

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 NOV -3 P 6:16

1. Minutes of the City Council Meeting, October 17, 2011, not completed.
2. Communication from City Solicitor, Donald Rider, re: request for Executive Session for the purpose of discussing collective bargaining strategy as an open meeting may have a detrimental effect on the collective bargaining position.
3. Communication from the Mayor re: Certification of Free Cash in the amount of \$7,766,863.00.
4. Communication from the Mayor re: Capital transfer request in the amount of \$1,182,000.00 which moves funds from Free Cash to various capital equipment accounts which will enable the City to purchase a portion of the FY12 capital equipment outright, therefore reducing the tax burden.
5. Communication from the Mayor re: Other Post Employment Benefits (OPEB) transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to OPEB Stabilization.
6. Communication from the Mayor re: Capital Outlay transfer request in the amount of \$618,720.00 which moves funds from Free Cash to various accounts as detailed in the attached spreadsheets.
7. Communication from the Mayor re: DPW Snow Equipment transfer request in the amount of \$298,000.00 which moves funds from Undesignated to DPW Equipment as two of the City's sidewalk plows have been decommissioned.
8. Communication from the Mayor re: October Nor'easter transfer requests in the amount of \$125,000.00 from Undesignated and \$25,000.00 from Hurricane Irene which moves funds to Halloween Snow Storm.
9. Communication from the Mayor re: DPW transfer request in the amount of \$39,000.00 which moves funds from Assistant Commissioner Utilities to Maintenance-Tranches as a result of a major water main break.
10. Communication from the Mayor re: Fire transfer request in the amount of \$30,000.00 and \$27,267.04 which moves funds from Firefighter to OT.
11. Communication from the Mayor re: Cultural Council Allocation in the amount of \$7,490.00 which provides grant support in our community.
12. Communication from Assistant City Solicitor Cynthia Panagore-Griffin re: City Council Response to Massachusetts Historical Commission Regarding Proposed Demolition of Commonwealth Armory, 354 Lincoln St., Order 11-1003042A.
13. Communication from Chief Procurement Officer, Beverly Sleeper, re: Authorization to Transfer Care, Custody, Management & Control Pursuant to MGL C.40, §15A and Disposition by Lease pursuant to MGL C.30B, §16(a) for a portion of municipal property at the Pleasant St. Fire Station, namely the Bell Tower, at 98 Pleasant St.
14. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002954E.
15. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1003004B.
16. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1003018B.
17. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002956E.
18. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002973D.
19. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002974C.

20. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC, Special Permit in proper legal form, Order No. 11-1002975C.
21. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002976C.
22. Application for Special Permit from Sprint for modification of a wireless facility located at 450-460 Boston Post Rd.
23. Application for Special Permit from Sprint for modification of a wireless facility located at 57 Union St.
24. Communication from Attorney Bergeron on behalf of US Wireless, LLC, to withdraw without prejudice application for Special Permit to construct a Wireless Communications Facility consisting of 180' tall monopole tower with ancillary antennas and ground based telecommunications equipment at 402 Bolton St (formerly known as 402 Hudson St.), Order No. 11-1002902B.
25. Communication from Kristin Regan re: Permission to Park on City Property at the top of Emmett St.
26. Minutes, Marlborough Community Development Authority, July 14, August 25, September 8, and October 13, 2011.
27. Minutes, Planning Board, September 12 and October 3, 2011.
28. CLAIMS:
 - A. Kenneth Giardina, 650 Berlin Rd., other property damage
 - B. David Elkinson, 10 Schipper Farm Ln., Southborough, pothole or other road defect
 - C. Francis Jones, 8 Midland St., other property damage

REPORTS OF COMMITTEES:

29. ORDERED: That the City of Marlborough invite National Grid before the City Council along with various department heads to discuss recent power outages, response time, and what we as a city can do to better prepare ourselves in the event we are facing more outages.Submitted by: Councilors Elder, Seymour, Pope, Vigeant, Delano, Levy, Ferro and Clancy.

UNFINISHED BUSINESS:

From Legal and Legislative Affairs Committee

30. **Order No. 11-1003031- Acceptance of Jaworek School Driveway as a Public Way. Recommendation of the Legal and Legislative Affairs Committee is to approve.**

From Wireless Communications Committee

31. **Order No. 11-1002954D** - The Wireless Committee met on 10/11/2011 at 6:10 PM and took up Council Order No. 11-1002954D. The request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 2.5" flex conduit connecting the antennae to the existing equipment shelter. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present Atty. Michael Dolan and Stephen Longton. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order Number 03-100112B. This would add wording that would impose new regulations covering the proposed additions to the Site. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send**

the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.

32. **Order No. 11-1003004A** - The Wireless Committee met on 10/11/2011 at 6:55 PM and took up Council Order No. 11-1003004A. Modification of Special Permit 99-8311B. The Project will consist of installing three additional wireless communication antennae and appurtenant cabling and equipment inside and existing stealth flagpole located at 175 Maple St. The diameter of the existing flagpole will be increased from 22" to 28.5". The antennae will be located at a centerline height of 134' and would be completely concealed from view. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton Discussion of the changes to the preexisting facility was undertaken by all present and it was determined that the proposal is a modification to the original Special Permit granted under the Order Number 99-8311B. Concern for the possible interference with the communication system located at the Main Fire Station, which is located on the next property on Maple St. was discussed and the applicant stated that they would work with Mr. Cusson to prevent anything from occurring. Also discussion about the size of the American Flag which is flown at the facility and the prevention from it being flown when it was in need of replacement was heard. The Applicant stated that it was the responsibility of AT&T to fly a flag of proper size commensurate with the size of the pole and to change the flag, when it is beginning to deteriorate. Wording would be added to the new Special Permit Conditions that were not present in 1999. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**
33. **Order No. 11-1003018B** - The Wireless Committee met on 10/11/2011 at 6:45 PM and took up Council Order No. 11-1003018B`. Modification of Special Permit 04-100527B to replace existing four roof top panel antennas and the addition of three new LTE panel antennas for a total count of seven. The proposed antennas will still remain hidden from view and will be concealed within five separate flue pipes with a diameter of twenty eight inches each. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Discussion of the changes to the preexisting facility was undertaken by all present and it was determined that the proposal is a modification to the original Special Permit granted under the Order Number 08/09-1002083B. No other wireless carriers are now presently on the roof and the flue pipes were to mimic ventilation tubes. Wording would be added to the new Special Permit Conditions that were not present in 2004. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**
34. **Order No. 11-1002956D** - The Wireless Committee met on 10/11/2011 at 6:25 PM and took up Council Order No. 11-1002956D. The request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 3" flex conduit connecting the antennae to the existing equipment shelter. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order Number 08/09-1002083B. This would add wording that would impose new regulations covering the proposed additions to the Site. **Recommendation of the Wireless**

Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

NOV - 3 A 11:18

City of Marlborough
Legal Department

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

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant, President
Marlborough City Council
City Hall
Marlborough, MA

RE: Request for Executive Session -
Litigation Strategy in Employee Matter

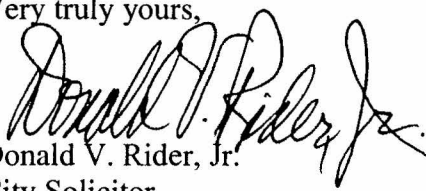
Dear President Vigeant and Members:

I hereby request that an executive session be scheduled during the City Council meeting scheduled for November 7, 2011. The executive session would be for the purpose of discussing strategy with respect to litigation in an employee matter, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough.

For your convenience, I have attached a suggested motion.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Nancy Stevens, Mayor

ORDERED:

It is moved, in conformance with the provisions of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the City Council conduct an executive session for the purpose of discussing strategy with respect to litigation in an employee matter, as an open meeting may have a detrimental effect on the litigating position of the City and other defendants, and the chair hereby declares that an open meeting may have that effect. It is further moved and stated that the City Council will re-convene in open session after the executive session.



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2011 NOV -3 P 2:12

City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 3, 2011

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

RE: Certification of Free Cash

Honorable President Vigeant and Councilors:

I am writing to notify you that the Massachusetts Department of Revenue has certified Free Cash for the City of Marlborough in the amount of \$7,766,863.00.

Included on tonight's agenda are several transfers utilizing Free Cash, including a \$1,000,000.00 transfer to Stabilization-OPEB. At this point, I plan to utilize \$3,000,000.00 to offset the tax rate, including eliminating the snow and ice deficit, thereby reducing the tax burden on our rate payers.

I want to thank the department heads, the finance team and City Council for their ongoing efforts to maintain the City's financial stability. I sincerely value the diligence and collaborative work necessary to preserve essential services for our residents. These efforts have positioned the City to weather these challenging economic times and have prepared us for the challenges and opportunities to come.

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

Sincerely,

Nancy E. Stevens
Mayor



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2011 NOV - 3 P 2:15

City of Marlborough
Office of the Mayor

140 Main Street
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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 3, 2011

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

RE: Transfer Request – Capital Equipment

Honorable President Vigeant and Councilors:

As indicated in my previous letter to City Council, I am submitting the attached transfer request in the total amount of \$1,182,000.00 from free cash to various capital equipment accounts. These transfers enable the City to purchase a portion of the FY12 capital equipment outright, thereby reducing the tax burden on our rate payers.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT				AMOUNT AVAIL
		ORG C	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP		
		Undesignated Fund		Capital Outlay				
\$ 7,766,863.00	\$ 1,182,000.00	10000	35900 Undesignated Fund	\$ 299,000.00	19300006	58462 Water		
				\$ 358,000.00		58731 DPW Equip		
				\$ 375,000.00		58618 IT Equipment		
				\$ 150,000.00		58467 Public Facilities		

\$1,182,000.00

Reason To Fund Departmental Equipment. Please see attached request from Mayor

EQUIPMENT

<u>Equipment</u> Number	<u>Description</u>	<u>Odometer or</u> hours (*)	<u>Replace/New</u>	<u>New Description</u>	<u>Cost</u>
<u>DPW - STREETS</u>					
2	2000 Ford Explorer 4x4	95691	Replace (W.N.P.I.)	Ford Escape Hybrid	\$ 32,000 *
6	2001 Elgin Pelican-Street Sweeper	8240	Replace	Elgin Pelican	\$ 165,000
Pot Holes	Dura-Patch Machine	-	New	Dura-Patch Unit (trailer mounted)	\$ 70,000
				Subtotal	\$ 267,000
<u>DPW - WATER / WASTEWATER</u>					
50	1999 F-150	149666	Replace (W.N.P.I.)	F-250 w/4/wheel drive	\$ 24,000
58	1999 F-150	168901	Replace (W.N.P.I.)	F-250 w/4/wheel drive	\$ 24,000
59	1991 F-800	117,898	Replace	6-Wheeler w/plow	\$ 145,000
61	1993 E-150 Van	92,500	Replace (O.R.)	Transit Van	\$ 23,000
65	1998 Ford Ranger (meter truck)	188,252	Replace (W.N.P.I.)	Transit Van	\$ 23,000
67	1997 F-250 (service truck)	195,547	Replace (O.R.)	F-450 (service/utility body w/lift gate, work lights & lifting crane)	\$ 60,000
				Subtotal	\$ 299,000
<u>DPW - FORESTRY, PARK, & CEMETERIES</u>					
C1	2000 Ford Ranger	70,000	Replace (O.R.)	Ford Ranger	\$ 23,000
70	1999 F-150	90,450	Replace	F-150 4x4	\$ 24,000
201	2002 Ford F-150	70,184	Replace	F-250 w/4/wheel drive and plow	\$ 29,000
				Subtotal	\$ 76,000
<u>DPW - ENGINEERING</u>					
84	88 GMC pickup 1/2 ton	138,987	Replace (O.R.)	Transit Van	\$ 23,000
				Subtotal	\$ 23,000
				DPW Water	\$ 299,000
				DPW	\$ 366,000
				Total DPW	\$ 665,000
<u>PUBLIC FACILITIES</u>					
	Kane School Generator	40 Years Old	Replace	Generator	\$ 150,000
				Public Facilities Equipment Subtotal	\$ 150,000
<u>IT DEPARTMENT</u>					
	All Schools			Class Room Projectors & Equipment	\$ 375,000.00
				IT Equipment Total	\$ 375,000
				Total Equipment	\$ 1,190,000
					(\$8,000)
				Total Equipment Request	\$ 1,182,000

* \$8,000 of the \$32,000 to come from a Green Communities Grant Program

LEGEND
(W.N.P.I.) Will Not Pass Inspection
(O.R.) Off Road



City of Marlborough

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Office of the Mayor

2011 NOV -3 P 2:15

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 3, 2011

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

RE: Transfer Request- Other Post Employment Benefits (OPEB)

Honorable President Vigeant and Councilors:

Following the certification of free cash, I am submitting for your approval the following transfer request:

Transfer in the amount of \$1,000,000.00 from account number 1000-35900 (Undesignated Fund) to account number 836000-32726 (OPEB Stabilization).

