$1,266,020.38	\$1,154,893.76	27000	33086	Fund Bal-Parks & Fields Capital	\$1,154,893.76	19910009	49715	Transfer-Meal Local Option	\$0.00	
Reason:		Local options meals tax funding FY23 bond payments associated with parks & fields as per the FY23 budget process								
	\$1,154,893.76	Total			\$1,154,893.76	Total				

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Richard Tomanek to the Board of Health for a 3-year term to expire on February 5, 2024, referred to the **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Tax Increment Financing (TIF) Agreement with PI (Physik Instrumente), LP who anticipate moving their operations from Auburn, MA to 130 Lizotte Drive (Map 90, Parcel 2A), referred to the **FINANCE COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Application for Sign Special Permit from Wayside Crossing, for an EMC Sign that will serve as the ordering board for Starbucks drive-thru at 661 Boston Post Road East, in proper legal form, Order No. 22-1008724, **FILE AND MOVED TO AGENDA ITEM #27**; adopted.

Motion by Councilor Perlman, seconded by the Chair to adopt the following:

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to City of Marlborough v. Town of Northborough (Worcester Superior Court No. 1685CV01772), **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 "Zoning" §40 "Location and Height of Buildings" relative to Attached Roofs and Entryway/Porches, **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY DECEMBER 5, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from MA Electric to install a hand hole and run conduit from Pole #14 to hand hole at 157 Cook Lane, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY DECEMBER 5, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from MA Electric to install a Pushbrace off Pole #18 on Mechanic Street which is needed to support pole with wires going down Manning Street, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from William Camuso on behalf of Camuso Enterprises, LLC, re: Request pursuant to Chapter 342 "Gasoline Stations and Car Washes" for permission to continue operation at the hours granted at 431 Lincoln Street, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY DECEMBER 19, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Special Permit from Attorney Brian Falk, on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting nonconforming warehouse use to a machine shop at 269 Mechanic Street, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, October 25, 2022.
- b) Conservation Commission, October 6, 2022 & October 20, 2022.
- c) Historical Commission, July 22, 2022.
- d) Planning Board, October 3, 2022 & October 17, 2022.

Motion by Councilor Perlman, seconded by the Chair to adopt the following:

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

- a) Christina Dones, 115 Broadmeadow Street, #5, pothole or other road defect.
- b) Dillon Handy, 31 Roosevelt Street, pothole or other road defect.
- c) John Kelly, 37 Chilton Hill Drive North, Worcester, MA, pothole or other road defect.
- d) Marilyn Miller, 7 Tyler Road, #3208, Berlin, MA, pothole or other road defect.
- e) Loi Tran, 14 Tremont Street, Oxford, MA, pothole or other road defect.

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
Monday, November 14, 2022
Minutes and Report**

This meeting convened at 6:00 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members Present: Chair Dumais, Councilors Navin and Doucette.

Non-Voting members Present: Councilors Ossing, Wagner, Perlman, Irish, and Robey. Councilor Oram (arrived at 6:12 PM).

Councilors Landers and Brown were absent.

Order No. 22-1008663A: Reappointment of Cheryl Soucy to the Disabilities Commission for a 3-year term to expire October 21, 2024.

On a motion by Councilor Navin, seconded by Chair Dumais, the committee voted to recommend approval of the reappointment of Cheryl Soucy to the Disabilities Commission for a 3-year term to expire October 21, 2024. Vote 3-0

Order No. 22-1008664B: Appointment of Adrian Gilbert to the Historical Commission for a term expiring three years from City Council confirmation.

On a motion by Councilor Doucette, seconded by Chair Dumais, the committee voted to recommend approval of the appointment of Adrian Gilbert to the Historical Commission for term expiring three years from the date of City Council confirmation. Vote 3-0

Order No. 22-1008690: Appointment of N. Paul Tonthat to the Community Development Authority (CDA) for a three-year term to expire on March 25, 2025, to fill the position vacated by Josh Daigle who moved to the state appointed seat; and the REAPPOINTMENTS of Rene Perdicaro for a term to expire on March 9, 2024, and Paul Sliney for a term to expire on March 9, 2025.

On a motion by Councilor Doucette, seconded by Chair Dumais, the committee voted to recommend approval of the appointment of N. Paul Tonthat to the CDA for a three-year term to expire on March 25, 2025, and to reappoint Paul Sliney for a term to expire March 9, 2025. Vote 3-0

Rene Perdicaro was unable to attend; the reappointment remains in committee.

Motion made and seconded to adjourn; meeting adjourned at 6:13 PM.

Reports of Committee Continued:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Monday, November 14, 2022
Minutes and Report**

This meeting convened at 7:00 PM and was held in the City Council Chamber and open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and was available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting Members Present: Chair Irish, Councilors Dumais, Perlman, and Oram (Councilor Brown was absent).

Non-Voting Members Present: Councilors Navin, Wagner, Ossing, Landers, Robey and Doucette.

Others Present: Mayor Vigeant and Finance Director Jones were present to address the following Order.

Order No. 22-1008701: Communication from Mayor Vigeant with Proposed amendment to City Code, Chapter 125, 'Personnel' §6. Salary Schedule and Proposed Job Description pursuant to Chapter 125 'Personnel' §5 Preparation of Classification Descriptions to create a new position entitled Treasury/Payroll Manager within the Finance Department.

Chair Irish read the order into the record. Director Jones and the Mayor explained the administration's reasons for the new managerial position in the Finance Department to provide payroll services.

On a motion by Councilor Oram, seconded by Chair Irish, the committee voted to recommend approval of the Salary Schedule and Job Description for the new position, Treasury/Payroll Manager, as requested by the Mayor. Vote 4 in favor; 1 absent (Brown).

Motion made and seconded to adjourn; meeting adjourned at 7:32 PM.

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

**City Council Public Services Committee
Monday, November 14, 2022
Minutes and Report**

This meeting convened at 6:15 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members Present: Chair Landers and Councilor Irish; Councilor Brown was absent.

Other Councilors Present: Councilors Navin, Robey, Oram, Perlman, Dumais, Doucette, Wagner and Ossing.

Order No. 22-1008695: Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #34 within the layout of the public way near 385 Farm Road.
-REFERRED TO PUBLIC SERVICES; PUBLIC HEARING ON OCTOBER17, 2022

Reports of Committee Continued:

Liz Glidden and the Verizon team addressed the petition for a small cell wireless facility on Pole #34 near 385 Farm Road, stating the site will resolve coverage gaps in the neighborhood. She presented an outline of a report provided to councilors addressing other poles in the area as evidence why pole #34 was chosen and is best to fill the gaps in coverage.

The team submitted the small cell site is well below the RF emissions allowed under regulations established by the FCC and explained the FCC category of small cell is under 50 feet high.

There were no questions or concerns regarding the draft decision submitted by Liz Glidden.

On a motion by Councilor Irish, seconded by Chair Landers, the committee recommended approval of the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #34 within the layout of the public way near 385 Farm Road, together with the conditions submitted by the City Engineer, incorporated into the draft decision from the Asst. City Solicitor. Vote 2 in favor; 1 absent (Brown).

On a motion by Irish, seconded by the Chair, all in favor, the meeting adjourned at 6:52 PM.

Councilor Robey reported the following out of the Urban Affairs Committee:

**City Council Urban Affairs Committee
Monday, November 14, 2022
Minutes and Report**

This meeting convened at 6:55 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Urban Affairs & Housing Committee voting members present were Chairman Katie Robey, Councilor Doucette, Councilor Landers, Councilor Navin, and Councilor Wagner.

Other Councilors present were Dumais, Irish, Perlman, Oram, and Ossing.

Order No. 22-1008679-Petition for Zoning amendment, Chapter 650 §40, Location and Height of Buildings, relative to Attached Roofs and entryways/Porches in proper form from Solicitor Grossfield on behalf of Councilors Ossing and Navin.

The City Council held its Public Hearing on October 3, 2022. The chair read the letter from Planning Board Chairperson Fenby stating they held a Public Hearing on November 7, 2022, and voted 5-0 to send a favorable recommendation without further guidance on the proposed Council order. Councilor Ossing gave a brief overview of the history behind the order and Councilor Navin spoke on the merits of the order.

Councilor Navin moved to approve, Councilor Doucette seconded the motion and it carried 5-0.

The chair stated the order was in proper form & no amendments were offered so a Suspension would be asked for at the November 21 Council meeting to vote on this ordinance.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting was adjourned at 7:04 PM.

Suspension of the Rules requested – granted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 “Personnel” §6 “Salary Schedule” to create the new position of Treasury/Payroll Manager within the Finance Department as submitted by the Mayor, ordered **ADVERTISED**; adopted.

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

I. By adding to the salary schedule referenced in Section 125-6 the following:

Position	Step 1 Start	Step 2 6-months of service	Step 3 1-year of service	Step 4 2-years of service	Step 5 3-years of service	Step 6 4-years of service	Step 7 5-years of service
Treasury/Payroll Manager (40 hours per week)	\$72,500.00	\$73,950.00	\$75,429.00	\$76,937.58	\$78,476.33	\$80,045.86	\$81,646.78

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the City Clerk is directed to advertise the Tax Classification Public Hearing scheduled for Monday, December 5, 2022, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #34 within the layout of the public way near 385 Farm Road, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE DECEMBER 5, 2022, COUNCIL MEETING**; adopted.

Suspension of the Rules requested – granted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. By amending Chapter 650 (Zoning), Section 650-40 (Location and Height of Buildings), Subsection F(5) to read as follows (new text shown as underlined):

(5) (a) Nothing herein shall prevent the projection of cornices or eaves not exceeding 18 inches in width or of uncovered steps, unroofed porches or windowsills into a required yard or other open space.

(b) For single-family and two-family dwellings, in all zoning districts: An attached roof covering an entryway or porch may project into the required yard setback, subject to compliance with all of the following requirements:

[1] Attached roof is permitted to project up to sixty (60) inches into the required yard setback;

[2] Attached roof shall not exceed forty (40) square feet;

[3] Attached roof shall not exceed allowable height per §650-41, Table of Lot Area, Yards and Height of Structures;

[4] Entryway or porch may not be enclosed nor living space or balconies erected above, excepting required elements such as railings;

[5] Space beneath the porch may not be occupied; and

[6] Minimum setback from any street or way for an attached roof authorized under this subsection shall be five (5) feet.

II. The effective date of these amendments shall be the date of passage.

APPROVED; adopted.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle, 97 Neil Street, **APPROVED;** adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License by Best Buy Stores, LP #820, 769 Donald J. Lynch Boulevard, **APPROVED;** adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of license to operate a Livery Service with one vehicle by Eduard Zholudev, d/b/a Easy Airport Limo Services at 15 Indian Lane, **APPROVED;** adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 "Personnel", §6 "Salary Schedule" to create a new position of Substance Use Prevention Coordinator and Intervention Specialist within the Health Department as submitted by the Mayor, **POSTPONED UNTIL THE DECEMBER 5, 2022 CITY COUNCIL MEETING;** adopted.

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

I. By adding to the salary schedule referenced in Section 125-6 the following:

Position	Step 1 Start	Step 2 6-months of service	Step 3 1-year of service	Step 4 2-years of service	Step 5 3-years of service	Step 6 4-years of service	Step 7 5-years of service
Substance Use Prevention Coordinator and Intervention Specialist (35 hours per week)	\$58,000.00	\$59,160.00	\$60,343.20	\$61,550.06	\$62,781.07	\$64,036.69	\$65,317.42

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED:

**IN CITY COUNCIL
 DECISION ON AN
 ELECTRONIC MESSAGE CENTER SIGN SPECIAL PERMIT
 ORDER NO. 22-1008724B**

Application of:
Aubuchon Realty Company, Inc.
73 Junction Square Drive
Concord, MA 01742

Locus:
661 Boston Post Road East, Marlborough, MA
Parcel 27A on Assessors Map 61

**DECISION ON A
 LED SIGN SPECIAL PERMIT
 ORDER NO. 22-1008724B**

The City Council of the City of Marlborough hereby **GRANTS** the Application for an Electronic Message Center (EMC) Sign Special Permit to Aubuchon Realty Company, Inc. (the “Applicant”) for the property located at 661 Boston Post Road East, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Aubuchon Realty Company, Inc., is a Massachusetts corporation with an address of 73 Junction Square Drive, Concord, MA 01742.
2. The Applicant is the owner of the property located at 661 Boston Post Road East, Marlborough, Massachusetts, being shown as Parcel 27A on Assessors Map 61 (the “Site”).
3. On November 8, 2021, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate a drive-thru facility for a coffee shop restaurant at the Site.
4. In accordance with Chapter 526 of the Code of the City of Marlborough (the “Sign Ordinance”), specifically Section 526-13 entitled “Electronic Message Center Signs; Digital Display Signs”, the Applicant seeks an EMC Sign Special Permit to operate an Electronic Message Center (EMC) Sign (the “Sign”) to serve as a menu ordering screen for the coffee shop restaurant at the Site.
5. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for an EMC Sign Special Permit (the “Application”) for the Sign.
6. The Sign would consist of one menu ordering screen 50 inches tall and 38 inches wide, as shown on the sign’s specifications attached as “ATTACHMENT A.”
7. The Sign would be located along the drive-thru lane for the coffee shop restaurant at the Site, as shown on the site plan attached as “ATTACHMENT B.”
8. The City Council held a public hearing on the Application on Monday, November 21, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on November 21, 2022.
9. The Applicant, through its representatives, presented testimony at the public hearing detailing the proposed Sign.

BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS AND TAKES THE FOLLOWING ACTIONS

- A. The Applicant has complied with all rules and regulations promulgated by the City Council for an application for an EMC sign special permit under the Sign Ordinance.
- B. The City Council finds that the proposed Sign complies with the standards set forth in Section 526.13.B of the Sign Ordinance.

- C. The City Council, pursuant to Section 526-13.B(16) of the Sign Ordinance, finds that: (a) all other signage on the Site is in compliance with zoning requirements, (b) in addition to other signs at the Site, the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street, (c) the Sign does not substantially block visibility of signs on abutting lots, (d) the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots, (e) the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood, (f) the scale and/or location of the Sign is appropriate, and (g) the dimensions of the Sign comply with the area limitations of the Sign Ordinance.
- D. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby **GRANTS** the applicant an EMC Sign Special Permit for the Sign, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. The Sign shall be operated in accordance with the Sign Ordinance.
 2. The Sign shall be turned off when the coffee shop restaurant is not open for business.
 3. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application and hearing process before the City Council are incorporated into and become part of this EMC Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.
 4. The Applicant shall take measures necessary to ensure compliance with the City of Marlborough Noise Ordinance (Chapter 431 of the City Code) at the Site.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That pursuant to Chapter 650-37 I(1)(a) of the Code the Master Sign Plan for the Wayside Crossing Plaza at 661 Boston Post Road East, **APPROVED**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:49 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 21, 2022

ORDERED:

That the PUBLIC HEARING on the Petition of Verizon New England to lay and maintain underground conduits, with wires and cables to be placed therein under the public way, Desimone Drive, Order No. 22-1008722, be and is herewith **CONTINUED UNTIL DECEMBER 5, 2022, AT 8:00 PM.**

Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

The hearing was opened with no testimony from the public being heard.

ADOPTED

ORDER NO. 22-1008722A



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 21, 2022

ORDERED:

That there being no objection thereto set **MONDAY DECEMBER 5, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from MA Electric to install a hand hole and run conduit from Pole #14 to hand hole at 157 Cook Lane, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 22-1008738

IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 21, 2022

ORDERED:

That there being no objection thereto set **MONDAY DECEMBER 5, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from MA Electric to install a Pushbrace off Pole #18 on Mechanic Street which is needed to support pole with wires going down Manning Street, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 22-1008739

IN CITY COUNCIL



Marlborough, Mass., NOVEMBER 7, 2022

ORDERED:

That there being no objection thereto set **MONDAY DECEMBER 5, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Application for Special Permit from Marquel Frink and Divino Oliveira on behalf of All Fur Love, to operate a dog grooming business to be located at 75 Lincoln Street, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 03/05/23 which falls on a Sunday, therefore 03/06/23 would be considered the 90th day.

ADOPTED

ORDER NO. 22-1008723



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 21, 2022

ORDERED:

That the City Clerk is directed to advertise the Tax Classification Public Hearing scheduled for Monday, December 5, 2022, be and is herewith **APPROVED**.