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT			AMOUNT AVAIL
		ORG C	OBJECT DESCRIP	AMOUNT	ORG CODE	OBJECT DESCRIP	
		Undesignated Fund		OPEB Stabilization			
\$ 4,906,090.00	\$ 1,000,000.00	10000	35900 Undesignated Fund	\$ 1,000,000.00	836000	32726 Stab OPEB	\$ -

\$1,000,000.00

Reason See Attached request from Mayor



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November 3, 2011

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

RE: Transfer Request – Capital Outlay

Honorable President Vigeant and Councilors:

As you recall, during FY12 budget deliberations City Council reduced the capital outlay line items to "0". This action was done with the understanding that once free cash for the City had been certified, capital outlay would be financed from the free cash account. The result will be a reduction in the tax burden.

The attached transfer in the amount of \$618,720.00 details the financing of various outlay accounts from the free cash account number 1000-35900 (Undesignated).

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT				AMOUNT AVAIL
		ORG C	OBJECT DESCRIP	AMOUNT	ORG CODE	OBJECT DESCRIP	ACCOUNT DESCRIP	
		Undesignated Fund		Capital Outlay				
\$ 7,766,863.00	\$ 618,720.00	10000	35900 Undesignated Fund	\$ 99,000.00	19300006	58420 Guardrail		\$ -
				\$ 30,000.00		58461 Sewer		
				\$ 31,000.00		58462 Water		
				\$ 50,000.00		58514 DPW Projects		
				\$ 28,750.00		58731 DPW Equip		
				\$ 56,000.00		58508 Police Vehicles		
				\$ 53,143.00		58593 Police Equip		
				\$ 212,327.00		58512 Fire Equipment		
				\$ 28,500.00		58513 Fire Protection		
				\$ 30,000.00		58618 is Equipment		
				\$ 618,720.00				

Reason To Fund Capital Outlay Reduced From The FY 12 Budget. Please see attached request from Mayor

Capital			
DPW			
Streets	5/8 Floor Standing Drill	\$	400.00
	Jumping Jack Compactor	\$	2,500.00
	Guardrail Fencing	\$	99,000.00
	Traffic Line Painting Downtown	\$	50,000.00
		\$	151,900.00
Repair	Wheel Grabber Tool Hub Remover	\$	1,600.00
	13 Ton Puller Set	\$	1,000.00
	Pressure Washer	\$	6,900.00
		\$	9,500.00
For,Parks	Winch for 254xpp Chipper	\$	5,000.00
Cemet	48 inch walk behind mower	\$	4,850.00
	Set of Flotation Tracks for Skidsteer	\$	4,500.00
	Plate Compactor	\$	2,000.00
		\$	16,350.00
Sewer	1 inch Steel Plate 8'x20'	\$	5,000.00
	Composite Sampler (EWTP)	\$	4,000.00
	Composite Sampler (WWTP)	\$	4,000.00
	Sewer Lateral Camera	\$	5,000.00
	Sewer Gas Meter Detector	\$	1,500.00
	Mudsucker Pump	\$	2,000.00
	Trench Safety-Shoring Modular	\$	8,500.00
		\$	30,000.00
Water	1 inch Steel Plate 8'x20'	\$	5,000.00
	Jumping Jack Compactor	\$	2,500.00
	Portable Generator	\$	1,000.00
	Modular Trench Shoring	\$	8,500.00
	Fencing Water Tanks	\$	14,000.00
		\$	31,000.00
	DPW TOTAL	\$	238,750.00
Police	2 Patrol Vehicles	\$	56,000.00
	Automatic License Plate Reader Sys.	\$	20,000.00
	Update/Replace gym Equipment	\$	22,403.00
	Replace shotguns 15 @716	\$	10,740.00
		\$	109,143.00
FIRE	Radios	\$	183,927.00
	SCBA	\$	12,500.00
	Fit Tester	\$	15,900.00
	Turnout Gear	\$	28,500.00
		\$	240,827.00
IS	Security Set Up	\$	30,000.00
	Total	\$	618,720.00



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November 3, 2011

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

RE: Transfer Request- DPW Snow Equipment

Honorable President Vigeant and Councilors:

As you are aware, two of the City's four sidewalk plows have been decommissioned. Due to their age, parts are no longer available for these critical pieces of Department of Public Works equipment which are used extensively around our school properties. In order to meet the coming critical winter demand, I am submitting for your approval the following transfer request:

Transfer in the amount of \$298,000.00 moving funds from account number 10000-35900 (Undesignated Funds) to account number 19300006-58731 (DPW Equipment).

In order to expedite the purchase of this equipment, I respectfully request your approval this evening. As always, please feel free to contact me with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT			AMOUNT AVAIL	
		ORG C	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE		OBJECT
		Undesignated Fund				Capital Outlay		
\$ 7,766,863.00	\$ 298,000.00	10000	35900	Undesignated Fund	\$ 298,000.00	19300006	58731	DPW Equip

\$ 298,000.00

Reason To Fund Sidewalk Snow Plows. Please see attached request from Mayor

CAPITAL OUTLAY

FISCAL YEAR 2012 Capital Equipment

DPW - STREETS

83	1999 Holder Multi-purpose tractor w/attachments	Replace	Bombardier w/attachments	\$ 149,000
85	1999 Holder Multi-purpose tractor w/attachments	Replace (O.R.)	Bombardier w/attachments	\$ 149,000

SUB Total DPW Capital \$ 298,000



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November 3, 2011

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

RE: Transfer Request – October Nor'easter

Honorable President Vigeant and Councilors:

As you are well aware, the October 29, 2011 nor'easter caused extensive power losses and storm damage throughout the City. In order to meet immediate expenses associated with the storm's aftermath, I am submitting the following transfer request in the total amount of \$150,000.00:

Transfer in the amount of \$125,000.00 from Account No. 1000-35900 (Undesignated) and transfer in the amount of \$25,000.00 from account number 1990006-53021 (Hurricane Irene) into account number 11990006-53019 (Halloween Snow Storm).

City Auditor Diane Smith has set up this special account for expenses associated with this emergency. These expenses include, but are not limited to, debris hauling costs, fuel for on-site equipment as well as overtime coverage.

We anticipate there will be state and federal reimbursement for storm-related expenses.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

Mayor's Office

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$7,766,863.00</u>	<u>\$125,000.00</u>	<u>10000</u>	<u>-</u>	<u>35900</u>	<u>\$150,000.00</u>	<u>11990006</u>	<u>-</u>	<u>53019</u>	<u>\$0</u>
				<u>Undesignated Fund</u>				<u>Halloween Snow Storm</u>	
<u>\$25,872.00</u>	<u>\$25,000.00</u>	<u>11990006</u>	<u>-</u>	<u>53021</u>				<u>Hurricane Irene</u>	

Reason: To fund expenses associated with the October 29th snow storm



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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 3, 2011

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

RE: Transfer Request – DPW

Honorable President Vigeant and Councilors:

As requested in the attached memo from Department of Public Works Commissioner LaFreniere, I am submitting the following intra-departmental transfer request for your approval this evening:

Transfer in the amount of \$39,000.00 from account number 60080001-50630 (Assistant Commissioner Utilities) to account number 610900006-54620 (Maintenance- Trenches).

As a result of a major water main break, damage occurred to a portion of Route 20 just west of Concord Road. While this roadway is a state highway, the City remains responsible for repairs associated with the break. Your approval this evening will enable the City to respond to the December 1, 2011 repair deadline imposed by MassDOT.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure



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

November 3, 2011

To: Mayor Nancy E. Stevens

From: Ronald M. LaFreniere
Commissioner of Public Works

Re: Street repairs to U.S. Route 20

Earlier this year, personnel from our department of public works responded to a major water main break in the westbound lane of U.S. Route 20 just west of the intersection of Concord Road. This section of roadway experienced significant damage as a result of the break and must now be properly repaired. Though this is a state highway, the city is responsible for the damages to the road as a result of the water main break.

Over the last several weeks we have solicited quotes from 5 private paving contractors. To date, only 4 of those contractors have responded to our solicitation and only one company, D&R Contracting, was willing to take on the work. Attached herewith is the quote received from D&R in the amount of \$39,000.

This amount of money by itself exceeds the total amount of money appropriated in this year's operating budget to maintain water trenches in the Water Service Fund.

MassDOT is now pressing the department to have this work completed before December 1st.

I have reviewed other line items in our operating budget and recommend that we transfer funding from the Assistant Commissioner of Utilities line item (60080001-50630) to the Maintenance Trenches line item (61090006-54620) to cover the costs of these repairs. Given the short amount of time we have to meet the December 1st target date, I would appreciate it if you would ask for the council's consideration of this transfer under a suspension of its rules.

CITY OF MARLBOROUGH
-BUDGET TRANSFERS -

DEPT: PUBLIC WORKS

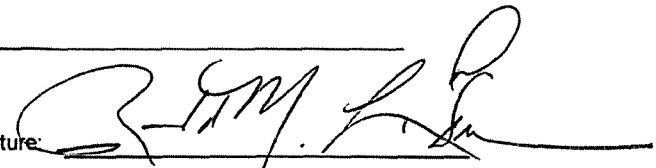
FISCAL YEAR: 2012

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$80,597</u>	<u>\$39,000.00</u>	<u>60080001</u>	<u>50630</u>	<u>Assistant Commissioner Utilities</u>	<u>\$39,000.00</u>	<u>61090006</u>	<u>54620</u>	<u>Maintenance - Trenches</u>	<u>\$19,771</u>
	Reason:	<u>Funds available due to vacancy</u>			Reason:	<u>Major repair work on state highway due to water main break</u>			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			

Department Head signature:



Date:

11-2-11

**SUPPLEMENTAL FORM FOR GENERAL BID
CITY OF MARLBOROUGH, MASSACHUSETTS**

ROUTE 20
WATER MAIN BREAK
RESURFACING
RT. 20 EAST

Item No.	Quantity	Item with Unit Bid Price Written in Words	Unit Price		Amount	
			Dollars	Cents	Dollars	Cents
		Brought Forward				
120.1	5	UNCLASSIFIED EXCAVATION at PER CUBIC YARD	100	00	500	00
129.	250	BITUMINOUS CONCRETE EXC. BY COLD-PLANER at PER SQUARE YARD	40	00	10,000	00
153.	2.5	CONTROLLED DENSITY FILL EXCAVATABLE at PER CUBIC YARD	200	00	500	00
170.	26	FINE GRADING AND COMPACTING - SUBGRADE AREAS at PER SQUARE YARD	10	00	260	00
220.2	6	DRAINAGE STRUCTURE REBUILT at PER VERTICAL FOOT	200	00	1200	00
460.	23	CLASS I BITUMINOUS CONCRETE PAVEMENT TYPE I-1 at PER TON	400	00	9200	00

SUBTOTAL PAGE 1

21,660.00

482.3	60	SAWING BITUMINOUS CONCRETE at PER LINEAR FOOT	5 00	300 00
580.	48	CURB REMOVED AND RESET at PER LINEAR FOOT	50 00	2400 00
701.	26	CONCRETE SIDEWALK at PER SQUARE YARD	100 00	2600 00
851.	1	SAFETY CONTROLS FOR CONSTRUCTION OPERATIONS at LUMP SUM	3000 00	3000 00
852.	170	SAFETY SIGNING FOR CONSTRUCTION OPERATIONS at PER SQUARE FOOT	10 00	1700 00
853.8	2	TEMPORARY ILLUMINATION FOR at UNIT DAY	500 00	1000 00
866.06	84	6 IN REFLECTORIZED WHITE LINE LINE (THERMOPLASTIC) at PER LINEAR FOOT	15 00	1260 00
867.06	100	6 INCH REFLECTORIZED YELLOW (THERMOPLASTIC) at PER LINEAR FOOT	12 00	1200 00

SUBTOTAL PAGE 2

13,460.00

999.1	1	POLICE SERVICES at ALLOWANCE	\$4,000.00		\$4,000.00	
-------	---	--	------------	--	------------	--

SUBTOTAL PAGE 3

4000.00

SUBTOTAL PAGE 3

21,660.00

SUBTOTAL PAGE 2

13,460.00

SUBTOTAL PAGE 1

4000.00

TOTAL BASE BID PRICE

39,120.00



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

2011 NOV -3 P 2: 1 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 3, 2011

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

RE: Transfer Request- Fire

Honorable President Vigeant and Councilors:

Attached for your consideration are the following intra-department transfer requests:

Transfer in the amount of \$30,000.00 moving funds from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (OT).

Transfer in the amount of \$27,267.04 moving funds from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (OT).

As detailed in the attached transfer sheet, funds are available within existing line items to cover overtime requirements.

I am pleased to report that Chief Flynn, working in cooperation with the Boston Fire Department, has secured two spots in the Boston Firefighter Academy beginning on November 7, 2011. We also anticipate enrolling additional cadets in another academy scheduled for April of next year. Once these firefighters join the City of Marlborough as full-time employees, we anticipate significant reductions in overtime expenditures.

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

Sincerely,

Nancy E. Stevens
Mayor

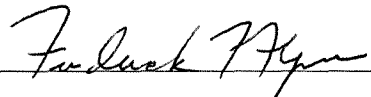
Enclosure

CITY OF MARLBOROUGH
BUDGET TRANSFERS

DEPT: FIRE

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$2,033,075.70</u>	<u>\$30,000.00</u>	<u>12200001</u>	<u>50450</u>	<u>FIREFIGHTER</u>	<u>\$30,000.00</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$74,753.38</u>
	Reason:	<u>Transfer is available due to a resignation</u>							
<u>\$2,033,075.70</u>	<u>\$27,267.04</u>	<u>12200001</u>	<u>50450</u>	<u>FIREFIGHTER</u>	<u>\$27,267.04</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$74,753.38</u>
	Reason:	<u>Transfer is available due to 111F payments being made to Firefighters</u>							
	Reason:	_____							
	Reason:	_____							
	Reason:	_____							

Department Head signature: 

Mayor's signature: _____



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2011 NOV -3 P 2:15

City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 3, 2011

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

RE: Cultural Council Allocation

Honorable President Vigeant and Councilors:

The Massachusetts Cultural Council has notified my office that the City of Marlborough has received an allocation in the amount of \$7,490.00. The allocation enables the Marlborough Cultural Council to provide grant support for cultural programming in our community.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Mayor's Office DATE: 3-Nov-11

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Leland Woodworth

NAME OF GRANT: Marlborough Cultural Council

GRANTOR: Massachusetts Cultural Council

GRANT AMOUNT: \$7,490.00

GRANT PERIOD: November 1, 2011 to June 30, 2012

SCOPE OF GRANT/
ITEMS FUNDED Enables the Marlborough Cultural Council to provide grant support for
cultural programming in our community.

IS A POSITION BEING
CREATED: No.

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

ARE MATCHING CITY
FUNDS REQUIRED? N/A

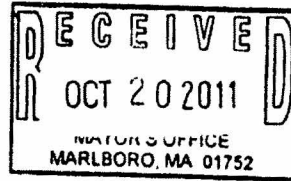
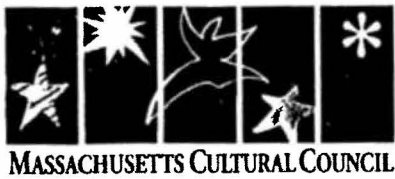
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
N/A

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

ANY OTHER EXPOSURE TO CITY?
No.

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Yes, by January 1, 2012.

**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**



10 St. James Avenue
Boston, MA 02116-3803
617.727.3668
800.232.0960 Toll Free
617.338.9153 TTY
617.727.0044 Fax
mcc@art.state.ma.us E-mail
www.massculturalcouncil.org Web

October 19, 2011

Nancy E. Stevens, Mayor
City of Marlborough
City Hall
140 Main Street
Marlborough MA 01752-3810

Dear Mayor Stevens:

Enclosed is a contract and scope of services for the City of Marlborough that covers the transfer of FY 2012 Local Cultural Council funds from the Massachusetts Cultural Council to your local cultural council account for the Marlborough Cultural Council.

State Comptroller regulations require State Agencies to have a signed contract and signature authorization form on file for all transfers of funds from state to local accounts unless the agency is statutorily released from this mandate, which the Massachusetts Cultural Council is not.

The contract includes: a signature page with the amount of the allocation (\$7,490), dates of service (November 1, 2011 to June 30, 2012), and a place to sign. You only need to sign it and include an email address, if possible. By using some of the contact information you provide, we hope to be able to build a database to allow more specific mailings to the officials of your municipality, including yourself. The second page is the scope of services which defines how the funds are to be expended following Massachusetts Cultural Council regulations. Lastly, the Signature Authorization page is a required form for all contracts with state agencies that clearly identifies the person or persons authorized to sign contracts for a vendor, in this case your municipality.

The contract should be signed with a completed Signature Authorization form and returned to me by November 30, 2011.

I will not be able to transfer the Local Cultural Council allocation until I have a completed contract package from your municipality. If you or any of your staff have any questions, please feel free to call me at 617/727-3668 extension 323 or 800/232-0960 extension 323.

Thank you very much.

Sincerely,

Michael Nagle
Fiscal Officer

Attachments



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): City Hall 140 Main Street Legal Address: (W-9, W-4, T&C): Marlborough MA 01752-3810 Contract Manager: Nancy E. Stevens, Mayor E-Mail: mayor@marlborough-ma.gov Phone: 508/460-3770 Fax: 508/481-6354 Contractor Vendor Code: VC6000192111 Vendor Code Address ID (e.g. "AD001"): AD____ (Note: The Address ID Must be set up for EFT payments.)	COMMONWEALTH DEPARTMENT NAME: Massachusetts Cultural Council MMARS Department Code: ART Business Mailing Address: 10 St. James Ave. 3rd Fl., Boston MA 02116 Billing Address (if different): Contract Manager: Michael Nagle E-Mail: Michael.Nagle@state.ma.us Phone: 617/727-3668 x323 Fax: 617/727-0044 MMARS Doc ID(s): RFR/Procurement or Other ID Number:
--	---

<p style="text-align: center;"><u>NEW CONTRACT</u></p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants <u>815 CMR 2.00</u>) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><u>CONTRACT AMENDMENT</u></p> 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"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
--	--

The following **COMMONWEALTH TERMS AND CONDITIONS (T&C)** has been executed, filed with CTR and is incorporated by reference into this Contract.
 Commonwealth Terms and Conditions Commonwealth Terms and Conditions For Human and Social Services

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.
 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.)
 Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ \$7,490

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 (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.)
June 30, 2012

Local Cultural 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:

1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.
2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.
3. were incurred as of July 1, 2011, 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 2012, 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 makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, 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 including the Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, 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: Nancy E. Stevens Date: 10/24/11
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: **NANCY E. STEVENS**
 Print Title: **MAYOR**

AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:
 X: Charles G. McDermott Date: 10/28/11
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: **Charles G. McDermott**
 Print Title: **Deputy Director**



10 St. James Avenue
Boston, MA 02116-3803
617.727.3668
800.232.0960 Toll Free
617.338.9153 TTY
617.727.0044 Fax
mcc@art.state.ma.us E-mail
www.massculturalcouncil.org Web

Scope of Services/Budget

The allocated amount or maximum obligation for the contracted city or town will be deposited in the local account for the local or regional cultural council, provided that the city or town:

- Maintain a revolving account for the local or regional cultural council as required by Massachusetts General Law, Chapter 10, Section 58
- Report on said fund annually by completing the Massachusetts Cultural Council's Local Cultural Council Account Form

The local or regional cultural council will expend the funds following the procedures outlined in Massachusetts Cultural Council guidelines and regulations (962 CMR 2.00 – 3.00)



COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME: City of Marlborough- Cultural Council
CONTRACTOR VENDOR/CUSTOMER CODE:

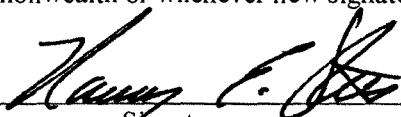
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In 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
Nancy E. Stevens	Mayor
Leland Woodworth	Co-Chairperson

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: 10/24/11

Title: Mayor

Telephone: (508) 460-3770

Fax: (508) 460-3698

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.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

NOV -3 P 6:06

City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant, President
City Council
140 Main Street
Marlborough, MA 01752

RE: City Council Response To Massachusetts Historical Commission
Regarding Proposed Demolition Of Commonwealth Armory

Dear President Vigeant and Members:

Per mandate of the City Council by Order No. 11-1003042, I herewith submit a draft response to the Massachusetts Historical Commission concerning the proposed demolition of the Armory.