ADOPTED

ORDER NO. 22-1008744

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

DEC -1 AM 11:47
Arthur G. Vigeant
MAYOR



City of Marlborough
Office of the Mayor

Patricia M. Bernard
CHIEF OF STAFF

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Candace McGrath
EXECUTIVE ADMINISTRATOR

December 5, 2022

City Council President Michael Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Tax Classification Hearing/Tax Levy Offset Transfer Requests

Honorable President Ossing & Councilors:

Enclosed for your information is a recommendation that I am supporting from the Board of Assessor's and a corresponding draft motion for the Fiscal Year 2023 Tax Classification Hearing. The enclosed documentation was prepared by Principal Assessor John Valade to assist the City Council in their review of key factors before voting to set the tax rate for this fiscal year. Please note the following highlights:

- CIP Shift Factor: 1.45
- Residential Shift Factor: 0.8237
- Residential Property Valuation: 71.85%
- Commercial, Industrial, Personal Valuation: 28.15%

To reduce the Fiscal Year 2023 tax levy, pending your approval, I am submitting the following transfer requests totaling \$885,019.97:

- 1) Transfer in the amount of \$46,650.00 from Sale of Graves to offset the FY23 tax levy
- 2) Transfer in the amount of \$838,369.97 from the Overlay Reserve to offset the FY23 tax levy

Pending approval of the shift factor, the average single-family home in Marlborough will see an estimated property tax adjustment of \$199.00. *Although this adjustment is an increase over last year, Marlborough still has the lowest average tax bill in all its regional communities dating back to 2012.*

I will be available along with Finance Director Patrick Jones, Principal Assessor John Valade and the Board of Assessors to address any questions.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

Voted by the Board of Assessors this 30th day of November 2022
a release of overlay funds for the Fiscal Year as follows:

2019 \$838,369.97

Signed by the Board of Assessors

Alan S. Sisk

[Signature]

Janet H. Valade

Date: November 30, 2022

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor's Office

FISCAL YEAR: 2023

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object Account Description:

Available
Balance

\$46,650.00

\$46,650.00

27000 33020

Sale of Graves

\$46,650.00

To reduce FY23 Tax Levy

\$0.00

Reason:

Sale of Graves revenue from FY22 to reduce FY23 tax levy

\$46,650.00

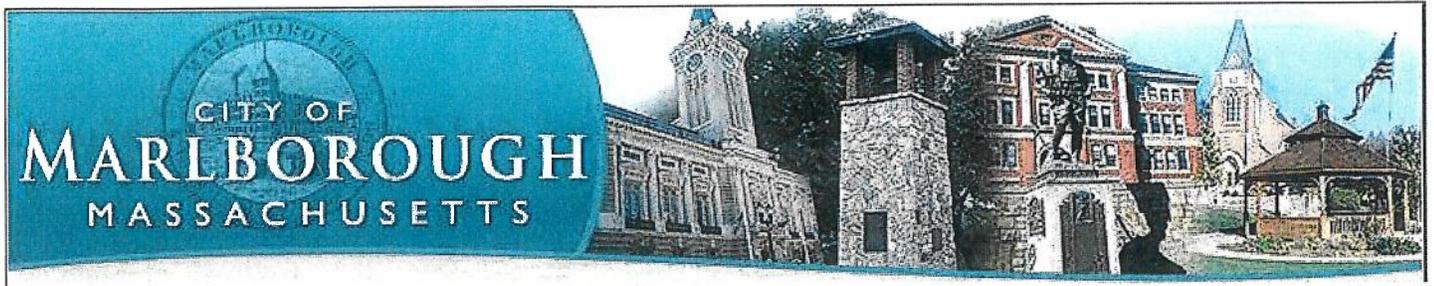
Total

\$46,650.00

Total

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

	DEPT:	Mayor's Office				FISCAL YEAR:	2023		
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$838,369.97</u>	<u>\$838,369.97</u>	<u>10000</u>	<u>32200</u>	<u>Overlay Reserve</u>	<u>\$838,369.97</u>	<u>To reduce FY23 Tax Levy</u>		<u>\$0.00</u>	
	Reason:	<u>Excess overlay from FY19 to reduce FY23 tax levy</u>							
	\$838,369.97	Total			\$838,369.97	Total			



Fiscal Year 2023

Tax Classification Hearing

December 5, 2022

Marlborough Board of Assessors

Ellen Silverstein – Chairperson

Jonathan Steinberg – Member

John H. Valade – Member (Principal Assessor)



City of Marlborough
 Office of the Assessors
 140 Main Street
 Marlborough, Massachusetts 01752
 TDD (508) 460-3610
 Phone: (508) 460-3779

FISCAL YEAR 2023

ANNUAL TAX CLASSIFICATION REPORT

City Council

Michael H. Ossing
 Kathleen D. Robey
 Mark A. Oram
 Samantha Perlman
 Laura Wagner
 David Doucette
 J. Christian Dumais
 Teona Brown
 John J. Irish
 Sean Navin
 Donald R. Landers, Sr.

Board of Assessors

Ellen Silverstein, Chair
 Jonathan Steinberg
 John H. Valade

Principal Assessor

John H. Valade

Mayor

Arthur Vigeant

Finance Director

Patrick Jones

City Auditor

Diane Smith

CLASSIFICATION HEARING DECEMBER 5, 2022

Terminology

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

Levy: The tax levy (or levy) is the amount of property taxes to be raised. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised from property taxation. In Marlborough, the levy to be raised is reported to the Assessors by the Finance Director. The fiscal year 2023 levy is \$110,042,352.

New Growth Revenue: Property taxes derived from newly taxable properties like new construction, additions, renovations, subdivisions, and personal property.

Levy Limit: Also referred to as the “maximum allowable levy”, the levy limit is calculated by adding 2.5 percent of the previous year’s levy limit plus new growth revenue, and Proposition 2 ½ voted overrides and debt exclusions. The fiscal year 2023 levy limit is \$162,088,840.

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the city. Based on the Marlborough aggregate valuation of \$7,853,400,882, the city cannot levy taxes more than \$196,335,022.

Excess Levy Capacity: Excess levy capacity is the difference between the actual property tax levy and the levy limit. Marlborough’s tax levy is well below the limit permitted under Proposition 2 ½.

The Fiscal Year 2023 Levy Limit and amount to be raised

The following is a calculation of Marlborough’s levy limit for fiscal year 2023.

Fiscal year 2022 levy limit	\$155,802,418
Amended FY2022 Growth	87,399
Levy increase allowed under Prop. 2 ½	3,897,245
New growth revenue	2,301,778
Proposition 2 ½ overrides	-0-
Levy ceiling	196,335,022
Fiscal year 2023 levy limit	162,088,840
Levy to be raised	\$110,042,352
Excess levy capacity	\$52,046,488

Valuations by Class before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	\$5,642,577,064	71.8488	71.8488
Commercial	1,214,003,964	15.4583	
Industrial	677,928,334	8.6323	28.1512
Personal Property	318,891,520	4.0606	
TOTAL	\$7,853,400,882	100.0000	

Board of Assessors Recommendation

After considering the valuations of Marlborough's residential and commercial property, and after examining the current fiscal strength of the city, the Board of Assessors recommends the adoption of a Commercial/Industrial/Personal Property (CIP) shift factor of 1.45, resulting in a residential tax rate of \$11.54 and a CIP tax rate of \$20.32.

Tax Rates

Based on the above shift factor, the Board of Assessors has calculated the following tax rates needed to raise the tax levy:

<u>Property Class</u>	<u>FY2022</u>	<u>FY2023</u>
Residential	\$13.12	\$11.54
Commercial	\$22.17	\$20.32
Industrial	\$22.17	\$20.32
Personal Property	\$22.17	\$20.32

Note that these rates are estimates only and may change upon Department of Revenue review. Were Marlborough not to shift taxes, the uniform tax rate for all properties would be \$14.01 per \$1,000 valuation.

Tax Impacts

Marlborough's single-family homeowners are benefitting from increased property values. Price appreciation in the year leading up to fiscal year 2023 (calendar year 2021) ran about 17.73 percent. Other residential property classes, including condominiums and small multi-family properties, have also experienced market appreciation. This increase in property values has been captured in revised assessed valuations that will appear in January's tax bills.

It is recommended that the CIP shift factor be increased from 1.40 to 1.45 to minimize a tax increase borne by the residential class and continue to decrease the gap between the residential and CIP tax rates. Certain classes of property saw a more significant increase, specifically residential and rental properties, due to demand and general market conditions in calendar year 2021. Average commercial values increased minimally by 4.91%, while the average industrial valuation increased by 8.36%. This is primarily due to an increase in demand for these types of properties and a slight increase in expansion and new development of these classes.

Examples of Average Tax Changes:

<u>Property Type</u>	<u>FY23 Value</u>	<u>Avg. Tax</u>	<u>FY22 Value</u>	<u>Avg. Tax</u>	<u>Avg. Tax Change</u>	<u>% Change</u>
Single-Family Homes	\$507,475	\$5,856	\$431,183	\$5,657	\$199	3.52%
Condominiums	\$278,324	\$3,212	\$247,401	\$3,246	-\$34	-1.05%
2-Family Homes	\$486,114	\$5,610	\$412,960	\$5,418	\$192	3.54%
3-Family Homes	\$537,810	\$6,206	\$467,698	\$6,136	\$70	1.15%
Commercial	\$2,255,291	\$45,828	\$2,120,513	\$47,012	-\$1,184	-2.52%
Industrial	\$2,596,212	\$52,755	\$2,404,974	\$53,318	-\$563	-1.06%

Recommendations

The Board of Assessors recommends that the City Council adopt a Fiscal Year 2023 residential shift factor of 0.8237 with a corresponding CIP shift of 1.45, producing a residential tax rate of \$11.54 and CIP tax rate of \$20.32. Final tax rates are subject to Department of Revenue approval.

Voting a Tax Shift Factor

The Marlborough City Council votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2023 tax rates, and sets the Residential Factor at 0.8237 with a corresponding CIP shift of 1.45, pending approval of the City’s annual tax recap by the Massachusetts Department of Revenue.

ATTACHMENTS ARE
FOR REFERENCE
ONLY

ORDERED:

The Marlborough City Council votes in accordance with M.G.L. Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2023 tax rates and set the Residential Factor at 0.8237 with a corresponding CIP shift of 1.45 pending approval of the City's annual tax recap by the Massachusetts Department of Revenue.

ADOPTED
In City Council
Order No. 22-
Adopted

Approved by the Mayor
Arthur G. Vigeant
Date:



MARLBOROUGH

MASSACHUSETTS

City Council
FY2023 Tax Classification Public Hearing
December 5, 2022

Fiscal Year 2023 Levy

Fiscal year 2022 levy limit	\$155,802,418
Amended FY2022 Growth	\$87,399
Levy increase allowed under Prop. 2 ½	\$3,897,245
New growth revenue	\$2,301,778
Proposition 2 ½ overrides	-0-
Fiscal year 2023 levy limit	\$162,088,840
Levy ceiling	\$196,335,022
Levy to be raised	\$110,042,352
Excess levy capacity	\$52,046,488



Fiscal Year 2023 Valuations

Major Property Class	Valuation	Percent	Res vs. CIP %
Residential	\$5,642,577,064	71.8488%	71.8488%
Commercial	\$1,214,003,964	15.4583%	
Industrial	\$677,928,334	8.6323%	
Personal Property	\$318,891,520	4.0606%	28.1512%
TOTAL	\$7,853,400,882	100%	



With a recommended shift of 1.45, the City of Marlborough tax rate would be:

<u>Property Class</u>	<u>FY2022</u>	<u>FY2023</u>
Residential	\$13.12	\$11.54
Commercial	\$22.17	\$20.32
Industrial	\$22.17	\$20.32
Personal Property	\$22.17	\$20.32



Historical Tax Rates

Fiscal Year	Residential	Commercial - Industrial - Personal Property
2023	\$11.54	\$20.32
2022	\$13.12	\$22.17
2021	\$13.80	\$24.47
2020	\$14.18	\$25.22
2019	\$14.07	\$24.95
2018	\$14.63	\$25.73
2017	\$15.32	\$26.41
2016	\$15.34	\$25.69
2015	\$15.76	\$27.43
2014	\$16.11	\$28.22



Average Tax Changes

Property Type	FY23 Value	Avg. Tax	FY22 Value	Avg. Tax	Change	% Change
Single-Family Homes	\$507,475	\$5,856	\$431,183	\$5,657	\$199	3.52%
Condominiums	\$278,324	\$3,212	\$247,401	\$3,246	-\$34	-1.05%
2-Family Homes	\$486,114	\$5,610	\$412,960	\$5,418	\$192	3.54%
3-Family Homes	\$537,810	\$6,206	\$467,698	\$6,136	\$70	1.15%
Commercial	\$2,255,291	\$45,828	\$2,120,513	\$47,012	-\$1,184	-2.52%
Industrial	\$2,596,212	\$52,755	\$2,404,974	\$53,318	-\$563	-1.06%



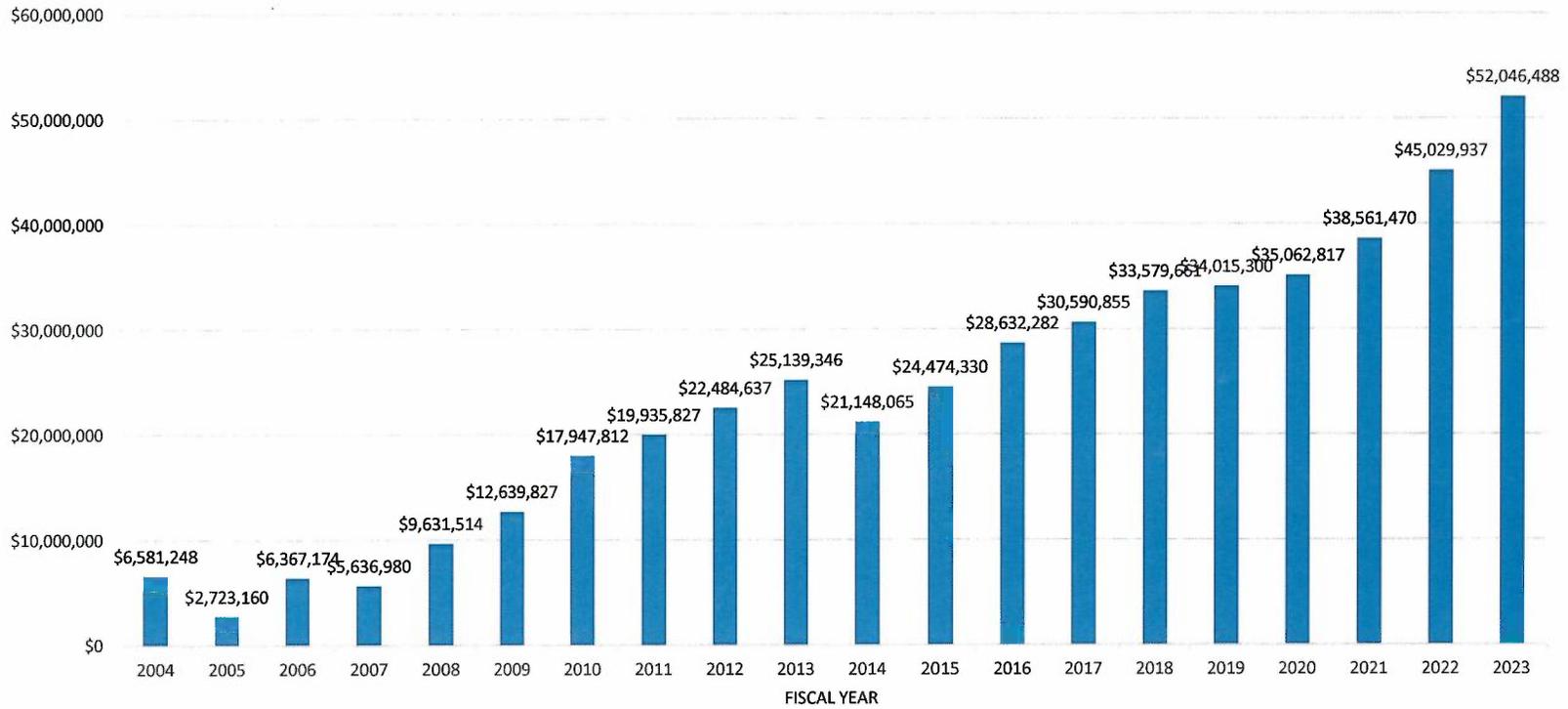
Tax Classification – 5 Year Review

	FY2019	FY2020	FY2021	FY2022	FY2023
Total New Growth	\$3,486,714	\$2,634,488	\$2,342,449	\$1,992,310	\$2,301,778
Total Tax Levy	\$104,012,867	\$109,050,542	\$111,497,172	\$110,772,481	\$110,042,352
Levy Limit	\$138,028,167	\$144,113,359	\$150,058,642	\$155,802,418	\$162,088,840
Excess Capacity	\$34,015,300	\$35,062,817	\$38,561,470	\$45,029,937	\$52,046,488
Levy Ceiling	\$149,027,078	\$154,550,088	\$162,883,196	\$174,916,520	\$196,335,022
Total Residential Value	\$4,109,940,820	\$4,245,464,143	\$4,491,621,349	\$4,899,698,776	\$5,642,577,064
Commercial Value	\$1,066,120,892	\$1,104,461,592	\$1,142,056,340	\$1,157,201,619	\$1,214,003,964
Industrial Value	\$508,233,757	\$555,452,644	\$605,738,239	\$625,607,054	\$677,928,334
Personal Property Value	\$276,787,640	\$276,625,140	\$275,911,920	\$314,153,340	\$318,891,520
Total Net Taxable Value	\$5,961,083,109	\$6,182,003,519.00	\$6,515,327,848	\$6,996,660,789	\$7,853,400,882
Residential Value Share	68.95%	68.67%	68.94%	70.0291%	71.8488%
CIP Value Share	31.05%	32.32%	31.06%	29.9709%	28.1512%
Selected Shift	1.43	1.43	1.43	1.40	1.45
Residential Levy Percent	55.53%	55.21%	55.58%	58.03%	59.18%
CIP Levy Percent	44.47%	44.79%	44.42%	41.97%	40.82%
Residential Levy	\$57,826,867	\$60,200,978	\$61,973,694	\$64,284,048	\$65,115,339
CIP Levy	\$46,186,000	\$48,849,541	\$49,523,477	\$46,488,433	\$44,927,013
Residential Tax Rate	14.07	14.25	13.80	13.12	11.54
Commercial Tax Rate	24.95	25.34	24.47	22.17	20.32
Total Single-Family Value	\$2,643,845,400	\$2,710,805,300	\$2,857,862,300	\$3,046,739,000	\$3,586,832,800
Single-Family Parcels	7,055	7,061	7,062	7,066	7,068
Average Single-Family Value	\$374,748	\$383,913	\$404,682	\$431,183	\$507,475
Average Single-Family Tax Bill	\$5,273	\$5,444	\$5,585	\$5,657	\$5,856

City of Marlborough Levy Limit Implications

Fiscal Year	Total Tax Levy	Maximum Levy Limit	Levy Ceiling	Excess Levy Capacity	Excess as a % of Maximum Levy
2004	64,465,084	71,046,332	103,809,076	6,581,248	9.26%
2005	72,153,233	74,876,393	109,515,192	2,723,160	3.64%
2006	72,181,560	78,548,734	122,053,673	6,367,174	8.11%
2007	79,018,938	84,655,918	127,934,312	5,636,980	6.66%
2008	79,753,097	89,384,611	128,148,285	9,631,514	10.78%
2009	81,935,337	94,575,164	129,533,857	12,639,827	13.36%
2010	80,996,050	98,943,862	117,902,971	17,947,812	18.14%
2011	83,511,878	103,447,705	113,672,828	19,935,827	19.27%
2012	85,845,867	108,330,504	110,863,797	22,484,637	20.76%
2013	86,361,360	111,500,706	111,500,706	25,139,346	22.55%
2014	88,052,213	109,200,278	109,200,278	21,148,065	19.37%
2015	88,678,940	113,153,270	113,153,270	24,474,330	21.63%
2016	91,331,454	119,963,736	121,763,573	28,632,282	23.87%
2017	94,119,595	124,710,450	124,710,450	30,590,855	24.53%
2018	97,680,293	131,259,954	134,766,478	33,579,661	25.58%
2019	104,012,867	138,028,167	149,027,078	34,015,300	24.64%
2020	109,050,088	144,113,359	154,550,088	35,062,817	24.33%
2021	111,497,172	150,058,642	162,883,196	38,561,470	25.70%
2022	110,772,481	155,802,418	174,916,520	45,029,937	28.90%
2023	110,042,352	162,088,840	196,335,022	52,046,488	32.11%

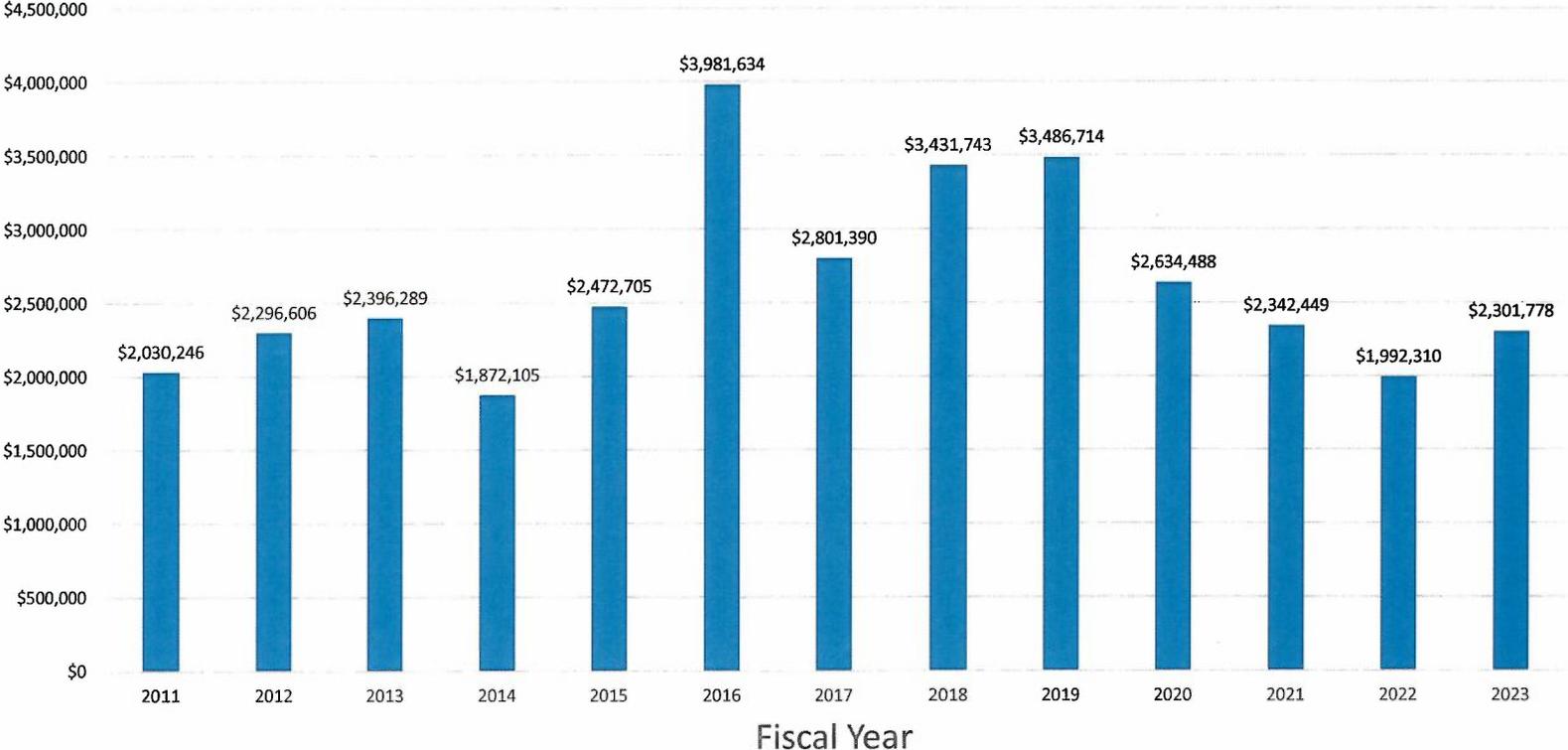
Excess Levy Capacity



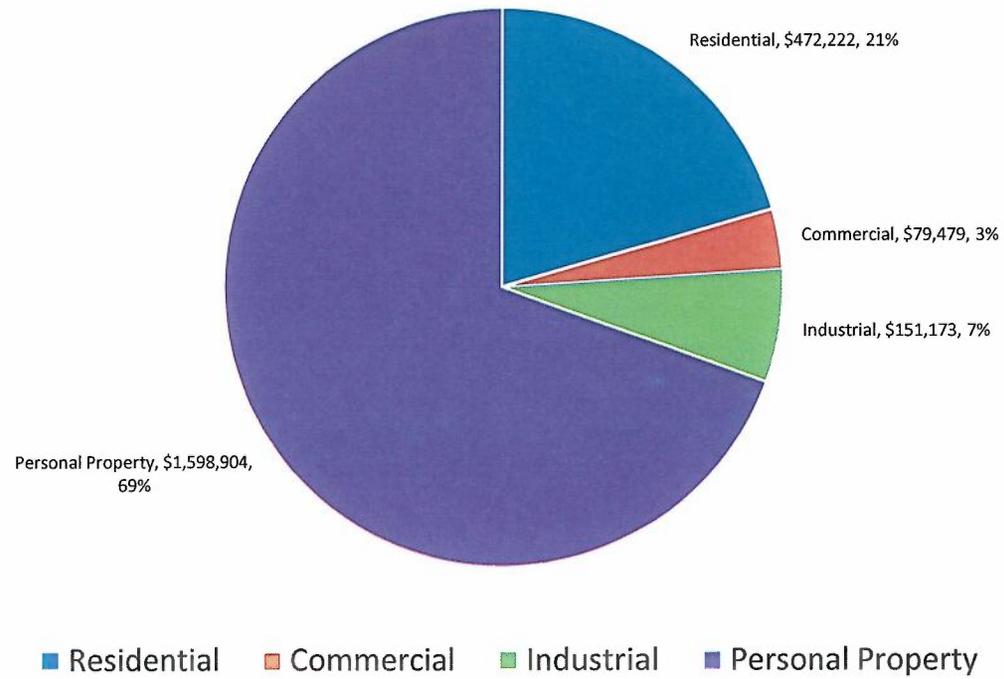
Levy Limit v. Levy Ceiling



Total New Growth



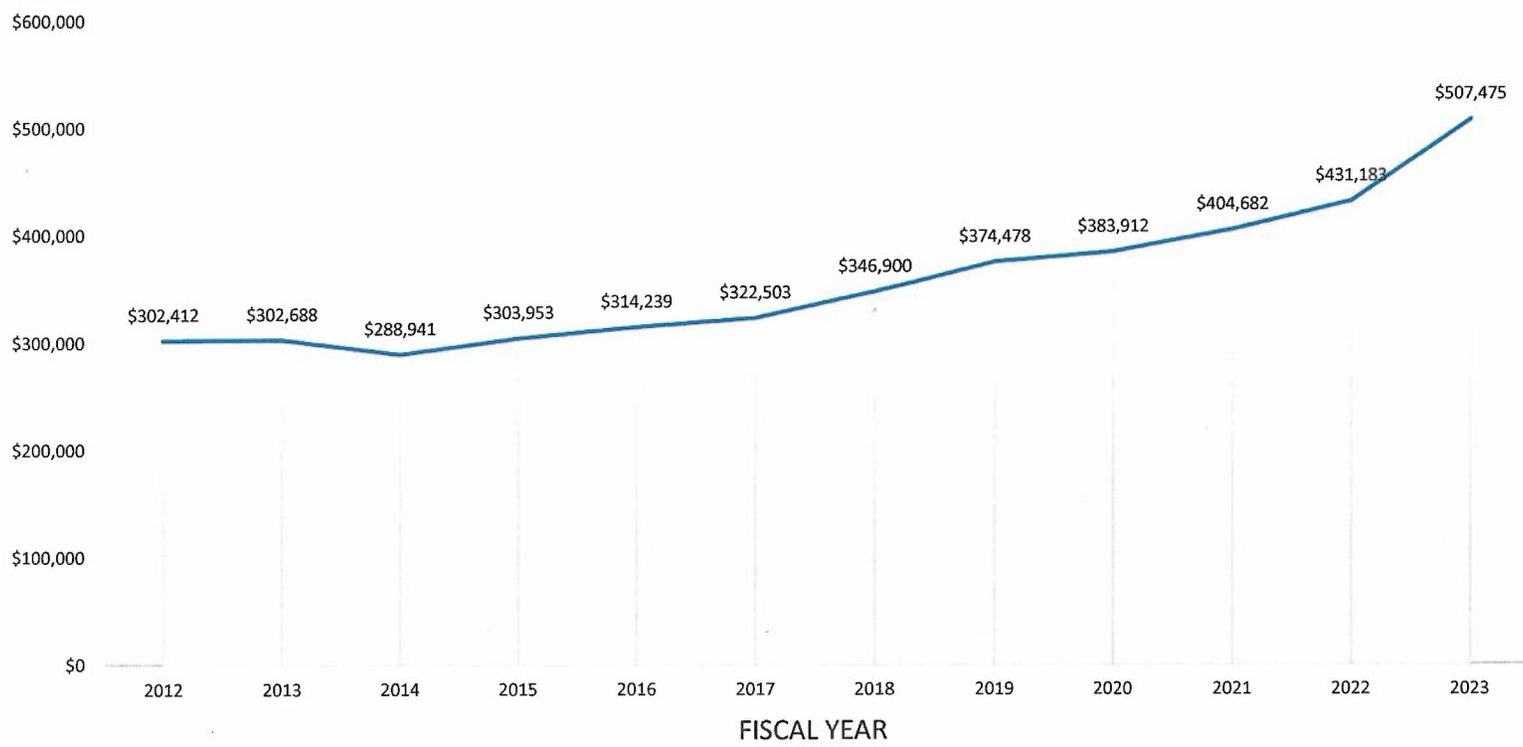
FY23 New Growth



City of Marlborough Historic Single-Family Home Values & Bills				
Year	Single Family Value	Single Family Parcels	Average Single- Family Value	Average Single-Family Tax Bill
2011	\$2,135,204,600	6,954	\$307,047	\$4,280
2012	\$2,105,395,800	6,962	\$302,412	\$4,476
2013	\$2,110,641,800	6,973	\$302,688	\$4,540
2014	\$2,017,964,400	6,984	\$288,941	\$4,655
2015	\$2,127,060,300	6,998	\$303,953	\$4,790
2016	\$2,204,702,300	7,016	\$314,239	\$4,820
2017	\$2,267,198,200	7,030	\$322,503	\$4,941
2018	\$2,443,219,500	7,043	\$346,900	\$5,075
2019	\$2,643,845,400	7,055	\$374,748	\$5,273
2020	\$2,710,805,300	7,061	\$383,912	\$5,444
2021	\$2,857,862,300	7,062	\$404,682	\$5,585
2022	\$3,046,739,000	7,066	\$431,183	\$5,657
2023	\$3,586,832,800	7,068	\$507,475	\$5,856



Average Single-Family Value



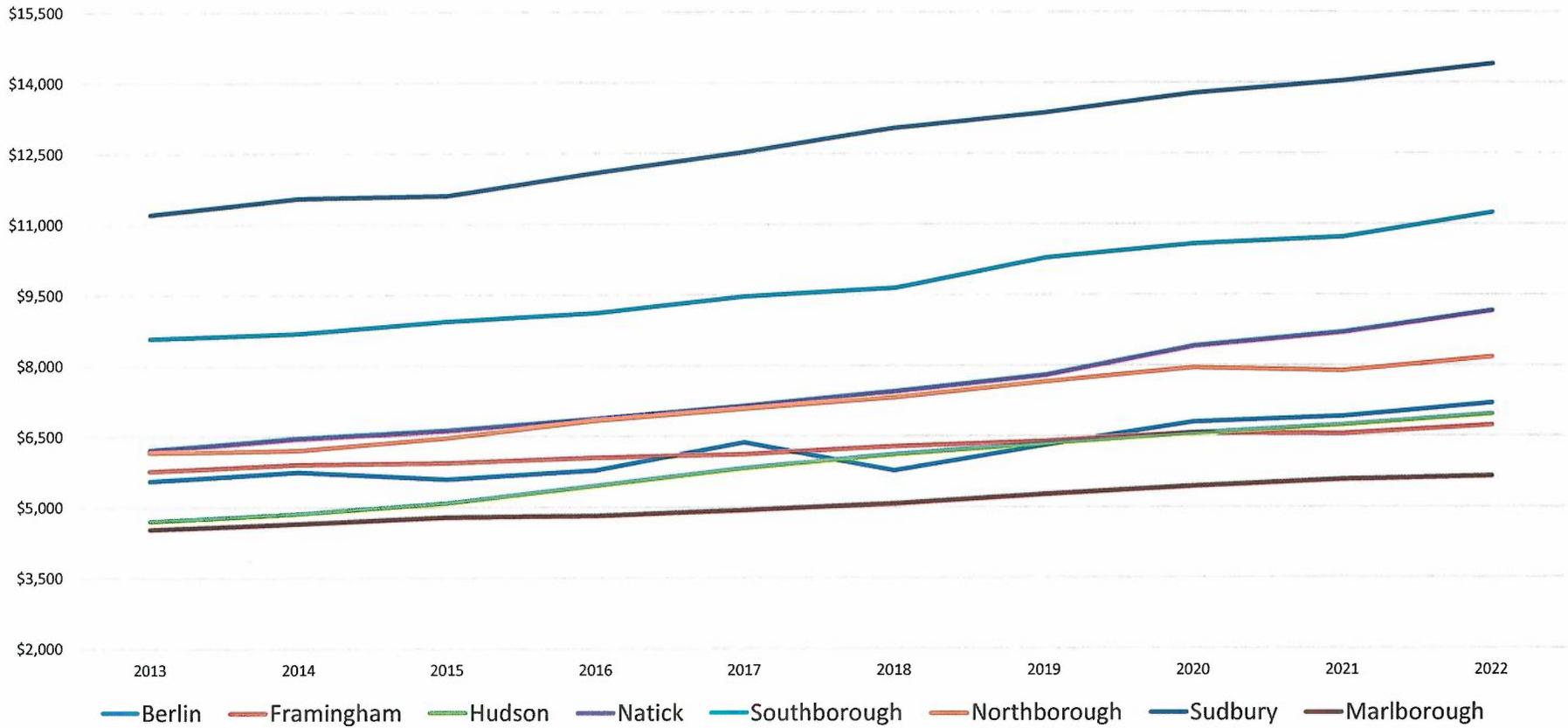
Average Single-Family Tax Bill



Regional Comparison of Average Single-Family Tax Bills

	Municipality	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
1	Ashland	\$6,351	\$6,555	\$6,790	\$7,013	\$7,217	\$7,373	\$7,615	\$7,834	\$8,277	
2	Berlin	\$5,742	\$5,584	\$5,775	\$6,365	\$5,770	\$6,300	\$6,792	\$6,913	\$7,201	\$7,729
3	Boylston	\$5,848	\$5,897	\$5,925	\$6,214	\$6,486	\$6,421	\$6,876	\$7,125	\$7,243	
4	Framingham	\$5,922	\$5,952	\$6,065	\$6,138	\$6,304	\$6,408	\$6,586	\$6,565	\$6,747	
5	Hopkinton	\$8,539	\$8,885	\$8,953	\$9,216	\$9,658	\$10,295	\$10,639	\$11,195	\$11,597	
6	Hudson	\$4,856	\$5,080	\$5,447	\$5,822	\$6,114	\$6,338	\$6,557	\$6,733	\$6,968	
7	Natick	\$6,459	\$6,630	\$6,868	\$7,144	\$7,448	\$7,793	\$8,410	\$8,699	\$9,157	
8	Northborough	\$6,225	\$6,485	\$6,850	\$7,098	\$7,340	\$7,671	\$7,965	\$7,900	\$8,195	
9	Shrewsbury	\$4,483	\$5,030	\$5,178	\$5,274	\$5,560	\$5,699	\$5,968	\$6,355	\$7,383	\$7,797
10	Southborough	\$8,675	\$8,929	\$9,105	\$9,459	\$9,632	\$10,274	\$10,569	\$10,709	\$11,234	\$11,860
11	Sudbury	\$11,544	\$11,598	\$12,082	\$12,520	\$13,033	\$13,355	\$13,769	\$14,033	\$14,395	
12	Westborough	\$8,134	\$8,045	\$8,264	\$8,384	\$8,734	\$9,498	\$9,775	\$10,003	\$10,328	

Average Single Family Tax Bill Comparison to Neighboring Communities



Top 10 Real Estate Taxpayers for Fiscal Year 2023

	Owner	Nature of Business	FY23 Real Estate Tax Bill	FY2023 Value	% of Total Tax Levy
1	Avalon Marlborough LLC	Apartment Complex	\$1,662,041.58	\$144,024,400	1.51%
2	TJX Companies, Inc.	Retail-Offices	\$1,616,764.30	\$79,565,172	1.47%
3	BH GRP TCAM Owner LLC	Office Campus	\$1,516,975.38	\$74,654,300	1.38%
4	Boston Scientific Corporation	Office Campus	\$1,408,755.12	\$69,328,500	1.28%
5	Atlantic-Marlboro Realty III LLC	Office-R & D	\$1,093,313.03	\$53,804,775	0.99%
6	GS Stonegate Project Owner LLC	Apartment Complex	\$1,023,842.65	\$88,721,200	0.93%
7	Walker Realty (APEX)	Retail / Office	\$974,027.01	\$47,934,400	0.89%
8	MTP Equity Partners LLC	Office Campus	\$897,670.71	\$44,176,708	0.82%
9	Raytheon Company	Computer Management	\$896,981.70	\$44,142,800	0.82%
10	ROM & HASS Electronic Materials LLC	Industrial	\$880,181.12	\$43,316,000	0.80%