Very truly yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin
Assistant City Solicitor

Attachment



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 8, 2011

Ms. Brona Simon
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125-3314

RE: Commonwealth Armory
354 Lincoln Street, Marlborough, MA
MHC #34150

Dear Ms. Simon:

Pursuant to the extension granted by the Massachusetts Historical Commission ("MHC") until November 14, 2011 for a response from the City Council and the Marlborough Historic Commission to MHC's letter of September 27, 2011 concerning a request for demolition by the owner of the Armory, the City Council provides the following information and response:

- The City Council strongly opposes demolition of the Armory;
- The Marlborough Economic Corporation ("MEDC"), a quasi-governmental organization, is not an official entity of the City and any communications with the MEDC does not constitute an effort to discuss any proposal with the City;
- The report entitled "Analysis of the Old Armory Building" provided by Stephen Reid, Building Commissioner for the City of Marlborough, includes the various allowable uses of the property – both those as a matter of right and those allowed by special permit - under the City's zoning ordinance (*see attached report*);
- The owner has not submitted to the City Council a request for a special permit based on the original plan or a revised plan for the property since the initial denial of a special permit in October 2008;
- The sale price of the Armory and the adjacent property at 364 Lincoln Street (also owned by the owner of the Armory) when previously marketed was excessively high based on fair market value;

- The owner of the Armory has shown no initiative, intent or interest in moving ahead with any project, besides demolition, since the City Council denied a special permit;
- The owners have failed to maintain the property and have created blight in the City. They have declined offers by Armory neighbors to mow the lawn of the Armory and the adjacent property, and in May 2011 the owner placed objects on the lawns of his properties in order to kill the vegetation (*see attached photos*); and
- Demolition of the Armory would be detrimental to the owner's interests with respect to Historic Preservation tax credits and with respect to the zoning ordinance because the owner would lose any advantage of a pre-existing non-conforming use and would be required to obtain a special permit for a residential use comprised of more than three units, and demolition of the Armory eliminates any flexibility afforded to the City Council as it relates to allowances for non-conforming uses of the building.

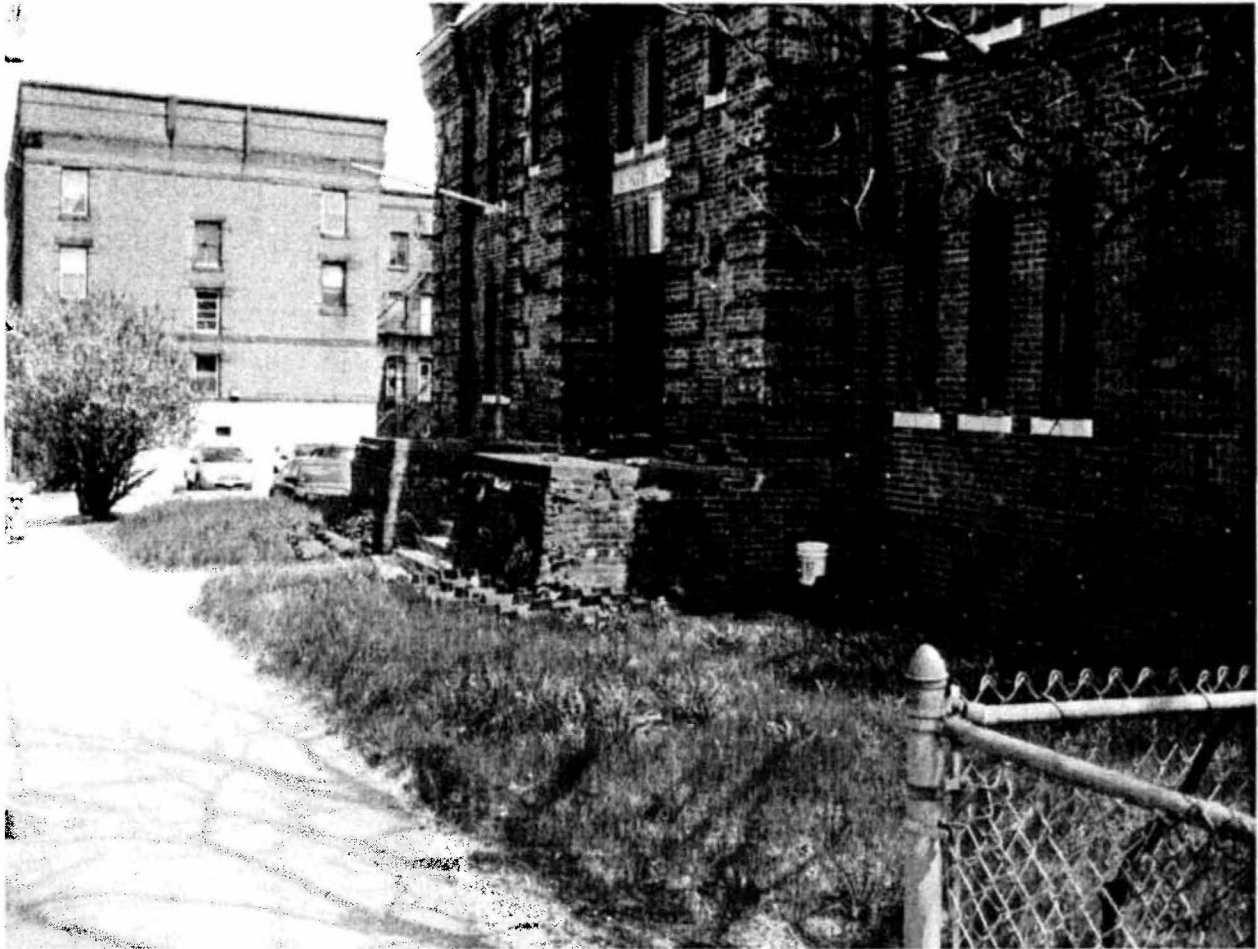
In closing, the City Council states that it opposes demolition of the Armory, that there are alternatives to demolition which are allowable as of right, as well as the opportunity for the owner to submit a request for a special permit, including revisions to the alternative plans which address the concerns voiced by City officials during the special permit process, that the owner can attempt to sell the property based on fair market value, that City officials are willing to work with the owner regarding these alternatives, but that the owner has shown no cooperation, initiative, intent or interest in any project besides demolition since the City Council denied a special permit.

Sincerely,

Cynthia M. Panagore Griffin
Assistant City Solicitor

Attachments

Cc: City Council
Marlborough Historic Commission
Attorney Jack P. Milgram



Commonwealth Armory
354 Lincoln Street
Marlborough, MA

Photo taken on May 3, 2011 by Code Enforcement Officer of the City of Marlborough. Note plastic objects placed at the base of building by owner or his agent.



Commonwealth Armory
354 Lincoln Street
Marlborough, MA

Photo taken on May 3, 2011 by Code Enforcement Officer of the City of Marlborough. Note plastic objects placed at the base of building by owner or his agent.



Property adjacent to Commonwealth Armory (owned by same person as Commonwealth Armory)
364 Lincoln Street
Marlborough, MA

Photo taken on May 3, 2011 by Code Enforcement Officer of the City of Marlborough; note rugs, rubber mats, and mattresses which were placed in the yard by owner or his agent; unkempt front lawn of the Commonwealth Armory visible in foreground.



City of Marlborough

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Legal Department

CITY OF MARLBOROUGH 140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3777 FACSIMILE (508) 460-3698 TDD (508) 460-3610
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DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Authorization to Transfer Care, Custody, Management & Control pursuant to MGL c.40, §15A and Disposition by Lease pursuant to MGL c.30B, §16(a)

Dear President Vigeant and Members:

Enclosed is a proposed order relative to the lease of a portion of municipal property at the Pleasant Street Fire Station, (namely, the bell tower) located at 98 Pleasant Street. As part of the process, (1) the City Council may vote to authorize the transfer of the care, custody, management and control of the property from the City Council to the Fire Department pursuant to MGL c.40, §15A and (2) the City Council must authorize that the property is available for disposition by lease pursuant to MGL c.30B, §16(a). This existing bell tower was identified in a previous City-wide study as a possible ideal location for one to two carrier stealth antenna installations.

The City is in receipt of a request for this location by MetroPCS. Please note that these votes are required as referenced above and the enclosed votes should be taken if the City Council wishes to make this location available for wireless telecommunications purposes.

Thank you for your attention to this matter.

Very truly yours,

Beverly J. Sleeper
Chief Procurement Officer

Enclosure

ORDERED:

- A. WHEREAS municipal property at Pleasant Street Fire Station site located at 98 Pleasant Street in Marlborough as shown on Assessors' Map 68, Parcel 174 (collectively, "the Property") is currently under the care, custody, management and control of the City Council, and WHEREAS the City Council of the City of Marlborough was notified in a previous City-wide study that a portion of the building (namely, the bell tower) located on Parcel 174 had been identified as a possible ideal location for one to two carrier stealth antenna installations, and WHEREAS the Fire Chief will be providing the City Council with further notification that a portion of the building, (namely, the bell tower) is no longer needed for the specific purpose of a fire station, NOW THEREFORE, the City Council by a two-thirds majority vote pursuant to the requirements of § 15A of MGL c. 40, hereby transfers to the Fire Department, with the approval of the Mayor, the care, custody, management and control of a portion of such Property, to be defined by the Fire Chief, for the purpose of leasing a portion of the building inside the bell tower located on the Property for installation and operation of a Wireless Communications Facility (WCF) and associated ground equipment, subject to a Special Permit as may be granted by the City Council, and subject also to a lease as may be subsequently negotiated and executed by the Mayor for the installation of wireless telecommunications facilities.

AND FURTHER ORDERED:

- B. That, pursuant to this City Council Order, a portion of the Property, to be defined by the Fire Chief, at the Pleasant Street Fire Station site located at 98 Pleasant Street in Marlborough, is hereby declared available for disposition by lease for the installation, operation and maintenance of wireless telecommunications equipment, pursuant to the provisions of § 16(a) of MGL c. 30B; provided that said declaration is hereby made subject to the following non-exclusive restrictions, including but not limited to (1) an applicant's engineering report for structural suitability, (2) an applicant's compliance with all federal and state regulations pertaining to the site's use as a fire station, and (3) subject to any restrictions as may be set forth by the Historic District Commission as said Property falls within a local historic district.

ADOPTED
In City Council
Order No. 11-
Adopted:

Approved by Mayor
[insert name]
Date:

A TRUE COPY
ATTEST:

Lisa M. Thomas
City Clerk



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CITY OF MARLBOROUGH
City of Marlborough
Legal Department

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40 MAIN STREET
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DONALD V. RIDER, JR.
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ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council

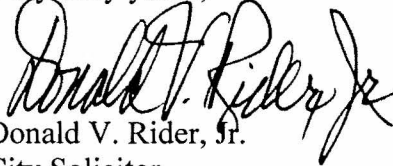
RE: Order No. 11-1002954
Application to Modify Special Permit
New Cingular Wireless PCS, LLC
445 Simarano Drive (a/k/a 40 Crane Meadow Road)

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New Cingular Wireless PCS, LLC (AT&T) to modify its existing special permit at 445 Simarano Drive. The application is to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility tower; (6) remote radio units onto existing wireless communications facility tower; one (1) LTE GPS antenna on the existing ice bridge; one (1) 23" LTE rack in the existing equipment shelter; as well as the placement of one (1) 2½" flex conduit connecting the antennae to the existing equipment shelter.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael R. Dolan, Esquire
Edward D. Pare, Jr., Esquire

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT NO. 03-100112B**

**NEW CINGULAR WIRELESS PCS, LLC,
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 11-1002954

Re: 445 Simarano Drive (a/k/a 40 Crane Meadow Road)

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. On September 22, 2003, the City Council granted to AT&T Wireless PCS, LLC a Special Permit to install and operate a wireless communications device at 445 Simarano Drive, which is also known as, and is referred to in that Special Permit as, 40 Crane Meadow Road, Marlborough, MA (hereinafter, "the Original Special Permit"). In 2005, AT&T Wireless PCS, LLC changed its name, as registered in Massachusetts, to New Cingular Wireless PCS, LLC. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 116, Lot 1 (hereinafter "Site"). The owner of record for the Site is 445 Simarano Drive Marlborough LLC.
3. Through its Application for Modification of a Special Permit for an Existing Wireless Communications Facility (hereinafter "Application"), the Applicant seeks permission to modify the Original Special Permit referenced in ¶ 2 above, so as to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility tower; (6) remote radio units onto existing wireless communications facility tower; one (1) LTE GPS antenna on the existing ice bridge; one (1) 23" LTE rack in the existing equipment shelter; as well as the placement of one (1) 2½" flex conduit connecting the antennae to the existing equipment shelter (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Marlborough Crane Meadow Road, MA-3118, 40 Crane Meadow Road, Marlborough, MA 01752" by Pro Terra Design Group, LLC and dated 3/08/11, a copy of which were provided as Exhibit 11 to the Special Permit Application (hereinafter "Plans").