Top 10 Real Estate Taxpayers for Fiscal Year 2022

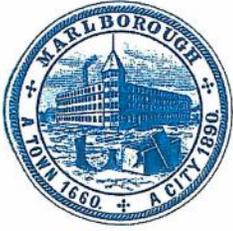
	Owner	Nature of Business	FY22 Real Estate Tax Bill	FY2022 Value	% of Total Tax Levy
1	Avalon Marlborough LLC	Apartment Complex	\$1,889,600.13	\$144,024,400	1.71%
2	TJX Companies, Inc.	Retail-Offices	\$1,688,880.03	\$76,178,621	1.52%
3	Boston Scientific Corporation	Office Campus	\$1,671,293.10	\$75,385,345	1.15%
4	Hines Global REIT Marlborough Campus	Office Campus	\$1,623,899.29	\$73,247,600	1.47%
5	MTP Equity Partners LLC	Office Campus	\$1,203,137.08	\$54,268,700	1.09%
6	Atlantic-Marlboro Realty III LLC	Office-R & D	\$1,127,227.00	\$50,844,700	1.02%
7	GS Stonegate Project Owner LLC	Apartment Complex	\$1,072,950.98	\$81,779,800	0.97%
8	Walker Realty (APEX)	Retail / Office	\$1,004,414.07	\$45,305,100	0.91%
9	Raytheon Company	Computer Management	\$919,112.78	\$41,457,500	0.83%
10	Shipley Company LLC	Industrial	\$913,902.83	\$41,222,500	0.83%

Top 10 Personal Property Taxpayers for Fiscal Year 2023

	Taxpayer	Address	FY23 PP Tax Bill	FY23 Value
1	Wellington Mgmt. Co LLP	100 Campus Dr.	\$286,548.17	\$14,101,780
2	Astellas Phar Inc	33 Locke Drive	\$246,685.21	\$12,140,020
3	Oracle America Inc.	250 Locke Dr	\$216,982.45	\$10,678,270
4	Boston Scientific Corp.	Boston Scientific Way	\$213,339.68	\$10,499,000
5	Marvel Semiconductor Inc	600 Nickerson Road	\$158,737.60	\$7,811,890
6	Comcast of MA I Inc.	Various	\$109,198.26	\$5,373,930
7	Crown Castle Fiber LLC	Various	\$90,370.36	\$4,447,360
8	Quest Diagnostics LLC	200 Forest St	\$67,570.71	\$3,325,330
9	PCC Sales Inc.	293 Boston Post Rd. West	\$50,607.77	\$2,490,540
10	Spectrum Microwave Inc.	400 Nickerson Rd	\$44,082.00	\$2,169,390

Top 10 Personal Property Taxpayers for Fiscal Year 2022

	Taxpayer	Address	FY22 PP Tax Bill	FY22 Value
1	Oracle America Inc.	250 Locke Dr	\$297,259.79	\$13,408,200
2	Astellas Phar Inc.	33 Locke Drive	\$234,971.18	\$10,598,610
3	Boston Scientific Corp.	Boston Scientific Way	\$205,593.50	\$9,273,500
4	Marvel Semiconductor Inc.	600 Nickerson Road	\$183,813.24	\$8,291,080
5	Athena Diagnostics Inc.	200 Forest St	\$155,607.68	\$7,018,840
6	Comcast of MA	Various	\$126,137.99	\$5,689,580
7	Wellington Mgmt. Co LLP	100 Campus Dr	\$125,724.07	\$5,670,910
8	Quest Diagnostics LLC	200 Forest St	\$119,545.52	\$5,392,220
9	Crown Castle Fiber LLC	Various	\$94,646.39	\$4,269,120
10	PCC Sales Inc.	293 Boston Post Rd West	\$51,871.37	\$2,339,710



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DEC -1 AM 11:48

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Candace McGrath
EXECUTIVE ADMINISTRATOR

December 1, 2022

Council President Michael Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Honorable President Ossing and Councilors:

Re: Grant acceptance for the Department of Public Works for Main & Weed Streets

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$3,000,000.00 from the MassWorks Infrastructure Program through the Massachusetts Executive Office of Housing and Economic Development.

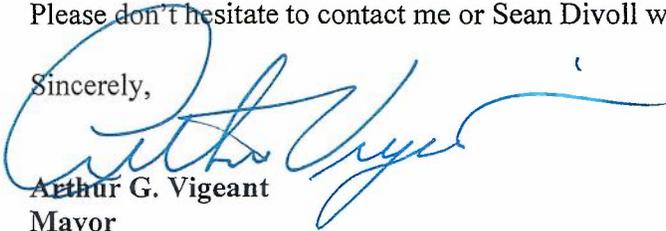
These funds will allow the City to create a raised, shared-use plaza, reconstruct the traffic signal at Bolton and Main Streets, improve the existing park at the intersection of Prospect and Main Streets to serve as the trail head for the newly extended Assabet River Rail Trail, pavement mill and overlay, sidewalk reconstruction, new ADA compliant wheelchair ramps, decorative pavement treatments, landscaping, lighting and signage enhancements.

I would like to take this opportunity to thank the Baker-Polito administration for their continued support.

We neglected to include this for acceptance in the spring which was an oversight and recommend the Council to approve this grant allowing the DPW to begin processing expenses incurred to date.

Please don't hesitate to contact me or Sean Divoll with any questions.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. 508-624-6910
*TDD 508-460-3610

SEAN M. DIVOLL, P.E.
COMMISSIONER

November 28, 2022

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

RE: MassWorks Grant Acceptance

Dear Mayor Vigeant:

The City was recently awarded a MassWorks grant from the Executive Office of Housing and Economic Development through its One Stop for Growth program in the amount of \$3,000,000 for roadway resurfacing and streetscape improvements on Main Street and Weed Street.

Attached is the Notice of Grant Award. I kindly request the grant award be forwarded to the City Council for acceptance.

I am available to answer any questions you or the City Council may have.

Very truly yours,

Sean M. Divoll, P.E.
Commissioner

cc. Thomas DiPersio, P.E, P.L.S., City Engineer
Meredith Harris, Executive Director, MEDC

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: DPW DATE: 12/1/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Tom DiPersio

NAME OF GRANT: MassWorks Infrastructure Program

GRANTOR: Exec. Office of Housing & Economic Development

GRANT AMOUNT: \$3,000,000.00

GRANT PERIOD: July 1, 2022 - June 30, 2024

SCOPE OF GRANT/
ITEMS FUNDED Improvements to Main & Weed Streets
Water, sewer, drainage, curbing, sidewalks, streetscapes, traffic control, lighting,
landscaping and signage

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 19-Dec-22

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



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF
 HOUSING & ECONOMIC DEVELOPMENT**
 One Ashburton Place, Room 2101, Boston, MA 02108

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

MIKE KENNEALY
 SECRETARY

TELEPHONE: (617) 788-3610
www.mass.gov/hed

October 4, 2021

Arthur Vigeant, Mayor
 Marlborough Economic Development Corporation
 91 Main Street, Suite 204
 Marlborough, Massachusetts 01752

Dear Mayor Vigeant:

Thank you for submitting this application to the FY2022 Community One Stop for Growth. The three One Stop partner agencies worked together to carefully review and evaluate all eligible applications and recommended the most ready and highest-impact projects for a grant. Your application was reviewed by the program(s) that could best serve the project's funding needs.

On behalf of the Baker-Polito Administration, I am pleased to inform the **Marlborough Economic Development Corporation** (Grantee) that a grant in the amount of **\$3,000,000** from the MassWorks Infrastructure Program has been approved to support the **Main Street Reconstruction** project.

To begin preparing a contract for this grant, please respond with a completed Pre-Contract Form (template attached) no later than January 31, 2022. A member of the MassWorks team will reach out to your office directly to discuss any additional conditions or requirements related to this grant award and next steps.

Please be advised that this letter does not constitute an agreement or contract with EOHEd or the Commonwealth of Massachusetts, nor does it confer any rights onto the Grantee. The Grantee is not authorized to proceed with any purchases or construction work, for which it expects reimbursement from this grant, until a contract has been fully executed. The grant commitment outlined above is contingent upon successful execution of a contract no later than June 30, 2022, with a project scope/timeline confirming that the project can be completed within the next three years. Grantees unable to meet these deadlines, will need to reapply in a future competitive round.

Finally, please note that public announcement of this award is embargoed until the Administration has had the opportunity to formally announce it through a local event and/or media release. Please refrain from sharing or publicizing news about this award outside of your organization until it is officially announced.

Sincerely,

Mike Kennealy
 Secretary

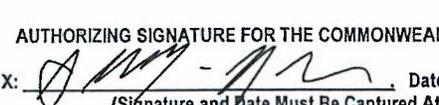
c.c.: Juan R. Vega, Assistant Secretary for Communities and Programs





COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions and Contractor Certifications, the Commonwealth Terms and Conditions for Human and Social Services or the Commonwealth IT Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.mass.gov/lists/osd-forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Executive Office of Housing and Econ. Dev. MMARS Department Code: EED	
Legal Address: (W-9, W-4): 140 Main Street, Marlborough MA 01752		Business Mailing Address: 1 Ashburton Place, Boston, MA 02108	
Contract Manager: Thomas DiPersio Jr.	Phone: 508.624.6910	Billing Address (if different):	
E-Mail: TDipersio@marlborough-ma.gov	Fax: 508.229.1720	Contract Manager: Jacqueline Furtado, AICP	Phone: 617.788.3649
Contractor Vendor Code: VC6000192112		E-Mail: jacqueline.furtado@mass.gov	Fax: 617.788.3605
Vendor Code Address ID (e.g. "AD001"): AD_0001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): 21MWIPMARLBOROUGHMAI	
		RFR/Procurement or Other ID Number: MWIP FY2022	
<input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$_____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ <u>3,000,000</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Capital grant funding through the MassWorks Infrastructure Program (pursuant to Plan Item D001 in the Mass. Capital Investment Plan 2022-2026) to support a public infrastructure project, in accordance with the scope and additional terms and conditions outlined in Attachment A, and as described in the attached RFR response.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2024</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X:  Date: <u>4/25/22</u> (Signature and Date Must Be Captured At Time of Signature)		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X:  Date: <u>4/25/22</u> (Signature and Date Must Be Captured At Time of Signature)	
Print Name: <u>Arthur G. Vigeant</u> Print Title: <u>Mayor</u>		Print Name: <u>Spencer Gurley-Green</u> Print Title: <u>Acting CFO</u>	

Issued May
2004



COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

CONTRACTOR LEGAL NAME: CITY OF MARLBOROUGH
CONTRACTOR VENDOR/CUSTOMER CODE: VC6000192112

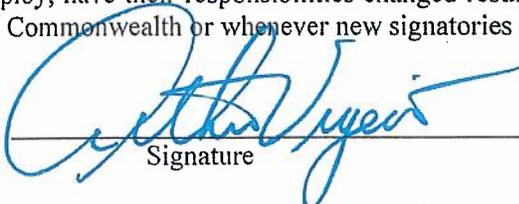
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Arthur G. Vigeant	Mayor
Thomas DiPersio, Jr.	City Engineer

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.



 Signature

Date: 4/20/22

Title: Mayor Telephone: (508) 460-3770
 Fax: Email: mayor@marlborough-ma.gov

[Listing can not be accepted without all of this information completed.]
A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory
who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): Arthur G. Vigeant

Title: Mayor

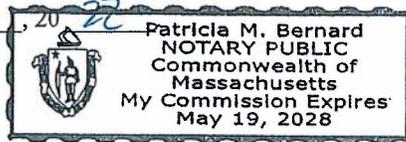
X 

Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Patricia M. Bernard (NOTARY) as a notary public certify that I witnessed
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

April 25
My commission expires on:



AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's
authority as an authorized signatory for the Contractor on this date:

_____, 20 ____.

AFFIX CORPORATE SEAL

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May
2004



PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory
who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): Thomas DiPersio, Jr.

Title: City Engineer

X Thomas DiPersio, Jr.

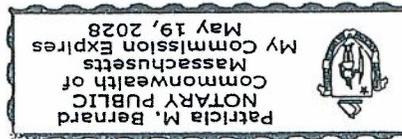
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Patricia M. Bernard (NOTARY) as a notary public certify that I witnessed
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

April 25, 20 22.

My commission expires on:



AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's
authority as an authorized signatory for the Contractor on this date:

_____, 20 ____.

AFFIX CORPORATE SEAL



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DEC -1 AM 11:48

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Candace McGrath
EXECUTIVE ADMINISTRATOR

December 1, 2022

Council President Michael Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Honorable President Ossing and Councilors:

Re: Grant acceptance for the Conservation Commission for Natural Desert Area

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$49,182.00 from the Massachusetts Division of Fisheries and Wildlife.

This grant funding will enable the City to continue the restoration of the degraded pitch pine-scrub oak barrens in the natural desert area and the Sudbury Valley Trustees Memorial Forest parcels allowing these recreation areas to be continually enjoyed by all.

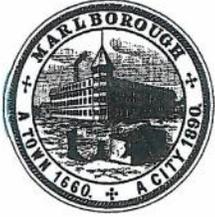
I would like to take this opportunity to thank Baker-Polito administration for their continued support.

Please don't hesitate to contact me or Conservation Officer Priscilla Ryder with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Conservation Commission

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

November 23, 2022

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

RE: Acceptance of Grant of \$49,182.00
Mass Wildlife Habitat Management Grant Project
Desert Natural Area

Dear Mayor, Vigeant,

The City of Marlborough, through the Conservation Commission has been awarded a FY 2023 Mass Wildlife Habitat Management Grant. I have enclosed the grant award notice and project description. This is a reimbursement grant, and all funds must be expended by June 30, 2023. Please submit to City Council for their acceptance.

This funding will enable the Conservation Commission to continue with the restoration of the degraded pitch pine-scrub oak (PPSO) barrens found in both the Marlborough Desert Natural Area and the SVT Memorial Forest parcels. Pine barrens are among the most endangered natural communities in our area and in the world. Wildlife dependent on pine barrens has evolved to survive in this fire adapted community and has become endangered as a result of habitat loss. The barrens habitat is endangered in large part due to fire suppression as well as development pressure. Restoring fire to this fire adapted ecosystem will enhance PPSO habitat diversity and quality and increase climate resilience. The funding will be used to thin a 21-acre parcel of woodland, maintain fire breaks, and remove log piles in anticipation of conducting a controlled burn in the next few years, similar to work done in 2014.

Please let me know if you or the City Council have any questions. I would be happy to attend a committee meeting if that is needed.

If you have any questions on the above, please let me know.

Sincerely,


Priscilla Ryder
Conservation Officer

Cc: Con. Com.
Diane Smith

CITY OF MARLBOROUGH NOTICE OF GRANT AWARD

DEPARTMENT: Conservation DATE: 11-23-22

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Mass Wildlife Habitat Management Grant Project

GRANTOR: Commonwealth of Mass - Mass Wildlife

GRANT AMOUNT: \$49,182.00

GRANT PERIOD: 11-23-22 to 6-30-23

SCOPE OF GRANT/
ITEMS FUNDED Forest Management Harvesting 21 acres; remove log piles; establish fire breaks

Hire logger to harvest and remove logs and create fire breaks

IS A POSITION BEING CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL As soon as possible

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



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

November 17, 2023

Ms. Priscilla Ryder
City of Marlborough
140 Main Street City Hall
Marlborough, MA 01752

Dear Ms. Ryder:

Congratulations!

I am pleased to notify you that the City of Marlborough has been awarded a grant of up to \$49,182.00 to implement the Desert Natural Area MassWildlife Habitat Management Grant Project. Thank you for your commitment to protecting and preserving wildlife habitat in Massachusetts.

Through this funding, and your continued support, we hope to manage our conserved lands for both game species and species of greatest conservation need, and to promote access to the public of our natural areas throughout the Commonwealth.

You will be receiving further instructions from the Division of Fisheries and Wildlife on next steps, and please feel free to contact James Burnham, (james.burnham@mass.gov) if you have any questions.

Governor Charles D. Baker

Lt. Governor Karyn E. Polito

Handwritten signature of Charles D. Baker in black ink.

Handwritten signature of Karyn E. Polito in black ink.

DFW-2023-002:
Scope of Work

MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE (MASSWILDLIFE)
2023 MASSWILDLIFE HABITAT MANAGEMENT GRANT PROGRAM (MHMGP)
MANAGEMENT PLAN FOR THE DESERT NATURAL AREA MANAGEMENT PROJECT

Vendor Information

Ms. Priscilla Ryder
 City of Marlborough
 140 Main Street City Hall
 Marlborough, MA 01752
 Email: pryder@marlborough-ma.gov

Project Description

The Desert Natural Area, located in Sudbury and Marlborough, is a 900-acre ecosystem complex located within a larger area of over 4,000 acres of protected conservation land. This 4,000-acre ecosystem complex contains fire and disturbance-dependent natural communities of pitch pine – scrub oak barrens in a habitat mosaic of white pine/hardwood forest, red maple swamps, two cold-water streams (Cranberry and Trout Brooks) and associated wetlands.

This project aims to prepare the area for prescribed burning by establishment and/or improvement of firebreaks, mastication of log piles, mowing, and removing most snags within 50' of firebreaks throughout site.

Project Deliverables

Treatment Unit #1- Pitch Pine-Oak Upland Forest

Objective 1: Improve Stand 8 and 2c (21 acres) of Pitch Pine – Oak

Task 1: Remove white pine and midstory hardwoods on 21 acres between 12.1.2022 and 4.15.2023 in Stand 8.

Task 2: Remove approximately 30% of basal area, focusing on white pine, in Stand 2c prior to 4.15.2023.

Task 3: Install temporary bridge crossing over cranberry brook to allow for harvesting access.

Treatment Unit #2- Pitch Pine-Oak Upland Forest

Objective 1: Prepare 14 acre site for future prescribed burning (Memorial Forest Stand 7, Sudbury Valley Trustees Stand 1).

Task 1: Mulch, scatter, remove and/or relocate log piles prior to 4.15.2023.

Task 2: Felling of most snags within 50' of fire breaks. Felled snags should have their crowns de-limbed and removed from the site prior to 4.15.2023.

Task 3: Forestry/brush mow (with a focus on the Marlborough portion).

Treatment Unit #3 – Pitch Pine-Oak Upland Forest

Objective 1: Clear firebreaks to prepare for future prescribed burning of a 50 acre site.