4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The Site is zoned Industrial (I). Wireless communication devices are allowed by grant of a special permit in Industrial (I) Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the special permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council opened a public hearing on the Proposed WCF Project on August 1, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Said hearing was continued to and closed on August 29, 2011.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable special permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a special permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the

Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 6:**

- 1) Except as modified below, all conditions set forth in the Original Special Permit shall apply to the Modified Special Permit.
- 2) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 3) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 4) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in the operation of the facility shall be disposed of off-site at the expense of the Applicant.
- 5) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant

by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 6) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



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MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

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DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council

RE: Order No. 11-1003004
Application to Modify Special Permit
New Cingular Wireless PCS, LLC
175 Maple Street

Dear President Vigeant and Members:

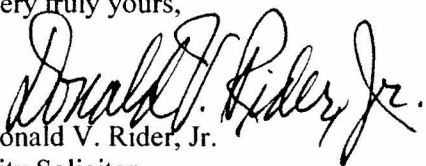
Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New Cingular Wireless PCS, LLC (AT&T) to modify its existing special permit at 175 Maple Street. The application is to allow co-location of three (3) LTE panel antennas inside an existing stealth flagpole wireless communication facility; (6) remote radio heads mounted to existing water tank wireless communication facility; one (1) LTE GPS antenna mounted to the existing water tank; one (1) 23" LTE rack in the existing equipment room; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment.

In regard to proposed condition number 7 dealing with the flag flown on the stealth flagpole, the Council may wish to prohibit the flying of the flag altogether. If so, the following new language can be substituted:

7. The Applicant shall ensure that no flag be flown on the stealth flagpole.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael R. Dolan, Esquire
Edward D. Pare, Jr., Esquire

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT NO. 99-8311B**

**NEW CINGULAR WIRELESS PCS, LLC
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 11-1003004

Re: 175 Maple Street

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 99-8311B to New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. On December 20, 1999, the City Council granted to AT&T Wireless PCS, d/b/a AT&T Wireless Services, a Special Permit to locate a wireless communications facility at the existing water tank located at 175 Maple Street, Marlborough, MA (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 82, Lot 132 (hereinafter "Site"). The owner of record for the Site is the L-A 175 Maple Street Land Owner, LLC.
3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter "Application"), the Applicant seeks permission to allow co-location of three (3) LTE panel antennas inside an existing stealth flagpole wireless communication facility; (6) remote radio heads mounted to existing water tank wireless communication facility; one (1) LTE GPS antenna mounted to the existing water tank; one (1) 23" LTE rack in the existing equipment room; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Marlborough Maple Street (MA-3461), 175 Maple Street, Marlborough, MA 01752" by Pro Terra Design Group, LLC and dated 7/22/11, a copy of which were provided as Exhibit 10 to the Special Permit Application (hereinafter "Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.

5. The proposed WCF is located in the Industrial (I) Zoning District. Wireless communication devices are allowed by grant of Special Permit in Industrial (I) Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on September 26, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 9:**

- 1) Except as modified below, all conditions in the Original Special Permit shall apply to the Modified Special Permit.
- 2) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 3) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 4) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 5) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant.

- 6) Any problems arising out of the operation of the Proposed WCF Project that interfere with reception, at the Marlborough Fire Department's headquarters at 215 Maple Street, of the City of Marlborough's public safety radio system shall be rectified by Applicant as soon as possible.
- 7) The Applicant shall ensure that the American flag flown on the stealth flagpole is proportionately sized to that flagpole and is maintained in proper condition on an as-needed basis.
- 8) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 9) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



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City of Marlborough
Legal Department

140 MAIN STREET

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DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council

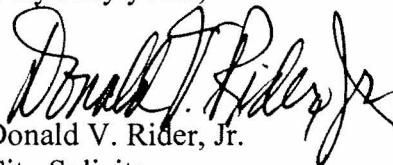
RE: Order No. 11-1003018
Application to Modify Special Permit
New Cingular Wireless PCS, LLC
53 Brigham Street

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New Cingular Wireless PCS, LLC (AT&T) to modify its existing special permit at 53 Brigham Street. The application is to replace four (4) existing panel antennas and their stealth wall, and to replace the antennas with four (4) new UMTS/GSM panel antennas, three (3) LTE panel antennas; (6) remote radio heads mounted on the proposed cable trays along the rooftop; one (1) LTE GPS antenna mounted to the existing equipment shelter; one (1) 23" LTE rack inside of the existing equipment shelter.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael R. Dolan, Esquire
Edward D. Pare, Jr., Esquire

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT NO. 04-100527B**

**NEW CINGULAR WIRELESS PCS, LLC
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 11-1003018

Re: 53 Brigham Street

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 04-100527B to New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. On December 20, 2004, the City Council granted to Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless, a Special Permit to attach a set of antennas, behind camouflaged screening, to, and to install related equipment consisting of a prefabricated equipment shelter and emergency generator, and coaxial cables, at, the existing building located at 53 Brigham Street, Marlborough, MA (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 104, Lot 2 (hereinafter "Site"). The owner of record for the Site is Mountaintop Corporation.
3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter "Application"), the Applicant seeks permission to replace four (4) existing panel antennas and their stealth wall, and to replace the antennas with four (4) new UMTS/GSM panel antennas, three (3) LTE panel antennas; (6) remote radio heads mounted on the proposed cable trays along the rooftop; one (1) LTE GPS antenna mounted to the existing equipment shelter; one (1) 23" LTE rack inside of the existing equipment shelter (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "MARLBOROUGH SOUTH RT 85 (MA-3239), 53 Brigham Street, Marlborough, MA 01752" by Pro Terra Design Group, LLC and dated 6/27/11, a copy of which were provided as Exhibit 10 to the Special Permit Application (hereinafter "Plans").

4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The proposed WCF is located in the Business B Zoning District. Wireless communication devices are allowed by grant of Special Permit in Business B Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on October 3, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the

Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 8:**

- 1) Except as modified below, all conditions in the Original Special Permit shall apply to the Modified Special Permit.
- 2) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 3) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 4) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 5) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 6) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing

and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant.

- 7) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.
- 8) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed

with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



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CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council

RE: Order No. 11-1002956
Application to Modify Special Permit
New Cingular Wireless PCS, LLC
860 Boston Post Road East

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New Cingular Wireless PCS, LLC (AT&T) to modify its existing special permit at 860 Boston Post Road East. The application is to allow at the Site co-location of three (3) LTE panel antennas onto an existing wireless communication facility tower; (6) remote radio heads onto an existing wireless communication facility tower; one (1) LTE GPS antenna on the existing ice bridge; one (1) 23" LTE rack in the existing equipment shelter; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment shelter.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael R. Dolan, Esquire
Edward D. Pare, Jr., Esquire

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT NO. 08/09-1002083B**

**NEW CINGULAR WIRELESS PCS, LLC,
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 11-1002956

Re: 860 Boston Post Road East

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 08/09-1002083B to New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. On April 6, 2009, the City Council granted to New Cingular Wireless PCS, LLC a Special Permit to allow co-location of six (6) wireless communications panel antennas on an existing 140' high wireless communications monopole, and one (1) GPS antenna mounted on a proposed ice bridge, and a 12' X 20' equipment shelter on the ground within an existing compound and associated cables, utilities and equipment at 860 Boston Post Road East, Marlborough, MA (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 61, Lot 16 (hereinafter "Site"). The owner of record for the Site is the City of Marlborough.
3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter "Application"), the Applicant seeks permission to modify the Original Special Permit referenced in ¶ 2 above, so as to allow at the Site co-location of three (3) LTE panel antennas onto an existing wireless communication facility tower; (6) remote radio heads onto an existing wireless communication facility tower; one (1) LTE GPS antenna on the existing ice bridge; one (1) 23" LTE rack in the existing equipment shelter; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment shelter (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Marlborough Water Treatment Plant (MA-3528)" by Pro Terra Design Group, LLC and dated 3/11/11, a copy of which were provided as Exhibit 11 to the Special Permit Application (hereinafter "Plans").

4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The Site is zoned Rural Residential (RR) and Business (B). The proposed WCF is located in the Rural Residential (RR) portion of the Site. Wireless communication devices are allowed by grant of a special permit in Rural Residential Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the special permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council opened a public hearing on the Proposed WCF Project on August 1, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Said hearing was continued to and closed on August 29, 2011.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable special permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable special permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a special permit.

B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 3:**

- 1) Except as modified below, all conditions set forth in the Original Special Permit shall apply to the Modified Special Permit.
- 2) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant.
- 3) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



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ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council

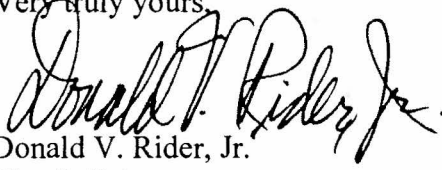
RE: Order No. 11-1002973
Application to Modify Special Permit
New Cingular Wireless PCS, LLC
450-460 Boston Post Road East

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New Cingular Wireless PCS, LLC (AT&T) to modify its existing special permit at 450-460 Boston Post Road East. The application is to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility rooftop; (6) remote radio heads onto an existing wireless communication facility rooftop; one (1) LTE GPS mounted to the rooftop; two (2) LTE equipment cabinets on the existing elevated frame on the rooftop; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael R. Dolan, Esquire
Edward D. Pare, Jr., Esquire

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT NO. 99-8280C**

**NEW CINGULAR WIRELESS PCS, LLC
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 11-1002973

Re: 450-460 Boston Post Road East

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 99-8280C to New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. On December 20, 1999, the City Council granted to AT&T Wireless PCS, d/b/a AT&T Wireless Services, a Special Permit to locate its wireless communications facility at the existing building located at 450-460 Boston Post Road East, Marlborough, MA (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 73, Lot 31 (hereinafter "Site"). The owner of record for the Site is Trinity Countryside Limited Partnership.
3. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "Application"), the Applicant seeks permission to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility rooftop; (6) remote radio heads onto an existing wireless communication facility rooftop; one (1) LTE GPS mounted to the rooftop; two (2) LTE equipment cabinets on the existing elevated frame on the rooftop; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Marlborough Boston Post RD (MA-3373), 450 Boston Post Road East, Marlborough, MA 01752" by Pro Terra Design Group, LLC and dated 6/22/11, a copy of which were provided as Exhibit 11 to the Special Permit Application (hereinafter "Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.

5. The proposed WCF is located in the Business B Zoning District. Wireless communication devices are allowed by grant of Special Permit in Business B Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council opened a public hearing on the Proposed WCF Project on August 1, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Said hearing was continued to and closed on August 29, 2011.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.

B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 7:**

- 1) Except as modified below, all conditions in the Original Special Permit shall apply to the Modified Special Permit.
- 2) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 3) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 4) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 5) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant.

- 6) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.
- 7) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



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BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council

RE: Order No. 11-1002974
Application for a Special Permit
New Cingular Wireless PCS, LLC
97 Arnold Street Extension

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New Cingular Wireless PCS, LLC (AT&T) for a special permit at 97 Arnold Street Extension. The application is to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility water tank; (6) remote radio heads onto an existing wireless communication facility water tank; one (1) LTE GPS antenna on the existing ice bridge; one (1) 23" LTE rack in the existing equipment shelter; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment shelter.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael R. Dolan, Esquire
Edward D. Pare, Jr., Esquire

DECISION ON AN APPLICATION FOR A SPECIAL PERMIT

**NEW CINGULAR WIRELESS PCS, LLC
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 11-1002974

Re: 97 Arnold Street Extension

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to New Cingular Wireless PCS LLC, by AT&T Mobility Corporation, Its Manager, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. Through its Application for a Special Permit (hereinafter "Application"), the Applicant seeks permission to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility water tank; (6) remote radio heads onto an existing wireless communication facility water tank; one (1) LTE GPS antenna on the existing ice bridge; one (1) 23" LTE rack in the existing equipment shelter; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment shelter (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Marlboro (MA-3039), 97 Arnold Street Ext., Marlborough, MA 01752" by Pro Terra Design Group, LLC and dated 6/22/11, a copy of which were provided as Exhibit 11 to the Special Permit Application (hereinafter "Plans").
3. The location of the Proposed WCF Project is 97 Arnold Street Extension, Marlborough, MA. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 68, Lot 80 (hereinafter "Site"). The owner of record for the Site is the City of Marlborough.
4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The proposed WCF is located in the Residential A-3 Zoning District. Wireless communication devices are allowed by grant of Special Permit in Residential A-3 Zoning Districts.

6. The Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on August 29, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.

B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its

Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 11:**

- 1) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of the Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCF Project.
- 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Special Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCF referenced in this Special Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.

- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant.
- 8) No construction or installation at the Proposed WCF Project shall commence until the Applicant has received written approval from the Department of Public Works Commissioner that he is satisfied as to the Plans. No operation of the Proposed WCF Project shall commence until the Applicant has received written approval from the Building Inspector that all the conditions herein have been satisfied.
- 9) Applicant's Proposed WCF Project shall be subject to site plan review, if applicable.
- 10) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how

the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 11) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.



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ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council

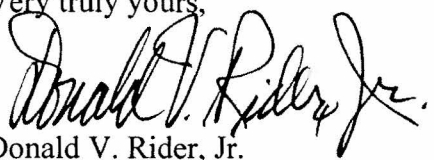
RE: Order No. 11-1002975
Application to Modify Special Permit
New Cingular Wireless PCS, LLC
4 Mount Royal Avenue

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New Cingular Wireless PCS, LLC (AT&T) to modify its existing special permit at 4 Mount Royal Avenue. The application is to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility rooftop; (6) remote radio heads onto an existing wireless communication facility rooftop; one (1) LTE GPS pipe mounted; two (2) 23" LTE equipment cabinets on the existing elevated frame on the rooftop; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,



Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael R. Dolan, Esquire
Edward D. Pare, Jr., Esquire

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT NO. 97-6059B**

**NEW CINGULAR WIRELESS PCS, LLC
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 11-1002975

Re: 4 Mount Royal Avenue

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 97-6059B to New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. On July 14, 1997, the City Council granted to AT&T Wireless Services a Special Permit to attach a set of antennas to the existing building located at 4 Mount Royal Avenue, Marlborough, MA (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 79, Lot 94 (hereinafter "Site"). The owner of record for the Site is Mount Royal Associates, a Massachusetts limited partnership, c/o Haynes Management Inc.
3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter "Application"), the Applicant seeks permission to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility rooftop; (6) remote radio heads onto an existing wireless communication facility rooftop; one (1) LTE GPS pipe mounted; two (2) 23" LTE equipment cabinets on the existing elevated frame on the rooftop; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Mount Royal Avenue (MA-3297), 4 Mount Royal Avenue, Marlborough, MA 01752" by Pro Terra Design Group, LLC and dated 6/27/11, a copy of which were provided as Exhibit 11 to the Special Permit Application (hereinafter "Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.

5. The proposed WCF is located in the Business B Zoning District. Wireless communication devices are allowed by grant of Special Permit in Business B Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on August 29, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 10:**

- 1) Except as modified below, all conditions in the Original Special Permit shall apply to the Modified Special Permit.
- 2) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 3) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of the Application are herein incorporated into and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Modified Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Modified Special Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of the Modified Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCF referenced in this Modified Special Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the

Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.

- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant.
- 8) No operation of the Proposed WCF Project shall commence until the Applicant has received written approval from the Building Inspector that all the conditions herein have been satisfied.
- 9) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual

Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 10) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



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ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 3, 2011

Arthur Vigeant
President
Marlborough City Council

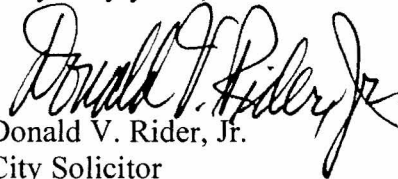
RE: Order No. 11-1002976
Application to Modify Special Permit
New Cingular Wireless PCS, LLC
157 Union Street

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by New Cingular Wireless PCS, LLC (AT&T) to modify its existing special permit at 157 Union Street. The application is to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility smokestack; (6) remote radio heads onto an existing wireless communication facility smokestack; one (1) LTE GPS located on the existing ice bridge; one (1) 23" LTE equipment cabinet in the existing equipment area; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael R. Dolan, Esquire
Edward D. Pare, Jr., Esquire

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT NO. 99-8204**

**NEW CINGULAR WIRELESS PCS, LLC
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

CITY COUNCIL ORDER NO. 11-1002976

Re: 157 Union Street

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 99-8204 to New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, by AT&T Mobility Corporation, Its Manager, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. On November 8, 1999, the City Council granted to AT&T Wireless PCS, d/b/a AT&T Wireless Services, a Special Permit to locate and operate a wireless communications facility at the existing building located at 157 Union Street, Marlborough, MA (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 43, Lot 56 (hereinafter "Site"). The owner of record for the Site is Marlborough Hospital.
3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter "Application"), the Applicant seeks permission to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility smokestack; (6) remote radio heads onto an existing wireless communication facility smokestack; one (1) LTE GPS located on the existing ice bridge; one (1) 23" LTE equipment cabinet in the existing equipment area; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Marlborough Hospital (MA-3307), 157 Union Street, Marlborough, MA 01752" by Pro Terra Design Group, LLC and dated 6/21/11, a copy of which were provided as Exhibit 11 to the Special Permit Application (hereinafter "Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.

5. The proposed WCF is located in the Residential (A-3) Zoning District. Wireless communication devices are allowed by grant of Special Permit in Residential (A-3) Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council opened a public hearing on the Proposed WCF Project on August 29, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Said hearing was continued to and closed on August 29, 2011.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.

B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 7:**

- 1) Except as modified below, all conditions in the Original Special Permit shall apply to the Modified Special Permit.
- 2) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 3) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 4) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 5) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant.

- 6) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.
- 7) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2011 OCT 31 P 12:20



66-H CONCORD STREET WILMINGTON, MA 01887

October 31, 2011

City Council

City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: *Application for Modification of Special Permit
Located at: 450-460 Boston Post Road, Marlborough, MA*

Applicant: *Sprint ("Sprint", the "Applicant")
1 International Blvd. Suite 800
Mahwah, NJ 07495*

Dear Chairman and Members of the Board:

On Behalf of Sprint (the "Applicant"), CDavis Inc., respectfully submits the following supporting documents to each of the respective offices called for in Application Package. The Applicant seeks to modify its existing Wireless Communications Facility (the "WCF") on the Property. The proposed Facility is more particularly depicted on the plans attached hereto, and incorporated by reference ("The Plans").

The Property is located in the Business Zoning District, Map 73, Lot 31. Pursuant to Sections 200-25c(2) and (4) of the City of Marlborough Zoning Ordinance (the "Ordinance") the use of the Property for a WCF is permitted by Special Permit of the Council. The Applicant believes that the proposed installation satisfies the requirements for issuance of a special permit under Sections 200-25 and 200-59 of the Ordinance, as well as Chapter 40A, Section 9 of the Massachusetts General Laws.

- Tab 1:** City Council Special Permit Application
Special Permit of Summary Impact Statement
- Tab 2:** Supporting Statement
- Tab 3:** Sprint Federal Communication Commission (FCC) License
- Tab 4:** Plans
- Tab 5:** Certified Abutter's List

Please feel free to contact me regarding any questions or concerns at 617.839.7515.

Respectfully,

Rossella S. Mercuri, Sprint
Agent for CDavis Associates

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

SPRINT

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

450-460 BOSTON POST ROAD MARLBOROUGH, MA

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

COUNTRYSIDE VILLAGE APTS. P.O. BOX 4308 SILVER SPRING, MD 02914

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

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

Article VI Section 200 Paragraph 20 Sub-paragraph C

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

Business

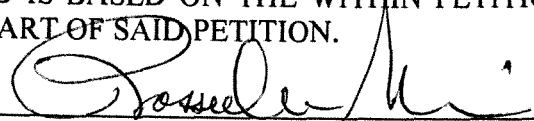
7. Specific reason(s) for seeking Special Permit

Modification of a wireless facility

Please see attached Supporting Statement

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

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



Signature of Petitioner or Applicant

Address: 27 FULLER RD

WATERTOWN, MA 02472

Telephone No. 617/839/7515

Date: 10/31/2011

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 OCT 31 PM 12:37



66-H CONCORD STREET WILMINGTON, MA 01887

October 31, 2011

City Council

City of Marlborough

140 Main Street

Marlborough, MA 01752

RE: *Application for Modification of Special Permit
Located at: 57 Union Street, Marlborough, MA*

Applicant: *Sprint ("Sprint", the "Applicant")
1 International Blvd. Suite 800
Mahwah, NJ 07495*

Dear Chairman and Members of the Board:

On Behalf of Sprint (the "Applicant"), CDavis Inc., respectfully submits the following supporting documents to each of the respective offices called for in Application Package. The Applicant seeks to modify its existing Wireless Communications Facility (the "WCF") on the Property. The proposed Facility is more particularly depicted on the plans attached hereto, and incorporated by reference ("The Plans").

The Property is located in the Business Zoning District, Map 73, Lot 31. Pursuant to Sections 200-25c(2) and (4) of the City of Marlborough Zoning Ordinance (the "Ordinance") the use of the Property for a WCF is permitted by Special Permit of the Council. The Applicant believes that the proposed installation satisfies the requirements for issuance of a special permit under Sections 200-25 and 200-59 of the Ordinance, as well as Chapter 40A, Section 9 of the Massachusetts General Laws.