Task 1: Clearing of firebreaks in Memorial Forest Stands 4 and 5a prior to 4.15.2023.

Understandings

- It is understood that the landowner is solely responsible for ensuring compliance with all applicable local, state, and federal law including obtaining any necessary permits prior to commencement of work associated with the Scope of Services described herein.
- The Massachusetts Historical Commission has reviewed this proposed project and approved it in their determination letter dated 10.31.22.
- MHMGP projects are subject to approval by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) pursuant to the Massachusetts Endangered Species Act (MGL c.131A). Any terms or conditions imposed on the management activities conducted under the MHMGP by the NHESP must be followed in order for the project to be eligible for reimbursement; failure to do so may result in forfeiture of awarded funds.
 - NHESP has reviewed this proposed Scope of Services and issued guidelines/restrictions which are attached in the letter dated 10.20.2022.
- Leveraging Funds: MassWildlife may utilize the MHMGP funds to leverage additional resources (ex. funds may be used to match federal assistance or other grant programs). MassWildlife encourages grantees to leverage additional resources; however, if a grantee intends to use MHMGP funds to match other grant programs, the grantee must receive written permission from a MassWildlife signature authority before the funds may be used to leverage additional resources; failure to do so may result in forfeiture of awarded funds.
- It is understood that the landowner and all those working on the MHMGP Management Area will take all necessary precautions to avoid adverse effects to Federal and State listed species.
- It is understood that MHMGP project information is subject to the Massachusetts Public Records Law and may be disclosed. However, certain personal information such as social security numbers and birthdates are exempt from disclosure.
- It is required that all staff providing time as reimbursement towards this grant submit documentation that the hourly rate provided is the actual hourly rate without fringe or indirect that the employee receives in their normal line of work. This documentation should be in the form of a pay stub or signed letter from the grantee's financial manager stating that the rate applied accurately reflects the employee's rate of pay.
- It is understood that the landowner will adopt MASSWILDLIFE's Best Management Practices for Controlling Invasive Species, which state that contractors working on a project funded through the MWHMGP shall certify that they have made efforts to assure that their off-road equipment and their field personnel who have been working within invasive plant infestations are reasonably free from invasive plant propagules prior to entering MHMGP project sites. This document can be found at: <https://www.mass.gov/files/documents/2017/09/19/bmp-invasives.pdf>
- Any of the following deviations to the project, as approved, must be requested in writing before any work is done:
 - Revisions to the scope of services (regardless of whether there are associated budget revisions).
 - Changes to seed or plant source.
 - Changes in sub-contracting, sub-granting, or otherwise obtaining the services of a third party to perform activities which are central to the purpose of this award.
 - Changes to the project budget (the total award will not be increased)

MASSWILDLIFE will respond in writing to all requests. No deviation to the project as approved may occur without receipt of written notification from MASSWILDLIFE. If deviations are made without prior written approval by MASSWILDLIFE, MASSWILDLIFE reserves the right to not reimburse the grantee for the work that was completed outside of the agreed upon Scope of Services document.

- The grantee shall maintain records, books, files and other data as specified in a Contract and in such detail as shall properly substantiate claims for payment under a Contract, for a minimum retention period of seven (7) years beginning on the first day after the final payment under a Contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving a Contract. MASSWILDLIFE shall have access, as well as any parties identified under Executive Order 195, during the Grantee's regular business hours and upon reasonable prior notice, to such records, including on-site reviews and reproduction of such records at a reasonable expense.

Reporting Requirements

- The landowner must submit a Final Project Report that includes a comparison of the actual accomplishments with the goals and objectives of the award as detailed in the approved scope of services, a description of why established goals were not met, if appropriate, before and after photographs of the treatment units, and any other pertinent information relevant to the project results. Final Project Reports should be submitted to James Burnham at the Massachusetts Division of Fisheries and Wildlife, 1 Rabbit Hill Road, Westborough, MA 01581 by 7.31.2023. The Final Project Report must be received and approved before the reimbursement will be made. Final Reports can be submitted electronically to james.burnham@mass.gov. Electronic submissions are preferred.
- Because this project may involve state-listed species, managers must file observations of rare species in the Natural Heritage and Endangered Species [Heritage Hub](#). Observation information should be submitted within three months of a site visit but no later than 7.31.2023.

Access

- The landowner agrees to authorize a MHMGP Representative access to the MHMGP Management Area during the Grant Agreement Period by appointment or with permission.

Timeline

- All funds to be expended between the date that the contract is executed and 6.30.2023. All work must be completed between these dates.
- There will be no extensions to this project.

Budget and Payment Schedule

- State Services not to exceed \$49,182.00.
- Submit reimbursement request with supporting documentation including:
 - MHMGP reimbursement expense summary,
 - Post-treatment area photographs,
 - Landowner/Staff tracking sheets,

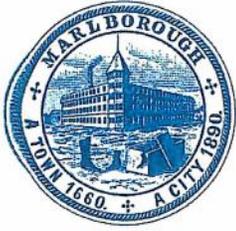
- o Receipts for project purchases,
- o Paid invoices from contractors (proof of payment required),
- o Prevailing wage weekly certified payroll report form and statement of compliance (if applicable),

to James Burnham, at the Massachusetts Division of Fisheries and Wildlife, 1 Rabbit Hill Road, Westborough, MA 01581. Submission of invoice and supporting documents may also be delivered by emailing the documents to james.burnham@mass.gov. Supporting documentation will be checked against the approved budget prior to the approval of any reimbursement request. Site visits may be conducted at the discretion of MASSWILDLIFE to verify project completion and reimbursement request documentation.

Signed:

Kris McCarthy Date
 Chief Financial Officer
 MA Division of Fisheries & Wildlife
 1 Rabbit Hill Road
 Westborough, MA 01581

Arthur Vigeant Date
 Mayor
 City of Marlborough
 140 Main Street – City Hall
 Marlborough, MA 01752



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
NOV 21 11:48 AM

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

Bandace McGrath
EXECUTIVE ADMINISTRATOR

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

December 1, 2022

Council President Michael Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Honorable President Ossing and Councilors:

Re: Grant acceptance for the Marlborough Cultural Council

Honorable President Ossing and Councilors:

Enclosed for your acceptance is the Fiscal Year 2023 grant appropriation in the amount of \$23,100.00 from the Mass Cultural Council's Local Cultural Council Program.

The funds will be dispersed by the Marlborough Cultural Council later this calendar year in support of worthy arts, humanities, music, and youth-based initiatives throughout our community.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council accept the funds so they may be expended for their intended purposes.

If you have any questions, please do not hesitate to contact my office.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH NOTICE OF GRANT AWARD

DEPARTMENT: Cultural Council/Mayor's Office DATE: 12/1/2022

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Cultural Council

NAME OF GRANT: Mass Cultural Council's Local Cultural Council Program

GRANTOR: Mass Cultural Council

GRANT AMOUNT: \$23,100.00

GRANT PERIOD: July 1, 2022 - June 30, 2023

SCOPE OF GRANT/
ITEMS FUNDED Annual appropriation to support arts & humanities in Marlborough
Art projects, music, youth based initiatives, and promoting culture throughout the
community

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 19-Dec-22

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



November 15, 2022

Dear Arthur G. Vigeant:

Thank you for your participation in the Mass Cultural Council's Local Cultural Council Program. Communities like Marlborough play a vital role in ensuring people across the Commonwealth have access to culture in their community.

Thanks to vigorous advocacy from the cultural sector, the Legislature once again showed strong, bipartisan support for the Mass Cultural Council, and its programs and services in the FY23 state budget. This allows us to continue to support Massachusetts' dynamic artists and creative individuals, communities, cultural organizations, schools, and creative youth development across the Commonwealth.

Enclosed you will find the contract and scope of services for the Marlborough Cultural Council's FY23 allocation of \$23,100. Please review these documents carefully and return the required paperwork by January 20, 2023. For questions about the contract, please contact Tom Luongo at 617-858-2708 or thomas.luongo@mass.gov.

Culture is ultimately about you. You play an integral role in creating and supporting a cultural life in Massachusetts that is vital, accessible, and thriving. Thank you for all that you do to elevate our rich cultural life in Massachusetts.

A handwritten signature in black ink that reads 'Nina Fialkow'.

Nina Fialkow
Chair

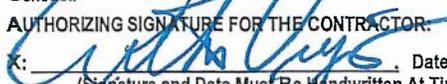
A handwritten signature in black ink that reads 'Michael J. Bobbitt'.

Michael J. Bobbitt
Executive Director

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the [Standard Contract Form Instructions and Contractor Certifications](#), the [Commonwealth Terms and Conditions for Human and Social Services](#) or the [Commonwealth IT Terms and Conditions](#) which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: City of Marlborough Marlborough Cultural Council (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Massachusetts Cultural Council MMARS Department Code: ART	
Legal Address: (W-9, W-4): City Hall 140 Main Street Marlborough MA 01752-3812		Business Mailing Address: 10 Saint James Ave., 3 rd Fl., Boston, MA 02116	
Contract Manager: Arthur G. Vigeant	Phone: 508-460-3770	Billing Address (if different):	
E-Mail: mayor@marlborough-ma.gov	Fax:	Contract Manager: Tom Luongo	Phone: 617-858-2708
Contractor Vendor Code: VC6000192111		E-Mail: thomas.luongo@mass.gov	Fax:
Vendor Code Address ID (e.g. "AD001"): AD001. (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s):	
<input checked="" type="checkbox"/> NEW CONTRACT		<input type="checkbox"/> CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		Enter Current Contract End Date <i>Prior</i> to Amendment: ____, 20__. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00 . <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or <i>new</i> total if Contract is being amended). \$23,100			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: __agree to standard 45 day cycle __ statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Local Cultural Council Allocation for the Marlborough Cultural Council			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 2. may be incurred as ____, 20__, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <input checked="" type="checkbox"/> 3. were incurred as of July 01, 2022 , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of June 30, 2023 , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 807 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X:  Date: <u>11/28/22</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur Vigeant</u> Print Title: <u>Mayor</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>David T. Slatery</u> Print Title: <u>Deputy Director</u>	

Issued May 2004



COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

CONTRACTOR LEGAL NAME : *City of Marlborough*
CONTRACTOR VENDOR/CUSTOMER CODE: *VC6000192112*

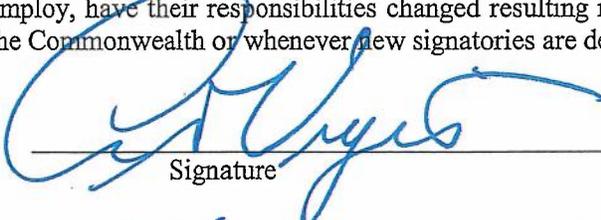
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
<i>Arthur Viscont</i>	<i>Mayor</i>

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.



Signature

Date: *11/28/22*

Title: *Mayor*

Telephone: *508 460-3770*

Fax:

Email: *MAYOR*

[Listing can not be accepted without all of this information completed.]
A copy of this listing must be attached to the "record copy" of a contract filed with the department.

Issued May 2004

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME : City of Marlborough
CONTRACTOR VENDOR/CUSTOMER CODE: VC6000192112

PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): Arthur Viseant

Title: Mayor
X 

Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Patricia M. Bernard (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

_____, 20____

My commission expires on:



AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____, 20____.

AFFIX CORPORATE SEAL



City of Marlborough Legal Department

RECEIVED
CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 NOV 30 PM 2:34

JASON D. GROSSFIELD
CITY SOLICITOR
JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR
BEATRIZ R. ALVES
PARALEGAL

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

November 30, 2022

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: City Council Order No. 22-1008695: Petition of Verizon Wireless for the Installation of a Small Cell Wireless Facility to be Located on Pole #34 Within the Layout of the Public Way Near 385 Farm Road

Dear Honorable President Ossing and Councilors:

I provide this letter as to the legal form of the City Council's proposed decision on the above-referenced petition submitted on behalf of Cellco Partnership d/b/a Verizon Wireless. The Petition asks the Council to grant a location on a new utility pole located adjacent to 385 Farm Road in Marlborough, which pole is to replace an existing pole currently designated as National Grid pole #34.

I have reviewed the proposed draft decision and find that it is in proper legal form for the council's vote. Please contact this office if you have any questions or concerns.

Respectfully,

Jeremy P. McManus
Assistant City Solicitor

Enclosure

cc: Thomas DiPersio, Jr., City Engineer
Jason D. Grossfield, City Solicitor

IN CITY COUNCIL

ORDERED:

Marlborough, Mass. _____

PAGE 1

That the City Council for the City of Marlborough, pursuant to M.G.L. c.166, §22 and Chapter 473, Article III of the City of Marlborough General Code entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," does hereby approve the petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), filed with the City Clerk on September 28, 2022, to grant a location on a new utility pole located in the public right of way adjacent to 385 Farm Road in Marlborough, which pole is to replace an existing pole currently designated as National Grid pole #34, in order for Verizon Wireless to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top canister antenna, remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment (the "Small Cell Facility"), all as depicted on plans submitted with Verizon Wireless' petition and in photo simulations submitted to the City Council and Public Services Committee, which plans are attached hereto and incorporated herein; subject, however, to the following conditions, which conditions shall be binding upon Verizon Wireless, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. Verizon Wireless shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of Verizon Wireless, its employees, agents and servants in any manner arising out of the rights and privileges granted herein to Verizon Wireless for its Small Cell Facility.
3. Verizon Wireless shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473, Article III, entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #34 becomes a double pole in the future, Verizon Wireless shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31st of the year in which National Grid pole #34 becomes a double pole; provided, however, that if Verizon Wireless is unable to comply with the December 31st deadline for reasons fairly attributable to National Grid, Verizon Wireless shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the

IN CITY COUNCIL

ORDERED:

Marlborough, Mass. _____

PAGE 2

Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.

5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of Verizon Wireless in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) Verizon Wireless installs the rod immediately adjacent to National Grid pole #34 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) Verizon Wireless restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment shall be mounted on the side of National Grid pole #34 facing away from the roadway.
8. Any future modification of the Small Cell Facility by Verizon Wireless shall require further City Council Approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #34 shall result in Verizon Wireless moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.
11. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #34 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #34, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. Verizon Wireless shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.

IN CITY COUNCIL

ORDERED:

Marlborough, Mass. _____

PAGE 3

- 12. Each year on July 1st, Verizon Wireless shall submit an affidavit that the Small Cell Facility remains in use and that the Small Cell Facility remains covered by liability insurance naming the City as an additional insured.
- 13. Each year on July 1st, Verizon Wireless shall pay to the City of Marlborough an annual recertification fee of \$250.00 for each year that the Small Cell Facility remains in use.
- 14. If the Small Cell Facility is no longer in use, it shall be removed by Verizon Wireless, at its expense, within 60 days. If the Small Cell Facility is not removed by Verizon Wireless within 60 days of it no longer being in use, Verizon Wireless shall pay a fine of \$100.00 per day until such installation is removed by Verizon Wireless.
- 15. Prior to commencement of construction and/or installation of the Small Cell Facility, National Grid shall replace the existing pole #34 with a new pole as further described in the plans attached hereto. Notwithstanding anything to the contrary, the Small Cell Facility shall not be placed on said existing pole, and this Grant of Location only authorizes the Small Cell Facility to be placed on the new replacement pole.
- 16. Failure by Verizon Wireless to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of Verizon Wireless' petition granted herein.

Be and is herewith APPROVED.

ADOPTED

In City Council
Order No.

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

MARLBORO_SC42_MA-684895

UTILITY POLE #34
 385 FARM ROAD
 MARLBOROUGH, MA 01752



ENGINEER

NB+C
 TOTALLY COMMITTED

NB+C ENGINEERING SERVICES, LLC.
 100 WOOD DRIVE, SUITE 200
 WESTBORO, MA 01581
 (508) 330-3330

APPLICANT

verizon

118 FLANDERS ROAD
 WESTBORO, MA 01581
 (508) 330-3330

SITE INFORMATION

MARLBORO_SC42_MA-684895
 UTILITY POLE #34
 385 FARM ROAD
 MARLBOROUGH, MA 01752

REVISIONS

REV	DATE	DESCRIPTION	BY

GENERAL NOTES

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SHEET NUMBER

LE-1



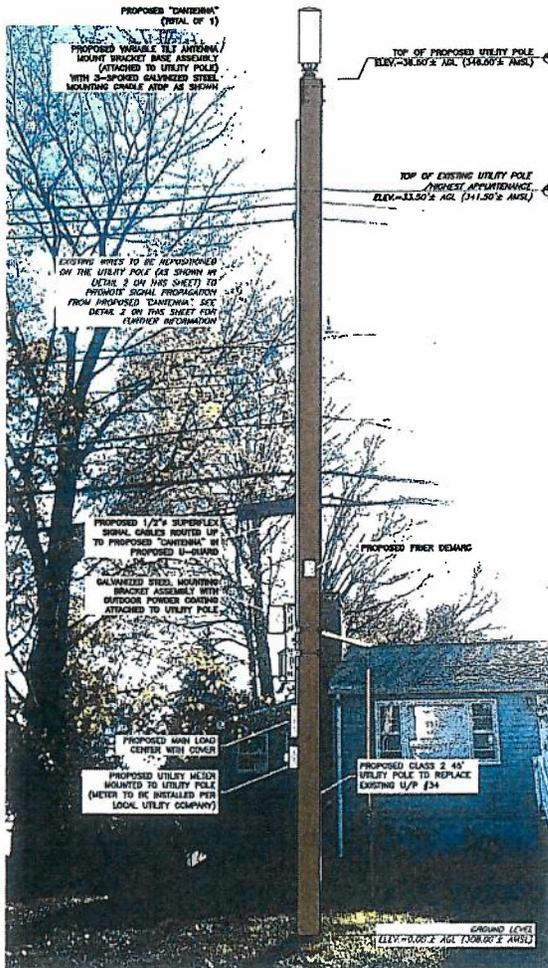
KEY CONTROL POINT:
 CENTER OF EXISTING U/P #34
 N 92.2407827 (42-05'-38.71")
 W 71.8247887 (17'-31"-28.23")

LOCATION PLAN/AERIAL IMAGE
 SCALE: 1"=50'

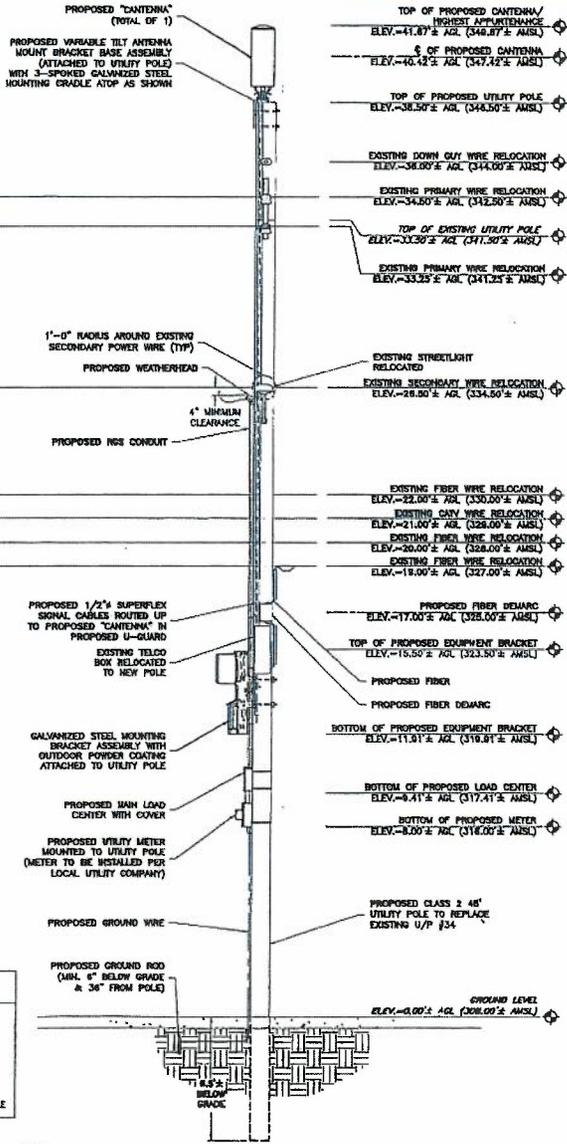


GENERAL NOTES:

1. THESE DRAWINGS ARE DIAGNOSTIC IN NATURE AND ARE INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION, SIZE AND ORIENTATION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS EQUIPMENT INSTALLATION ON THE UTILITY POLE AND ARE NOT SPECIFICALLY INTENDED FOR CONSTRUCTION.
2. VERIZON WIRELESS SHALL PLACE WEATHER RESISTANT PNEUMATIC PLACARDS ON UTILITY POLE AND AUXILIARY EQUIPMENT TO IDENTIFY EQUIPMENT OWNERSHIP & CONTACT INFORMATION TO BE UTILIZED IN CASE OF EMERGENCY.
3. AN ANALYSIS OF THE CAPACITY OF THE EXISTING UTILITY POLE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY NB+C ENGINEERING SERVICES, LLC AND THUS, THESE DRAWINGS ARE SUBJECT TO CHANGE PENDING THE OUTCOME OF A STRUCTURAL ANALYSIS (TO BE PERFORMED BY OTHERS).
4. VERIZON WIRELESS GENERAL CONTRACTOR SHALL EXTEND EFFORTS TO ENSURE THAT ALL PROPOSED EQUIPMENT MEETS THE REQUIREMENTS OF THE EXISTING UTILITY COMPANY OR COMPANIES CURRENTLY OCCUPYING THE UTILITY POLE AND THE 2017 NATIONAL ELECTRICAL SAFETY CODE.



1 UTILITY POLE PHOTO (EXISTING CONDITIONS/SCHEMATIC RENDERING)
SCALE: NTS



2 UTILITY POLE ELEVATION (PROPOSED CONDITIONS)
SCALE: 1" = 2'

ANTENNA AND MOUNT NOTE:
CONTRACTOR SHALL POSITION/ROTATE PROPOSED ANTENNA MOUNT/BRACKET IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXISTING STREET LIGHT, PRIMARY POWER CROSSARMS (IF PRESENT), BRACKETS, BRACES, SECONDARY POWER SUPPORTS OR ANY OTHER MISCELLANEOUS APPEARANCES AND RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE EXISTING UTILITY POLE.

EQUIPMENT AND MOUNT NOTE:
CONTRACTOR SHALL POSITION/ROTATE PROPOSED EQUIPMENT AND ASSOCIATED MOUNTS/BRAKETS IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXISTING WIRES/PANELS ETC. OR ANY OTHER MISCELLANEOUS APPEARANCES AND RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE FACE OF THE EXISTING UTILITY POLE.

NOTES:
UTILITY POLE, EXISTING APPEARANCES AND DETAILS OF PROPOSED INSTALLATION SHOWN SCHEMATICALLY.

LEGEND

- FIBER BUNDLE/WAVER
- AC POWER
- DC POWER
- GROUND
- - - 1/2" SUPERFLEX SIGNAL CABLE

NB+C
TOTALLY COMMITTED.
NB+C ENGINEERING SERVICES, LLC.
160 WASHINGTON ST., SUITE 200
WESTBORO, MA 01581
978-335-1000

verizon
118 FLANDERS ROAD
WESTBORO, MA 01581
(608) 330-3330

MARLBORO_SC42_MA-584895
UTILITY POLE #34
385 FARM ROAD
MARLBOROUGH, MA 01752

REVISIONS

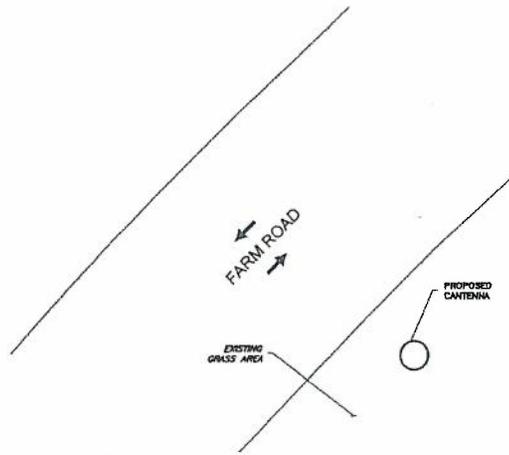
NO.	DATE	DESCRIPTION	BY
0	01/20/22	POLE REPLACEMENT	CYC
A	01/20/22	PRELIMINARY	CRD

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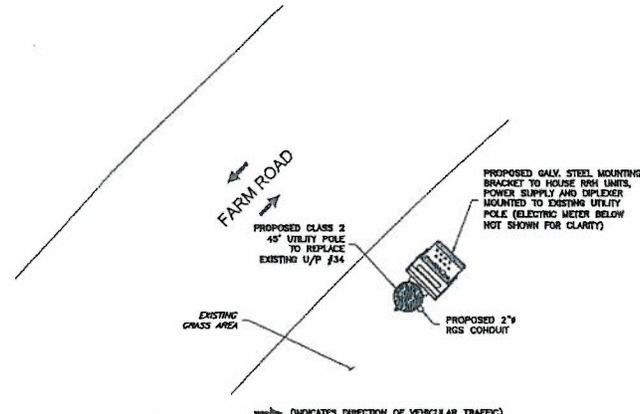
THESE DRAWINGS ARE FORMATTED TO BE FULL SIZE AT 11"x17". ALL OTHER PRINTED SIZES ARE DEEMED "NOT TO SCALE".

LE-2

ENGINEER
APPLICANT
SITE INFORMATION
DESIGN RECORD
GENERAL NOTES
SHEET NUMBER

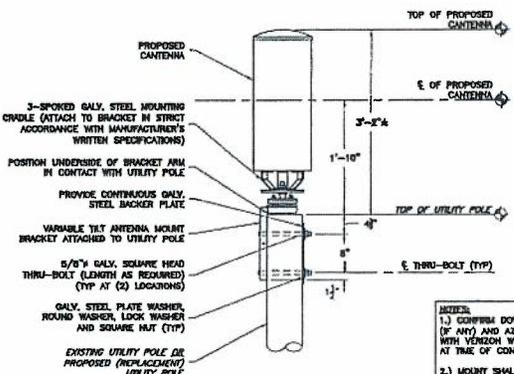


1 ANTENNA ORIENTATION PLAN
SCALE: NTS



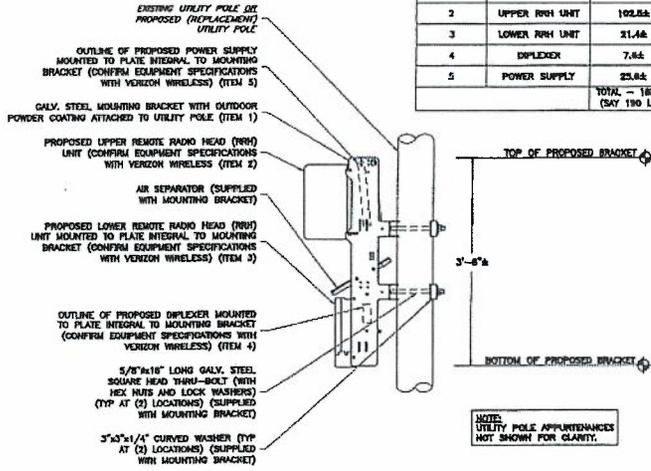
2 ANCILLARY EQUIPMENT ORIENTATION PLAN
SCALE: NTS

ITEM ID (SEE DETAIL)	DESCRIPTION	WEIGHT (LBS)
1	MOUNTING BRACKET	32.2LB
2	UPPER RSH UNIT	102.8LB
3	LOWER RSH UNIT	31.4LB
4	DIPLEXER	7.4LB
5	POWER SUPPLY	25.8LB
TOTAL - (MAX 200 LBS)		199.6LB



3 ANTENNA MOUNT DETAIL
SCALE: NTS

- NOTES:**
- 1.) CONFIRM DOWNLIFT REQUIREMENTS (IF ANY) AND ADJUST SPECIFICATIONS WITH VERIZON WIRELESS RF ENGINEER AT TIME OF CONSTRUCTION.
 - 2.) MOUNT SHALL BE INSTALLED IN SUCH A WAY TO ENSURE PLUMB INSTALLATION OF ANTENNA.
 - 3.) UTILITY POLE APPURTENANCES NOT SHOWN FOR CLARITY.



4 ANCILLARY EQUIPMENT MOUNTING BRACKET DETAIL
SCALE: NTS

NOTE: UTILITY POLE APPURTENANCES NOT SHOWN FOR CLARITY.

NB+C
TOTALLY COMMITTED.
NB+C ENGINEERING SERVICES, L.L.C.
100 WASHINGTON STREET, SUITE 200
WESTBORO, MA 01581
(508) 330-3330

verizon
118 FLANDERS ROAD
WESTBORO, MA 01581
(508) 330-3330

MARLBORO_SC42_MA-684895
UTILITY POLE #34
385 FARM ROAD
MARLBOROUGH, MA 01752

REVISIONS

NO.	DATE	DESCRIPTION	BY

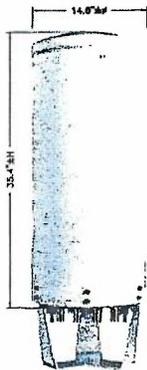
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LE-3

ENGINEER
APPLICANT
SITE INFORMATION
DESIGN RECEIVED
GENERAL NOTES
SHEET NUMBER



SMALL CELL ANTENNA
 DIMENSIONS: 14.0\"/>

1 TYPICAL ANTENNA SPECIFICATIONS
 SCALE: NTS



REMOTE RADIO HEAD
 DIMENSIONS: 17.3\"/>



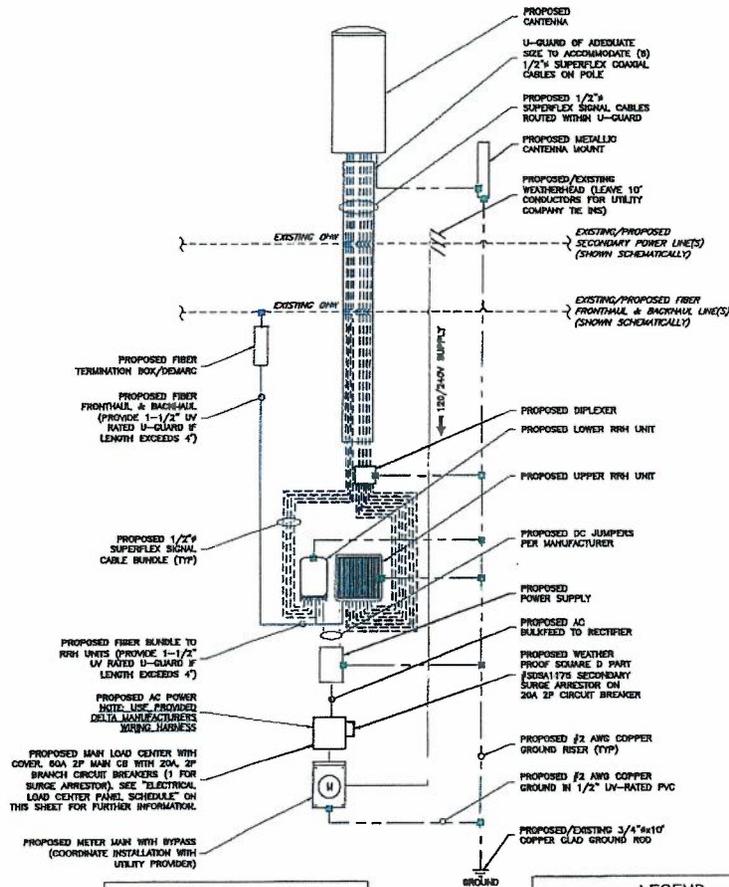
REMOTE RADIO HEAD
 DIMENSIONS: 13.9\"/>

2 TYPICAL REMOTE RADIO HEAD (RRH) UNIT DIMENSIONS
 SCALE: NTS



DIPLEXER
 DIMENSIONS: 4.8\"/>

3 TYPICAL DIPLEXER DIMENSIONS
 SCALE: NTS



ONE-LINE DIAGRAM NOTES:
 1.) PROVIDE WEATHER TIGHT SEAL CONNECTORS ON ALL CONNECTIONS EACH SIDE OF ENCLOSURE HOUSING
 2.) COORDINATE ANY FURTHER MISCELLANEOUS WIRING AND CONDUIT REQUIREMENTS WITH VERIZON WIRELESS AND ELECTRIC COMPANY

LEGEND

—	FIBER BUNDLE/JUMPER
—	AC POWER
—	DC POWER
---	GROUND
- - - -	1/2\"/>

4 FIBER/ELECTRICAL ONE-LINE DIAGRAM
 SCALE: NTS

NB+C
 TOTALLY COMMITTED.
 NB+C ENGINEERING SERVICES, LLC.
 100 JEFFERSON ROAD, SUITE 200
 WESTBORO, MASSACHUSETTS 01581
 (508) 853-8200

verizon
 118 FLANDERS ROAD
 WESTBORO, MA 01581
 (508) 330-3330

MARLBORO_SC42_MA-684895
 UTILITY POLE #34
 385 FARM ROAD
 MARLBOROUGH, MA 01752

REVISIONS

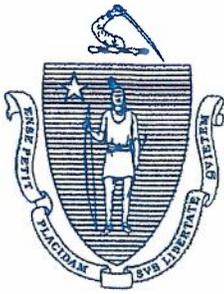
NO.	DATE	DESCRIPTION	BY

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LE-4

ENGINEER: [blank]
 APPLICANT: [blank]
 SITE INFORMATION: [blank]
 DESIGN RECORD: [blank]
 GENERAL NOTES: [blank]
 SHEET NUMBER: [blank]



THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD
**CENTRAL MASSACHUSETTS
MOSQUITO CONTROL PROJECT**

111 Otis Street, Northborough, MA 01532-2414
Telephone (508) 393-3055 • Fax (508) 393-8492
www.cmmcp.org

RECEIVED
CITY CLERK'S OFFICE
CITY OF NORTHBOROUGH
2022 NOV 17 PM 2:14



COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

TO: MA Secretary of State, MA Administration & Finance, State Reclamation & Mosquito Control Board, CMMCP member City/Town Clerks & Boards of Health

FROM: Central Massachusetts Mosquito Control Project
Timothy D. Deschamps, Executive Director

RE: 2023 Commission meeting dates

Date: November 10, 2022

This notice is provided in accordance with the Massachusetts Open Meeting Law M.G.L. c.30A. Please be advised the Central Mass. Mosquito Control Project's Board of Commission will meet at 11:00am on the following dates.

- ★ January 11
- ★ February 8
- ★ March 8
- ★ April 12
- ★ May 10
- ★ June 14
- ★ July 12
- ★ August 9
- ★ September 13
- ★ October 11
- ★ November 8
- ★ December 13

NOTE: Some or all of these meetings will be held remotely pursuant to Ch. 107 of the Acts of 2022, which was signed into law by Governor Baker on July 16, 2022. Each posted agenda will have specific information regarding the meeting location and/or call-in information.

Any changes to this schedule will be made following the rules outlined in M.G.L. c. 30A or other applicable laws.

Pursuant to 940CMR 29.03(1)(c), meeting notices for the CMMCP Board of Commission will be placed on the CMMCP website at this location: <http://www.cmmcp.org/cmmcp-board-commission> at least 48 hours in advance excluding Saturdays, Sundays and legal holidays. This notice will include the same content as required by 940 CMR 29.03(1)(b).

cc: CMMCP Board of Commission



The Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF HARLBOROUGH

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND REQUEST FOR COMMENTS

D.P.U. 22-BSF-D4

November 18, 2022

Petition of Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid for Approval to Exclude Mystic Cost-of-Service Agreement Costs.

On November 16, 2022, Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid Basic Service (“National Grid” or “Company”) filed a petition with the Department of Public Utilities (“Department”) for approval of an alternative approach to its basic service procurements, excluding certain costs associated with the Mystic gas fired generation facilities. The Company’s proposal would impact basic service solicitations for its Industrial Customer Group for the period February 1, 2023, through April 30, 2023; the Residential and Commercial Customer Groups for the six-month period May 2023 through October 2023; and continue in future Basic Service solicitations through May 2024. The Department docketed this matter as D.P.U. 22-BSF-D4.