Tab 1: City Council Special Permit Application

Special Permit of Summary Impact Statement

Tab 2: Supporting Statement

Tab 3: Sprint Federal Communication Commission (FCC) License

Tab 4: Plans

Tab 5: Certified Abutter's List

Please feel free to contact me regarding any questions or concerns at 617.839.7515.

Respectfully,

Rossella S. Mercuri, Sprint
Agent for CDavis Associates

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

SPRINT

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

57 UNION ST.

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

Marlborough Hospital 57 UNION ST.

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

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

Article VI Section 200 Paragraph _____ Sub-paragraph _____

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

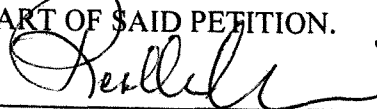
Residence A-3

7. Specific reason(s) for seeking Special Permit

See Attached - Modification to existing
wireless facility

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

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



Signature of Petitioner or Applicant

Address: 27 Fuller Rd

Watertown, MA 02472

Telephone No. 617/839/7515

Date: _____

MIRICK O'CONNELL

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 NOV -3 P 4:47

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

November 3, 2011

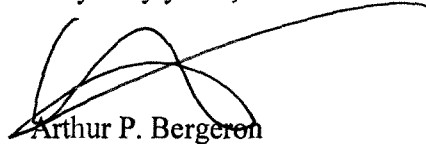
Councilor Arthur Vigeant, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: Application of US Wireless- 402 Hudson Street Monopole

Dear Councilor Vigeant:

My client, US Wireless hereby requests that its application for a monopole at 402 Hudson Street in Marlborough be withdrawn without prejudice. My client has been working a new site , located off Bolton Street that will provide greater wireless coverage than would be available at the previously filed and proposed site in May 2011 located by the Hudson Street and Fairbanks Boulevard corner of the property. While my client has agreed to the site, which has been reviewed by both Councilor Clancy and by DPW Commissioner LaFreniere, my client requires additional time to address the engineering of an appropriate access road and the grade compliance of that access road to the site starting from the existing DPW gate entrance on Bolton Street across from St Stephen Lutheran Church. Given the fact that the end of the term of the current City Council is rapidly approaching, my client is asking for the approval of this withdrawal so that it can resubmit after the newly constituted City Council convenes in 2012.

Very truly yours,



Arthur P. Bergeron

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

Wednesday, October 26, 2011

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

To Marlborough City Counsel:

2011 OCT 26 P 3:48

My name is Kristin Regan and I am writing this letter to request permission to park on city property at the top of Emmett Street. My husband, Kenneth D. Regan Jr. and I are the homeowners of 56 Emmett Street and only have on-street parking. I am requesting to park on the city property during the winter months so we do not interfere with the removal of snow. There had been a previous parking permit licensed to Jillian Barrile in May of 2003 and was renewed to Richard and Jane A. Sullivan in June of 2006. In looking to get this license renewal I would like to request one change to provision No. 1, as it refers to a one-year license. I would like City Council to consider a longer term to avoid going through a renewal yearly. I am looking to get this issue resolved before the first snow falls. I have attached the two previous Council Orders that I obtained from the City Clerk. If you have any further questions you can contact me at 774-245-2206. Thank you for taking time to look into this situation.

Sincerely,



Kristin Regan



IN CITY COUNCIL

MAY 5, 2003

Marlborough, Mass., _____

ORDERED:

That the portion of the public way identified on a "Plan of Land in Marlborough, Massachusetts to be licensed to Richard F. and Jane A Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002, which is attached hereto and incorporated herein by reference, and containing 316.41± square feet is declared available for disposition for the sole purpose of parking for the owners of 56 Emmett Street, be and is herewith APPROVED WITH CONDITIONS as follows:

1. The License shall be on a temporary one-year bases, requiring further City Council approval one year from the execution of the initial license;
2. The Licensee shall utilize the licensed premises for the parking of both vehicles in the household and shall not permit the parking of vehicles on the public way so as to impede snow removal operations conducted by the City of Marlborough;
3. The term of the License shall coincide with the City of Marlborough's winter parking ban, and the lot shall be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months;
4. That Licensee indemnify the City of Marlborough from liability that might arise as a result of said License to use a portion of the public way for parking purposes.

ADOPTED

In City Council

Order No. 03-9919A

Adopted May 5, 2003

Approved by Mayor

William J. Mauro, Jr.

Date: May 7, 2003

A TRUE COPY

ATTEST:

City Clerk



IN CITY COUNCIL

JUNE 26, 2006

Marlborough, Mass., _____ 20

ORDERED:

Request from Jillian Barrile, 56 Emmett St. for renewal of the "license" (issued 5-03) to park on City property at the top of the hill (formerly licensed to Richard and Jane A. Sullivan). Recommendation of Committee to approve with the following conditions:

1. The license shall be on a temporary one-year basis, requiring further City Council approval one year from the execution of the initial license.
2. The licensee shall utilize the licensed premises for the parking of both vehicles in the household and shall not permit the parking of vehicles on the public way so as to impede snow removal operations conducted by the City of Marlborough.
3. The term of the license shall coincide with the City of Marlborough's winter parking ban, and the lot shall be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months;
4. The licensee shall indemnify the City of Marlborough from liability that might arise as a result of said license to use a portion of the public way for parking.

ADOPTED
In City Council
Order No. 06100-1128A

Approved by Mayor
Nancy E. Stevens
Date: July 11, 2006

A TRUE COPY
ATTEST:

City Clerk

Marlborough Community Development Authority

MINUTES

**Tuesday July 14, 2011
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant, Eric Asman,
Members Non-Voting: Tom Abel, Comptroller, Diane Smith, Auditor

Also Present: Anne Marie Blake; Paul Crocetti, MetroWest Daily News

Mayor Stevens called the meeting to order at 8:32 AM.

Minutes from May 26, 2011 meeting were approved.

The Board unanimously approved the Housing Bills payable.
The Board unanimously approved the CDA Bills payable.

The Housing Manager's Report dated July 14, 2011 was unanimously accepted as presented. On a motion by Steve and seconded by Lynn the board unanimously voted to *award the construction contract for the low flow toilet installation project at 397 Bolton St. to Tran Brothers Construction, LLC of Randolph, MA, the lowest eligible and responsible bidder in the amount of \$7,400.00.*

The CDA report was accepted as presented. The Board will hold a "work meeting" on July 28, 2011 to discuss individual items, i.e. staffing, budgets, etc. on the CDA report and to work on a two-year plan. Steve Vigeant and Lynn requested that Tom Abel, Diane Smith and Anne Marie Blake get together to prepare a report of available funds, what the funds can be used for, when they expire, etc.

The board also requested that the Mayor set up a joint meeting between the CDA and the City Council to discuss objectives of the CDA.

The board voted to approve a request from a Hudson homeowner to defer the payment of her outstanding housing rehab loan for a period of six months at which time it will again be reviewed.

On a motion duly made and seconded, with regard to the CDA bank accounts, the board voted to: "authorize all board members as signers on the accounts with two (2) signatures required on each check or withdrawal."

The Mayor made a motion to go into Executive Session for the purpose of discussing the value of real property; as such discussions may have a detrimental effect on the negotiating position of the MCDA in accordance with MGL, Chapter 39, and Section 23B. A roll call was taken of the Board members, Mayor aye; Lynn aye, Joyce aye, Steve aye, Eric aye. The regular meeting adjourned to executive session at 8:50 a.m.

Regular meeting adjourned at 9:10 a.m.

Respectfully submitted, Anne Marie Blake

Marlborough Community Development Authority

MINUTES

**Thursday, August 25, 2011
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant

Members Non-Voting: Tom Abel, Comptroller, Diane Smith, Auditor

Also Present: Anne Marie Blake; Julie Pappazisis; reporter

Absent: Eric Asman

Mayor Stevens called the meeting to order at 8:32 AM.

Minutes from July 14, 2011 meeting were approved.

The Board unanimously approved the Housing Bills payable.

The Board unanimously approved the CDA Bills payable.

The Housing Manager's Report dated August 24, 2011 was unanimously accepted as presented. On a motion by Steve and seconded by Lynn the board unanimously voted to: *request permission from DHCD to apply Capital Reserve Funds towards asbestos abatement at Pleasant St. for a cost est. of \$15,000.* On a motion by Steve and seconded by Lynn the board unanimously voted to allow Julie to: *authorize Direct Deposit, EFT, of all monies received from the Commonwealth's Department of Housing & Community Development to MCDA-HD Revolving Account.* The Mayor is checking on who owns the land behind Bolton St. Senior Housing Parking lot so we can expand the parking. Julie distributed DHCD's hiring process for a Housing Director for the Board's review.

The CDA report was accepted as presented. The Board will hold a "work meeting" on Sept. 8, 2011 to discuss individual items, i.e. staffing, budgets, etc. and to work on a two-year plan. On a motion duly made a seconded, the board approved going out to bid to demolish the garage at 16 Clinton St.

Meeting adjourned at 9:15 a.m.

Respectfully submitted, Anne Marie Blake

Marlborough Community Development Authority

MINUTES

Thursday, September 8, 2011

Mayor's Conference Room

Members Present: Lynn Faust, Joyce Torelli, Steven Vigeant, Eric Asman

Members Non-Voting: Tom Abel, Comptroller, Diane Smith, Auditor

Also Present: Anne Marie Blake; reporter

Absent: Mayor Stevens

Lynn Faust, Vice-Chair, called the meeting to order at 8:34 AM.

Motion by Steve V seconded by Eric A to give Financial Mgr a 2% raise. passed.

Motion by Joyce seconded by Eric to consider add'l 1½% raise after evaluation in January, 2012. passed.

Lynn and Steve presented a DRAFT Community Development status report and strategy for future CDA development. Discussions were held regarding CDA's traditional scope of work, organization, staffing, responsibilities, grants, housing needs, etc.

A motion by Steve and seconded by Joyce to sell 223 Mechanic St. instead of continuing to rent. Passed.

A motion by Lynn and seconded by Steve to rehab 16 Clinton St. assuming a Sale but with an option that the board can decide to rent. Passed.

A motion was made and seconded to hire a part-time consultant to administer the FY11 grant with grant writing capabilities. Passed.

A motion was made and seconded to hire a Rehab Specialist under a RFQ with the proposal having separate rates for NSP, 16 Clinton, and CDBG Rehab units. Passed.

Steve informed the board that the NSP sub-committee purchased 57 Harrison Place at a cost of \$90,500. On a motion by Steve and seconded by Eric, the board unanimously approved the purchase.

A discussion was started with regard to the CDA creating a non-profit. The discussion will be continued to the next board meeting.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,

Anne Marie Blake

Marlborough Community Development Authority

MINUTES

**Thursday, October 13, 2011
Mayor's Conference Room**

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CITY OF MARLBOROUGH

2011 OCT 27 A 9:56

Members Present: Lynn Faust, Joyce Torelli, Steven Vigeant, Eric Asman

Also Present: Anne Marie Blake; reporter

Absent: Mayor Stevens, Tom Abel and Diane Smith

Lynn Faust, Vice-Chair, called the meeting to order at 8:34 AM.

Approval of minutes of last meeting to be brought up at the Oct. 27 meeting
Approval of Housing bills payable and CDA bills payable to be brought up at the Oct. 27 meeting.