Pursuant to Pricing and Procurement of Default Service, D.T.E. 99-60-B (2000), Default Service Pricing and Procurement, D.T.E. 99-60-C (2000), and Default Service Procurement, D.T.E. 02-40-C (2003), the Department requires electric distribution companies to procure 100 percent of their large commercial and industrial (“C&I”) basic service load requirements on a quarterly basis and their residential and commercial customer groups through two overlapping twelve-month procurements, each for 50 percent of the load requirement. Consistent with these requirements, on November 10, 2022, the Company issued a request for proposal (“RFP”) process to solicit 100 percent of its basic service load requirements for its industrial customer group for the three-month basic service period February 1, 2023, through April 30, 2023. Additionally, the Company is requesting bids to supply 50 percent of all-requirements service for the Southeast Massachusetts (“SEMA”) load zone for the Residential and Commercial Customer Groups for the May 2023 through October 2023 period.

Basic Service suppliers are required to pay capacity payments to Mystic pursuant to a Cost of Service Agreement (“Mystic COS Agreement”) approved by the Federal Energy Regulatory Commission (“FERC”) on June 1, 2022. The Mystic COS Agreement is intended to ensure reliability for the region and all suppliers are required to purchase capacity under the agreement. The costs under the Mystic COS Agreement are not fixed, and the Company indicates that due to the significant increase in volatility and price of natural gas and liquified natural gas, certain suppliers have raised concerns about their ability to accurately estimate Mystic COS Agreement costs in their basic service bids.

Accordingly, the Company has proposed an alternative basic service procurement plan to encourage bidder participation in its pending RFP and in future Basic Service solicitations through the life of the Mystic COS Agreement, which expires in May 2024. The Company proposes to exclude from Basic Service bids the costs associated with the Mystic COS Agreement. The Company proposes to exclude these costs commencing with the current solicitation for the Company's Industrial Customer Group for the period February 1, 2023, through April 30, 2023, and the Residential and Commercial Customer Groups for the six-month period May 2023 through October 2023 and continuing in future Basic Service solicitations for the period through May 2024. The Company will include an estimate of Mystic COS Agreement costs in its Basic Service rates. Any deviations between the estimated Mystic COS Agreement costs in rates and actual costs will be reflected in the annual Basic Service reconciliation and, ultimately, recovered through the Basic Service Adjustment Factor.

The Department will accept written comments on the Company's petition. Written comments must be filed with the Department no later than close of business (5:00 p.m.) on **November 30, 2022**. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed below, is sufficient.

All comments must be submitted to the Department in **.pdf format** by e-mail attachment to dpu.efiling@mass.gov and patrick.m.houghton@mass.gov. All comments also must be sent to counsel for National Grid, Meabh Purcell, Esq., by email attachment to Meabh.purcell@nationalgrid.com. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 22-BSF-D4); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB.

Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)) regarding the filing of documents. However, at this time, all filings will be submitted to the Department only in electronic format, consistent with the Department's June 15, 2021 Memorandum addressing continued modified filing requirements. Until further notice, parties must retain the original paper version of the filing and the Department will later determine when the paper version must be filed with the Department Secretary.

At this time, a paper copy of the filing will not be available for public viewing at the Company's offices or the Department. The filing and other documents submitted in electronic format will be posted as soon as practicable at on the Department's website through our online File Room at: <https://eeaonline.eea.state.ma.us/DPU/Flerom/dockets/bynumber> (enter "22-BSF-D4"). To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@mass.gov.

D.P.U. 22-BSF-D4

Page 3

Any person desiring further information regarding the Company's filing should contact counsel for National Grid, Meabh Purcell, Esq. at Meabh.purcell@nationalgrid.com. Any person desiring further information regarding this notice may contact Patrick Houghton, Hearing Officer, Department of Public Utilities, at patrick.m.houghton@mass.gov.



The Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 NOV 28 AM 10:50

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND REQUEST FOR COMMENTS

D.P.U. 22-BSF-C4

November 22, 2022

Petition of NSTAR Electric Company d/b/a Eversource Energy for Approval of an Alternative Basic Service Procurement Plan.

On November 18, 2022, NSTAR Electric Company d/b/a Eversource Energy ("NSTAR Electric" or the "Company") filed a petition with the Department of Public Utilities ("Department") for approval of an alternative basic service procurement plan for the Company's large commercial and industrial ("C&I") customers in the Northeastern Massachusetts Reliability Region ("NEMA") load zone for the period January 1, 2023, through March 31, 2023. The Department docketed this matter as D.P.U. 22-BSF-C4.

Pursuant to Pricing and Procurement of Default Service, D.T.E. 99-60-B (2000) and Default Service Procurement, D.T.E. 02-40-C (2003), the Department requires electric distribution companies to procure 100 percent of their C&I basic service load requirements on a quarterly basis. Consistent with these requirements, on October 18, 2022, the Company issued a request for proposal ("RFP") to solicit 100 percent of its basic service load requirements for its large C&I basic service customers in the NEMA and Southeastern Massachusetts Reliability Region ("SEMA") load zones for the three-month basic service period (January 1, 2023, through March 31, 2023).

The Company selected four SEMA bids (each a 25 percent tranche) that it determined were market competitive and entered into confirmation agreements with the selected suppliers based on those bids. The Company, however, only selected two NEMA bids to fulfill 50 percent of the load. In its analysis, the Company determined the NEMA bids beyond the first 50 percent were unreasonably high and unacceptable.

Accordingly, the Company has proposed an alternative basic service procurement plan to serve large C&I customers in the NEMA load zone for the remaining 50 percent of the load. The Company proposes to self-supply for these customers by assuming the responsibility for managing the load asset for these customers in the ISO-NE day ahead energy market. The Company proposes to set the basic service rate for the affected customers at the same rate as the bids accepted on November 15, 2022, for large C&I customers in the SEMA load zone, which were also submitted to Department for approval on November 18, 2022. Under the Company's proposal, any under- or over-recovery of costs would be collected through the Company's basic service true-up factor set forth in M.D.P.U. No. 47C.

The Department will accept written comments on the Company's petition. Written comments must be filed with the Department no later than close of business (5:00 p.m.) on **Friday, December 2, 2022**. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed below, is sufficient.

All comments must be submitted to the Department in **.pdf format** by e-mail attachment to dpu.efiling@mass.gov and patrick.m.houghton@mass.gov. All comments also must be sent to counsel for NSTAR Electric Company, Daniel Venora, Esq., by email attachment to dvenora@keeganwerlin.com. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 22-BSF-C4); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB.

Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)) regarding the filing of documents. However, at this time, all filings will be submitted to the Department only in electronic format, consistent with the Department's June 15, 2021 Memorandum addressing continued modified filing requirements. Until further notice, parties must retain the original paper version of the filing and the Department will later determine when the paper version must be filed with the Department Secretary.

At this time, a paper copy of the filing will not be available for public viewing at the Company's offices or the Department. The filing and other documents submitted in electronic format will be posted as soon as practicable at on the Department's website through our online File Room at: <https://eeaonline.eea.state.ma.us/DPU/Filteroom/dockets/bynumber> (enter "22-BSF-C4"). To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@mass.gov.

Any person desiring further information regarding the Company's filing should contact counsel for NSTAR Electric Company, Daniel Venora, Esq., at dvenora@keeganwerlin.com. Any person desiring further information regarding this notice may contact Patrick Houghton, Hearing Officer, Department of Public Utilities, at patrick.m.houghton@mass.gov.

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2022 DEC -1 AM 11:50



Stuart Ormsbee
Vice President
Colonial Power Group, Inc.
5 Mount Royal Ave., Suite 5-350
Marlborough, MA 01752
Phone 508-769-0880 (mobile)
sormsbee@colonialpowergroup.com

November 17, 2022
Mr. Michael H. Ossing
President, City Council
City of Marlborough, Massachusetts
140 Main Street, 2nd Floor
Marlborough, MA 01752

RE: Department of Public Utilities Letter 11/15/2022

Dear Mr. Ossing,

Colonial Power Group, Inc. ("CPG") received a letter from the Department of Public Utilities (the "Department") dated November 15, 2022, addressing a general elevation in the number of consumer complaints received by the Department regarding municipal electric aggregation programs throughout the Commonwealth (the "Letter") (see copy attached). In its Letter the Department seeks confirmation from municipal aggregation consultants that all "Program websites" are up-to-date and accurate. As you know, CPG is a municipal aggregation consultant and serves as agent for the City of Marlborough (the "City") to manage the City's electric aggregation program.

CPG will be responding to the Department's letter on behalf of the City. In its response CPG will confirm that all Program websites that CPG maintains, including the City's, are up-to-date and accurate, including all the items that the Department specifically references in its Letter.

To dispel any potential concerns, CPG hosts and maintains the "Program website" on behalf of the City. CPG's role in this regard is specifically noted in Marlborough's Program Education Plan, which was filed with the Department on January 31, 2018¹ and stamp-approved by the Department on February 6, 2018.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Stuart Ormsbee

¹ See Section 1.1.5 on page 3 ("All information regarding the Program will be posted on CPG's website, which is linked to the City's website.")



**THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

BETHANY A. CARD
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

**ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500**

MATTHEW H. NELSON
CHAIR

ROBERT E. HAYDEN
COMMISSIONER

CECHLE M. FRASER
COMMISSIONER

November 15, 2022

VIA ELECTRONIC MAIL

Audrey Eidelman Kiernan, Esq.
K.O. Law, P.C.
1337 Massachusetts Avenue, Box 301
Arlington, MA 02476
akiernan@kolawpc.com
For Cape Light Compact JPE

James Avery, Esq.
Pierce Atwood, LLP
100 Summer Street, STE 2250
Boston, MA 02110
javery@pierceatwood.com

For Colonial Power Group, Inc., as Agent for the Towns of Abington, Adams, Ashby, Ashland, Auburn, Becket, Berlin, Billerica, Buckland, Carlisle, Charlemont, Cheshire, Clarksburg, Colrain, Conway, Dalton, Deerfield, Easton, Egremont, Florida, Franklin, Gill, Great Barrington, Halifax, Harvard, Hatfield, Heath, Holliston, Huntington, Kingston, Lancaster, Lanesborough, Lenox, Millville, Monterey, New Marlborough, New Salem, North Andover, Northfield, Orange, Pembroke, Plymouth, Plympton, Salisbury, Sandisfield, Sheffield, Shelburne, Stoughton, Sunderland, Tewksbury, Tyngsborough, Upton, Warwick, Wendell, West Bridgewater, West Brookfield, West Stockbridge, Whately, Williamsburg, Williamstown, and Winchendon, and the Cities of Boston, Gardner, Haverhill, Lowell, Marlborough, Newburyport, North Adams, Pittsfield, and West Springfield

Municipal Aggregation Programs

Page 2

Paul Gromer, Esq.
Paul Gromer, LLC
85 Merrimac Street, 3rd Floor
Boston, MA 02114
pgromer@gromerllc.com

For the Towns of Acton, Bellingham, Chelmsford, Foxborough, Grafton, Lexington, Lincoln, Nantucket, Natick, Sharon, Southborough, Sutton, Swampscott, Walpole, Webster, and Westborough and the Cities of Cambridge, Greenfield, Newton, Salem, Watertown, and Worcester

Laura Olton, Esq.
LSO Energy Advisors, LLC
38 Thackeray Road
Wellesley, MA 02481
laura@lsoenergyadvisors.com

For Good Energy, L.P., as Agent for the Towns of Acushnet, Avon, Bedford, Brookline, Carver, Charleton, Cohasset, Dartmouth, Dedham, Dighton, Douglas, Dracut, Fairhaven, Freetown, Hamilton, Leicester, Marion, Marshfield, Mattapoisett, Millbury, Milton, Northbridge, Norton, Oxford, Plainville, Rehoboth, Rochester, Rockland, Scituate, Seekonk, Somerset, Stoneham, Sudbury, Swansea, Uxbridge, Wareham, Westford, Westport, and Westwood, and the Cities of Attleboro, Fall River, Fitchburg, Gloucester, Medford, Melrose, New Bedford, Somerville, and Waltham

RE: Municipal Aggregation Programs

To All Municipal Officials and their respective Municipal Aggregation Consultants:

The Department of Public Utilities (“Department”) has received several complaints from customers of municipal aggregation programs (“Programs” or “Program”) throughout the Commonwealth. These complaints range from enrollment issues, incorrect information, customers being notified that they will be returned to basic service (and then are not), new customers being denied enrollment in a Program, opt-out customers being denied re-enrollment in a Program, and omitted Program information on municipality or Program websites (e.g.,

absence of current Program pricing¹, absence of current and future electricity supplier contact information, and absence of municipality officials' contact information on Program websites²).

The Department reminds you of the statutory Program requirements of universal access, reliability, and equitable treatment of all classes of customers. G.L. c. 164, § 134(a). Universal access requires that a Program be made available to all customers within a municipality. Town of Salisbury, D.P.U. 16-51, at 8 (2016); City of Lowell, D.P.U. 12-124, at 44-46 (2013); City of Marlborough, D.T.E. 06-102, at 19 (2007); Cape Light Compact, D.T.E. 00-47, at 47 (2000). Universal access also allows municipality residents to opt out of and opt in to a Program at any time.

Programs must provide for reliability. G.L. c. 164, § 134(a). This includes assurances that the Program will be operated without interruption and the municipality has the technical expertise necessary to operate its Program.

Finally, Programs must provide for equitable treatment of customer classes. G.L. c. 164, § 134(a). Equitable treatment of all customer classes does not mean all customer classes must be treated equally; rather, customer classes that are similarly situated must be treated equitably. D.P.U. 16-51, at 10, citing Cape Light Compact, D.P.U. 14-69, at 10-16, 45-47; D.T.E. 06-102, at 20. Thus, customers served by a competitive supplier at Program initiation who later join the Program must receive the Program rate, like those new customers who move to the municipality after Program initiation. Further, a Program may elect to offer customers who have previously opted out and wish to opt in a Program rate or a market-based rate; a Program may not refuse to serve such customers. Program competitive suppliers are required to provide all-requirements service to all customers residing within a municipality (unless a customer opts out), and nothing in Department Orders, rules, or directives involving municipal aggregation or competitive supply allow any Program competitive supplier to deny electric service to a customer.

Participation in a Program is voluntary. G.L. c. 164, § 134(a). Municipalities have a statutory duty to fully inform customers about automatic enrollment and the right to opt out of a Program. In this regard, the Department has determined that a municipal aggregation plan must include detailed education and outreach strategies that are appropriately customized for the individual municipality. Town of Becket, et al., D.P.U. 18-133 through D.P.U. 18-146, at 27-28 (2020). Municipalities must also continue to provide customers with information regarding the ongoing

¹ As of November 9, 2022, the Towns of Brookline, Carver, Charleton, Kingston, Lancaster, Millbury, Oxford, Tyngsborough, West Brookfield, and Winchendon do not have current (November 2022) Program pricing on their Program websites. Notably, municipalities that enter into new, future Electric Service Agreements are failing to maintain current Program pricing on their websites.

² For example, the Program website for the Town of West Stockbridge does not contain municipal official contact information (<https://colonialpowergroup.com/west-stockbridge/>).

operations of the Program after Program launch.³ See, e.g., D.P.U. 14-69, at 48; Town of Dalton, D.P.U. 13-136, at 23 (2014).

Within ten business days from the date of this letter, Municipalities and their consultants shall ensure that: (1) current (and future, if applicable) pricing for Program products is available on Program websites; (2) current (and future, if applicable) competitive supplier information is available on Program websites; (3) municipal and/or consultant contact information is prominently available on Program websites; and (4) the content of websites and Program notifications to customers have been reviewed to ensure all information is up-to-date and accurate.

Sincerely,

Katherine Lee Goyette
Hearing Officer

cc: D.P.U. 19-51 Service List, Chair of the Abington Board of Selectmen
D.P.U. 16-154 Service List, Chair of the Acton Select Board
D.P.U. 15-94 Service List, Chair of the Acushnet Board of Selectmen
D.P.U. 15-69 Service List, Chair of the Adams Board of Selectmen
D.P.U. 12-94 Service List, Chair of the Ashby Select Board
D.P.U. 15-86 Service List, Chair of the Ashland Select Board
D.P.U. 15-93 Service List, Mayor Paul Heroux, President of the City of Attleboro

Municipal Council

D.P.U. 15-63 Service List, Chair of the Auburn Select Board
D.P.U. 17-182 Service List, Chair of the Avon Board of Selectmen
D.P.U. 18-133 Service List, Chair of the Becket Select Board
D.P.U. 17-178 Service List, Chair of the Bedford Select Board
D.P.U. 16-133 Service List, Chair of the Bellingham Select Board
D.P.U. 16-45 Service List, Chair of the Berlin Select Board
D.P.U. 17-44 Service List, Chair of the Billerica Select Board
D.P.U. 19-65 Service List, Mayor Michelle Wu, President of the Boston City Council
D.P.U. 16-99 Service List, Chair of the Brookline Select Board
D.P.U. 18-134 Select Board, Chair of the Buckland Select Board

³ As the Department continues to gain experience with the operation of municipal aggregation programs, it is fully anticipated that we will refine our position on the adequacy and clarity of customer outreach, education, and notifications. Municipalities are required to fully adhere to any future directives in this regard. Town of Stoughton, D.P.U. 17-43, at 13 (2017).

D.P.U. 16-176 Service List, Mayor Sumbul Siddiqui, President of the Cambridge City Council

D.P.U. 14-69 Service List

D.P.U. 17-07 Service List, Chair of the Carlisle Select Board

D.P.U. 15-107 Service List, Chair of the Carver Select Board

D.P.U. 18-135 Service List, Chair of the Charlemont Select Board

D.P.U. 16-98 Service List, Chair of the Charleton Board of Selectmen

D.P.U. 15-87 Service List, Chair of the Chelmsford Select Board

D.P.U. 15-91 Service List, Chair of the Cheshire Board of Selectmen

D.P.U. 13-145 Service List, Chair of the Clarksburg Select Board

D.P.U. 20-19 Service List, Chair of the Cohasset Select Board

D.P.U. 18-136 Service List, Chair of the Colrain Select Board

D.P.U. 18-137 Service List, Chair of the Conway Select Board

D.P.U. 13-136 Service List, Chair of the Dalton Select Board

D.P.U. 15-108 Service List, Chair of the Dartmouth Select Board

D.P.U. 15-109 Service List, Chair of the Dedham Select Board

D.P.U. 18-138 Service List, Chair of the Deerfield Select Board

D.P.U. 15-97 Service List, Chair of the Dighton Board of Selectmen

D.P.U. 15-110 Service List, Chair of the Douglas Board of Selectmen

D.P.U. 15-111 Service List, Chair of the Dracut Board of Selectmen

D.P.U. 17-109 Service List, Chair of the Easton Select Board

D.P.U. 16-48 Service List, Chair of the Egremont Select Board

D.P.U. 15-98 Service List, Chair of the Fairhaven Select Board

D.P.U. 15-106 Service List, Mayor Paul Coogan, President of the Fall River City Council

D.P.U. 20-117 Service List, Mayor Stephen L. DiNatale, President of the Fitchburg City Council

Council

D.P.U. 13-137 Service List, Chair of the Florida Select Board

D.P.U. 16-132 Service List, Chair of the Foxborough Board of Selectmen

D.P.U. 16-57 Service List, Chair of the Franklin Town Council

D.P.U. 15-99 Service List, Chair of the Freetown Board of Selectmen

D.P.U. 16-113 Service List, Mayor Michael J. Nicholson, President of the Gardner City Council

Council

D.P.U. 18-139 Service List, Chair of the Gill Select Board

D.P.U. 16-101 Service List, Mayor Gregory P. Verga, President of the Gloucester City Council

Council

D.P.U. 18-61 Service List, Chair of the Grafton Select Board

D.P.U. 16-186 Service List, Chair of the Great Barrington Select Board

D.P.U. 13-183 Service List, Mayor Roxann Wedegartner, President of the Greenfield City Council

City Council

D.P.U. 16-142 Service List, Chair of the Halifax Board of Selectmen

D.P.U. 16-197 Service List, Chair of the Hamilton Select Board

D.P.U. 18-97 Service List, Chair of the Harvard Select Board

D.P.U. 16-111 Service List, Chair of the Hatfield Select Board

D.P.U. 19-17 Service List, Mayor James J. Fiorentini, President of the Haverhill City Council

D.P.U. 16-62 Service List, Chair of the Heath Select Board

D.P.U. 15-17 Service List, Chair of the Holliston Select Board

D.P.U. 18-140 Service List, Chair of the Huntington Select Board

D.P.U. 16-115 Service List, Chair of the Kingston Board of Selectmen

D.P.U. 12-39 Service List, Chair of the Lancaster Select Board

D.P.U. 17-45 Service List, Chair of the Lanesborough Select Board

D.P.U. 19-85 Service List, Chair of the Leicester Select Board

D.P.U. 13-138 Service List, Chair of the Lenox Select Board

D.P.U. 16-152 Service List, Chair of the Lexington Select Board

D.P.U. 19-19 Service List, Chair of the Lincoln Select Board

D.P.U. 19-110 Service List, Mayor Sokhary Chau, President of the Lowell City Council

D.P.U. 15-112 Service List, Chair of the Marion Select Board

D.P.U. 17-47 Service List, Mayor Arthur Vigeant, President of the Marlborough City Council

Council

D.P.U. 20-20 Service List, Chair of the Marshfield Select Board

D.P.U. 15-113 Service List, Chair of the Mattapoisett Select Board

D.P.U. 18-106 Service List, Mayor Breanna Lungo-Koehn, President of the Medford City Council

Council

D.P.U. 18-59 Service List, Mayor Paul Brodeur, President of the Melrose City Council

D.P.U. 16-96 Service List, Chair of the Millbury Board of Selectmen

D.P.U. 16-46 Service List, Chair of the Millville Board of Selectmen

D.P.U. 19-84 Service List, Chair of the Milton Select Board

D.P.U. 15-18 Service List, Chair of the Monterey Select Board

D.P.U. 16-92 Service List, Chair of the Nantucket Select Board

D.P.U. 13-131 Service List, Chair of the Natick Select Board

D.P.U. 15-105 Service List, Mayor Jonathan F. Mitchell, President of the New Bedford City Council

City Council

D.P.U. 13-139 Service List, Chair of the New Marlborough Select Board

D.P.U. 18-141 Service List, Chair of the New Salem Board of Selectmen

D.P.U. 15-62 Service List, Mayor Sean Reardon, President of the Newburyport City Council

Council

D.P.U. 18-36 Service List, Mayor Ruthanne Fuller, President of the Newton City Council

D.P.U. 13-140 Service List, Mayor Jennifer A. Macksey, President of the North Adams City Council

City Council

D.P.U. 17-15 Service List, Chair of the North Andover Select Board

D.P.U. 15-100 Service List, Chair of the Northbridge Board of Selectmen

D.P.U. 18-142 Service List, Chair of the Northfield Select Board

D.P.U. 15-101 Service List, Chair of the Norton Select Board

D.P.U. 17-14 Service List, Chair of the Orange Board of Selectmen

D.P.U. 16-97 Service List, Chair of the Oxford Board of Selectmen

D.P.U. 16-141 Service List, Chair of the Pembroke Select Board

D.P.U. 16-63 Service List, Mayor Linda Tyer, President of the Pittsfield City Council

D.P.U. 15-102 Service List, Chair of the Plainville Select Board
 D.P.U. 16-114 Service List, Chair of the Plymouth Select Board
 D.P.U. 17-17 Service List, Chair of the Plympton Board of Selectmen
 D.P.U. 15-103 Service List, Chair of the Rehoboth Board of Selectmen
 D.P.U. 20-22 Service List, Chair of the Rochester Select Board
 D.P.U. 17-180 Service List, Chair of the Rockland Board of Selectmen
 D.P.U. 15-58 Service List, Mayor Kimberley Driscoll, President of the Salem City

Council

D.P.U. 16-51 Service List, Chair of the Salisbury Board of Selectmen
 D.P.U. 16-50 Service List, Chair of the Sandisfield Select Board
 D.P.U. 20-21 Service List, Chair of the Scituate Select Board
 D.P.U. 15-104 Service List, Chair of the Seekonk Board of Selectmen
 D.P.U. 19-32 Service List, Chair of the Sharon Select Board
 D.P.U. 13-141 Service List, Chair of the Sheffield Select Board
 D.P.U. 18-143 Service List, Chair of the Shelburne Select Board
 D.P.U. 17-21 Service List, Chair of the Shirley Select Board
 D.P.U. 15-95 Service List, Chair of the Somerset Board of Selectmen
 D.P.U. 16-95 Service List, Mayor Katjana Ballantyne, President of the Somerville City

Council

D.P.U. 17-19 Service List, Chair of the Southborough Select Board
 D.P.U. 18-07 Service List, Chair of the Stoneham Select Board
 D.P.U. 19-52 Service List, Chair of the Stoughton Select Board
 D.P.U. 16-167 Service List, Chair of the Sudbury Select Board
 D.P.U. 18-144 Service List, Chair of the Sunderland Select Board
 D.P.U. 16-38 Service List, Chair of the Sutton Select Board
 D.P.U. 15-59 Service List, Chair of the Swampscott Select Board
 D.P.U. 15-96 Service List, Chair of the Swansea Board of Selectmen
 D.P.U. 15-90 Service List, Chair of the Tewksbury Select Board
 D.P.U. 16-112 Service List, Chair of the Tyngsborough Board of Selectmen
 D.P.U. 16-71 Service List, Chair of the Upton Board of Selectmen
 D.P.U. 20-23 Service List, Chair of the Uxbridge Board of Selectmen
 D.P.U. 16-155 Service List, Chair of the Walpole Select Board
 D.P.U. 19-83 Service List, Mayor Jeannette A. McCarthy, President of the Waltham City

Council

D.P.U. 16-102 Service List, Chair of the Wareham Board of Selectmen
 D.P.U. 18-145 Service List, Chair of the Warwick Board of Selectmen
 D.P.U. 18-63 Service List, President of the Watertown City Council
 D.P.U. 18-16 Service List, Chair of the Webster Board of Selectmen
 D.P.U. 16-49 Service List, Chair of the Wendell Select Board
 D.P.U. 17-16 Service List, Chair of the West Bridgewater Board of Selectmen
 D.P.U. 16-61 Service List, Chair of the West Brookfield Board of Selectmen
 D.P.U. 16-160 Service List, Mayor William C. Reichelt, President of the West

Springfield Town Council

D.P.U. 13-143 Service List, Chair of the West Stockbridge Select Board

Municipal Aggregation Programs

Page 8

- D.P.U. 15-125 Service List, Chair of the Westborough Select Board
- D.P.U. 15-115 Service List, Chair of the Westford Select Board
- D.P.U. 15-114 Service List, Chair of the Westport Board of Selectmen
- D.P.U. 20-24 Service List, Chair of the Westwood Select Board
- D.P.U. 18-146 Service List, Chair of the Whately Select Board
- D.P.U. 13-144 Service List, Chair of the Williamstown Select Board
- D.P.U. 16-143 Service List, Chair of the Williamsburg Board of Selectmen
- D.P.U. 15-19 Service List, Chair of the Winchendon Board of Selectmen
- D.P.U. 16-168 Service List, Chair of the Winchester Select Board
- D.P.U. 19-41 Service List, Mayor Joseph M. Petty, President of the Worcester City

Council



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2022 NOV 28 AM 10:21

Marlborough Public Schools

School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

November 8, 2022

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, and Denise Ryan. Heidi Matthews joined the meeting remotely. Also present were Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and Director of Finance and Operations, Douglas Dias. Additionally, Student Advisory Representative Jessica Rosenzweig was present.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
Superintendent Murphy updated a committee on the district's current enrollment. The total number of students enrolled in MPS as of November 2nd, 2022 is 4,869.
Superintendent Murphy reported that schools will need to be in compliance with an amended version of M.G.L. 1. c. 71, § 37H ¾. Under this new version, administrators will need to use alternatives to removal prior to suspending or expelling a student. This means that restorative justice, mediation, and more must be utilized and the results documented. There are certain offenses that would not fall under this new regulation though. School leaders in the district are being trained on this matter, and forms and resources are being updated as well.
Superintendent Murphy updated the committee on current open positions and recruitment efforts in the district. Currently, MPS has 53 regular positions open. Patty Brown and the HR team have held job fairs and other events in efforts to recruit applicants.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

A. Assistant Superintendent of Student Services & Equity Report

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, outlined the October 1st, 2022 data in her report and provided chart comparisons to October 1st data from previous years. This data looks at enrollment, homeschooled students, EL students, special education students, students in foster care, and McKinney-Vento students. Mrs. O'Brien noted that there has been a steady increase in the number of EL students in the district over the past two years. There has also been an increase in the number of homeless families and the number of MPS students placed into foster placements in other towns/districts.

7. Acceptance of Minutes:

A. Minutes of the October 25, 2022 School Committee Meeting

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve these minutes.

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Matthews, Ryan, and Vigeant.

8. Public Participation: None.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

9. Action Items/Reports

A. FY24 Budget Calendar

Mr. Dias explained that the FY24 Budget would be presented to the committee on February 14th, 2023. He outlined the timeline for this proposal in the calendar.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve this budget calendar.

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Matthews, Ryan, and Vigeant.

www.mps-edu.org



Marlborough Public Schools

*School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509*

B. Acceptance of Donations and Gifts

FC216 Teacher Diversification Pilot Grant. MPS received this \$7,644.00 grant. Motion made by Mrs. Ryan, seconded by Chairman Vigeant to approve this donation. Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Matthews, Ryan, and Vigeant.

10. Reports of School Committee Sub-Committees:

Mr. Geary reported on behalf of Mrs. Hennessy; there will be a Policy Sub-Committee meeting coming up.

11. Members' Forum: None.

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 7:58 p.m.

Motion passed 6-0-0. Roll call vote was taken. Yes: Bodin-Hettinger, Caruso, Geary, Matthews, Ryan, and Vigeant.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm
Approved November 22, 2022

www.mps-edu.org

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2022 NOV 18 PM 3:48

Conservation Commission
Meeting Minutes
November 3, 2022
7:00 PM

140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

Present: Edward Clancy - Chairman, Allan White, John Skarin, William Dunbar, David Williams, and Dennis Demers and Karin Paquin. Also present was Priscilla Ryder-Conservation officer.

Absent: none

The hearing was recorded using Microsoft Teams.

Approval of Minutes: The minutes of Oct. 6 & Oct. 20, 2022 were reviewed. On a motion from Mr. White second by the Chair by a vote of 7-0 to approve.

Public hearings:

Request for Determination of Applicability

56-58 Walker St. – Andrea Ferro

Robert Parente P.E. was present representing the owners. He explained that house #58 has an existing cess pool which they want to tie into sewer. The new sewer-line will fall within the existing pavement of both Walker St. and the driveway. 70' of new sewer line will be installed to make this connection. They will add straw waddle erosion controls on the stream side of the driveway. This work will be done in the spring. #56 is already tied into the sewer but this new line is within the common driveway on #56. Mr. Demers noted that he is aware of ledge in the area so they should be prepared to jack hammer during construction. There being no further discussion and no comments from the public, the hearing was closed. On a motion by Mr. White second by Chair to issue a negative determination with standard conditions. The Commission voted unanimously 7-0 to approve.

Notice of Intent

85 Ames St. – John De Vries (Central Steel)

Ron Strohsahl from Oxbow Associates and Bruce Saluk P.E. from Bruce Saluk and Associates were present representing the owner. Mr. Strohsahl explained that this project came before the Commission in 2018 for this addition. The project was put on hold and the permit expired last year. They are refiled for the same project with some small changes on the stormwater infiltration system with a new water quality device. Mr. Saluk explained that the new system is a better system with more capacity, and he has provided the Operation & Maintenance Plan (O & M plan) for it along with new calculations. The snow storage location was noted, and the Commission indicated it must be on pavement and not in the landscape area. Mr. Saluk will update the plans to reflect that. Mr. Clancy asked about the construction sequencing and when this would start. Mr. Saluk indicated they would like to start as soon as all approvals are granted. All work is only outside the 50' buffer zone. There being no further questions from the Commission or the public the hearing was closed. The Commission asked Ms. Ryder to draft conditions for review at the next meeting on Nov. 17th.

Notice of Intent (Continued from Oct. 6th)

Lake Williams boardwalk – City of Marlborough

Ron Strohsahl from Oxbow Associates and Tom DiPersio City Engineer were present. Mr. Strohsahl explained that the plans have been revised to reflect a boardwalk only over the water, the stone dust area has been eliminated. This change has reduced the Bordering Vegetated Wetland (BVW) impact considerably to only 1,838 sq. ft. from 4,585 sq. ft. He also reviewed the memo he provided to the Commission dated Oct. 27, 2022, which outlined the changes made since the last meeting and outlined construction design, answered questions about access, trash, security, and examples from other communities who have built such structures. The Commission asked questions about the final pier design, spacing, bracing, platform material, and whether ledge was anticipated. Mr. DiPersio noted that they don't anticipate ledge based on the 2014 topo when the lake was low. They don't have a full design specification yet. They will be providing the minimum requirements for the piles and issue a performance specification. He noted that it would be appropriate for the company hired to come back before the Commission to discuss the actual construction sequencing and materials, as those are not known at this time. What is known is that helical piers will be used as the supports in the water. There was discussion about the lifespan of such a boardwalk (30-50 year) and the average depth of water under the boardwalk (2'). It was Mr. Strohsahl and Mr. DiPersio's understanding that all work will be done from one section to the next and no boats or barges would be in the water. They had both spoken to other communities and engineers about their designs and feel comfortable that this is buildable with minimal impact to the lake. After further discussion Ms. Ryder noted that a DEP # has not yet been issued, so the hearing should remain open. The Commission continued the hearing and asked Ms. Ryder to draft conditions for reviews at the Nov. 17th meeting.

Notice of Intent -212-1254

846 & 850 Boston Post Rd. East - Exela Movers

At the applicants' request prior to the meeting, this hearing was continued to Nov. 17th.

Extension Permit:

- DEP 212-1215 Green District – requesting a 2 yr. extension - the Commission reviewed the request for a two-year extension as Phase 1 and Phase 2 are still under construction. On a motion by Mr. Demers second by the Chair to grant a 2-year extension, the Commission voted unanimously 7-0 to approve.

Discussion/Correspondence:

- Violations - 96 Crowley Dr. – Contractor has been invited to appear to discuss Mr. Fred Pappa from Cameron General Contractors and two members from Terracon Inc. were present. Mr. Pappa explained that since before the violation notice he and his crew have been working on the site to reduce the silt running off the site. They have loamed and seeded and put straw matting on the area next to the driveway and stone check dams around the edges to slow down runoff. The Commission discussed the 3 violations that have occurred as listed in the violation notice and noted that this drains to our recreational lake and no further silty discharge can occur. If it does the Commission will ask for the site to be shut down until it has been corrected. Mr. Pappa noted that the abutter at 92 Crowley also has runoff running into his site, and he is

working with them too. He noted that the initial paving on 96 Crowley Dr. will be done next week which should correct the problem. After some discussion, the Commission was satisfied with work done, except the drop inlet which needs attention and will be inspected by Mr. Dunbar on Friday. The Commission thanked Mr. Pappa for coming in and hoped that they would not have to see him again under these circumstances.

- DEP 212-1215 - 107 Simarano Dr. - Green District – minor change to plan - review letter. The Commission read a draft letter from Ms. Ryder outlining the approval of the minor change plans reviewed at the last meeting. The Commission also discussed the salt storage that was observed on site which the Commission determined needs to be removed off site. In the future all projects within the Commissions jurisdiction no salt storage will be permitted, this should be added to the standard conditions for conservation projects. The Commission reviewed the letter and voted unanimously to approve the letter as written.
- 30' Wetland Setback No disturbance Policy - clarify fence locations in existing yards. Ms. Ryder noted that she has received several requests regarding adding fencing around existing yards within the 30' wetland buffer zone. She showed examples from these requests. The Commission after some discussion determined that a fence in the 30' buffer zone was considered disturbance in this "no disturb zone" and therefore should not be permitted to be built. Ms. Ryder was asked to amend the policy to add this fence clarification so people going forward know what the rules are. She will provide a draft at the Nov. 17, 2022, meeting.

Next Conservation Commission meetings: November 17 and December 1, 2022

Adjournment - There being no further business, the meeting was adjourned at 9:20 PM.

Respectfully submitted,


Priscilla Ryder
Conservation/Sustainability officer