Attorney Aldo Cipriano met with the board to discuss the legality of the forms currently used for Housing Rehab by the CDA staff. He determined that the current Promissory Note does not have the required parts to make it legally binding. He also determined that the Mortgage document needs a more descriptive language as to the purpose of the Mortgage and the stipulations associated with same. It was voted that Aldo will supply new Mortgage and Promissory Note documents to be used for the FY11 CDBG grant. All mortgages and promissory notes will be reviewed by Aldo prior to the Mayor's signature. On a motion by Joyce T. and seconded by Eric A. the board also voted to have Title Searches performed on each housing rehab case.

In the absence of a CDA Director or Consultant and the absence of a Housing Director, on a motion by Steve V. and seconded by Eric A. the board voted to approve a \$50/week stipend for Anne Marie Blake and also for Valerie Wilkinson for the performance of the directors tasks effective October 10, 2011.

A short discussion was held as to hiring a property management company for our rental properties. Anne Marie is to check further about whether or not prevailing wages are required for companies hired by the management firm to do repairs.

Meeting adjourned at 9:24 a.m.

Respectfully submitted,

Anne Marie Blake

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 OCT 18 A 11:42



City of Marlborough
Commonwealth of Massachusetts

PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

September 12, 2011
7:00 PM

The Planning Board for the City of Marlborough met on Monday, September 12, 2011 in Memorial Hall, 3rd Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Philip Hodge, Colleen Hughes, Sean Fay, Edward Coveney and Clyde Johnson. Also present: City Engineer Thomas Cullen.

MINUTES

August 1, 2011

On a motion by Ms. Hughes, seconded by Mr. Hodge, with Mr. Fay abstaining it was duly voted:

To accept and file the meeting minutes.

CHAIRS BUSINESS

City Council

Request To change City Zoning Ordinance, Section 650-25(A) (1) (a)

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

To accept and file correspondence, to set the Public Hearing date of October 3, 2011 and to advertise.

APPROVAL NOT REQUIRED PLAN

12 Main Street/Granger Blvd, Plan of Abandonment
Submittal

Mr. Cullen, the City Engineer, is trying to create a parcel to return to the owner of the property that was inadvertently taken by the State Highway Layout 6481 in 1982.

Decision

Mr. Cullen has reviewed the ANR plan dates July 26, 2011 with the latest revision date of August 19, 2011. After completing his full review, he is in a favorable position to recommend to the Planning Board to endorse the plan.

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

To accept and endorse a plan of land believed to be Approval Not Required of City of Marlborough, 135 Neil Street, Marlborough, MA 01752. Name of Engineer: Hancock Associates, 315 Elm Street, Marlborough, MA 01752. Deed of property recorded in South Middlesex Registry of Deeds Book 14839, Pages 543: Assessors Map 70 Parcel 283.

121 Main Street
ANR Submittal

Mr. Cullen, the City Engineer presented the plan to the Planning Board. He explained that this plan is to divide the existing parcel "A" into two parcels (parcels A & B). Parcels "A" & "B" shall not be used together with adjacent lots and parcel "B" shall be conveyed from the Marlborough Redevelopment Authority to be combined with the lot located at 121 Main Street for a total of combined area of 2908 Sq. Ft.

Decision

Mr. Cullen has reviewed the ANR plan submitted on August 6, 2011 with a revision date of September 6, 2011. After a full review of the plan, he can give a favorable position to recommend to the Planning Board to endorse the plan.

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

To accept and endorse a plan of land believed to be Approval Not Required of Peter D'Aurora, 121 Main Street, Marlborough, MA 01752. Name of Engineer: Bruce Saluk & Associates, Inc. 576 Boston Post Road East, Marlborough, MA 01752. Deed of property recorded in South Middlesex Registry of Deeds Book 12558, Pages 546: Assessors Map 70 Parcel 29.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Cullen gave the following update:

- Mauro Farms: progressing nicely, a few foundations are in the process
- Indian Hill: finalizing the easements between the Developer and the City

Elm Farm Valley (Cleversy Drive)
Indemnification Agreement

Mr. Donald Rider, the City Solicitor, prepared the Indemnification Agreement for the Planning to review. The Developer's Attorney, Michael Norris, who has reviewed the agreement with his clients, indicated his clients were not willing to sign the agreement with the provision that would require them to personally responsible.

There was some discussion concerning the trust continuing to be responsible, but no effect if it had no assets. Mr. Fay stated that there has to be a better way to resolve this issue.

Attorney Norris restated his original idea of recording the original plan page with an affidavit explaining a scrivener's error. Mr. Fay said there were three ways to go about making a correction; do nothing, take an easement by eminent domain or record the unrecorded plan page. After some discussion, the Planning Board agreed the best way to rectify the issue was for Attorney Norris to send certified letters to the property owners notifying them of his intent to re-record the plan with an affidavit at the registry, then follow through with the recording, and then

send notice to the Planning Board and the property owners that the recording has been completed. Attorney Norris was asked to consult with the City Solicitor when drafting the documents.

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

To accept and file the correspondence, to have Attorney Norris notify the homeowners, record the plan page showing the easement detail with the affidavit concerning the scrivener's error at the registry, then notify the homeowners and the Planning Board.

Fiddlehead (Perry Lane)

Correspondence from Attorney Faxon

Attorney Faxon sent correspondence to the City Council asking them to be placed on their agenda for the Acceptance of Perry Lane.

Correspondence from City Council

The City Council sent correspondence regarding the status of the subdivision.

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

To accept and file all correspondence, to send correspondence to the City Council that the Planning Board endorsed the acceptance of Perry Lane on August 1, 2011.

Mauro Farm (Spenser Circle and Nolan Way)

Correspondence from Attorney Pezzoni

Attorney Pezzoni sent correspondence to the Planning Board his reasoning behind the developers' contention that a release of all lots is inherent with the appropriate performances and guarantees. As he stated, the Mass. General Laws Chapter 41, Section 81U provides performance guarantee by bonds, deposit of money or negotiable securities, and or covenant. He also stated that the Planning Boards own Rules and Regulations the applicant has complied with the requirements and it is anticipated that all the lots should be released.

The City Solicitor gave his thoughts on what he thought to be Mr. Pezzoni's understanding of the Planning Board Rules & Regulations. He stated that his understanding is that once a developer meets the requirements of a covenant, tri-partite and a performance bond that all the subdivision lots would be released. Under the MA General Laws Chapter 41 section 81M which allows the Board to exercise with due regard the provision of Access to Lots in a subdivision.

Mr. Fay and Ms. Hughes were questioning that the original question of lot releases was still not answered to their satisfaction. It was asked by the City Solicitor if the Planning Board knew of any other City Planning Board within the State has faced the same issue. It was suggested for Mrs. Lizotte to contact several Cities on what their lot release process.

The Residences of Oak Crest (Graves Lane)

Bond Reduction

Tom Cullen, the City Engineer, has reviewed the bond for the subdivision at the Planning Boards request. During June and July of this year, the sidewalks were placed, final roadway binder was completed and at this time the following items remain:

- Setting granite bounds;
- Planting of roadside trees;

- Planting of roadside trees;
- Miscellaneous cleanup;
- As-built and acceptance plans.

Mr. Cullen is recommending that the Planning Board consider reducing the subdivision bond from \$108,000.00 to \$50,000.00.

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

To accept and file the correspondence; to reduce the subdivision bond from \$108,000.00 to \$50,000.00.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

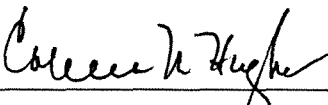
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:00 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk

City of Marlborough

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PLANNING BOARD

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

Carrie Lizotte, Board Secretary

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October 3, 2011
7:00 PM

The Planning Board for the City of Marlborough met on Monday, October 3, 2011 in Memorial Hall, 3rd Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Philip Hodge, Colleen Hughes, Sean Fay and Edward Coveney. Also present: Assistant City Engineer Timothy Collins.

MINUTES

September 12, 2011

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

To table the meeting minutes.

CHAIRS BUSINESS

Mass Development, JRI Framingham Road

Mass Development Finance Agency gave a preliminary approval for a revenue bond to JRI and is asking the City if there is any proposed project conflicts with any existing local or regional plan.

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

To forward the correspondence to the City Council and the Marlborough Economic and Development Corporation.

Citizen Planner Training Collaborative

Each member was given a copy of the training meetings held by the CPTC.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

Affordable Housing Units, 7:30

The Planning Board of the City of Marlborough held a public hearing on Monday, October 3, 2011, at 7:40 p.m. in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough on the proposed amendment to the Zoning Ordinance of the City of Marlborough Section 650-26(A)

(1)(a). Members present: Chairperson Barbara L. Fenby, Clerk Colleen Hughes, Philip Hodge, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Timothy Collins.

The Chair introduced all of the members of the board including the City Engineer and the Planning Board Secretary. She advised the audience that everyone should direct questions to her and she will direct the questions to the proponent or others.

Ms. Hughes read the public hearing notice into record.

(a) Affordable Housing and Affordable Housing Units. The term "affordable housing" shall refer to "affordable housing units". The term "affordable housing units" shall mean those units of housing that are countable in the so-called Subsidized Housing Inventory (SHI) or any subsequent housing inventory used by the Department of Housing and Community Development of the Commonwealth of Massachusetts to determine the number of housing units in a community that are countable in meeting the City's obligation to maintain at least 10% of the total number of housing units in the city as affordable pursuant to Massachusetts General Laws Chapter 40B sections 20-23. Any development subject to this section shall provide that at least 15% of the housing units to be constructed are countable as affordable housing units in the SHI, or a sum not less than the amount necessary, in the opinion of the city council pursuant to the special permit process, to cause the construction of said number of affordable housing units shall be paid to the Marlborough Community Development Authority at such time as the city council shall determine.

Attorney Arthur Bergeron presented the amendment to the Planning Board. He stated one of the reasons behind the amendment was to allow only the 15% of total construction be allowed to be used as affordable units. At the present time the City is down 43 units to meet the need of affordable units. He also stated the second portion of the amendment would allow developers to take the cost of the affordable units and directly pay the MCDA at the amount the City Council chooses with fair market value. He stated that this is a reasonable alternative because the money will be able to go into rehabbing several housing alternatives.

The Public hearing was closed at 7:53pm.

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Collins stated he did have updates related to several agenda items and will comment at the appropriate time.

Berlin Farms (Long Drive)

Correspondence from City Engineer

Assistant City Engineer, Timothy Collins, has written several letters within the 9 last months to the developer regarding the remaining completion items left in the subdivision. As stated in the September 7, 2011, letter that if no work was completed prior to the Board's September 26, 2011 meeting, he will be suggesting to the Planning Board to secure the remaining bond monies for completion of the remaining items.

Mr. Collins stated that he did receive an email from Mr. Freeman this morning stating that he will be reviewing the fencing around the detention basin. However, this is exactly what he stated several months ago and no action has been taken. The discussion from the Board was Mr. Freeman has been alerted several times. They have asked the secretary to start preparing the paperwork necessary for revocation of the bond to have the City Engineer's office to complete the subdivision.

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

To accept and file the correspondence, to notify Mr. Freeman and Peoples United Bank that at the next meeting there will be a vote concerning the signing of the revocation of the performance bond.

Davis Estates, Boivin Drive
Correspondence from the City Council

The City Council is asking the Planning Board for the street acceptance for Boivin Drive. The Planning Board accepted the subdivision on December 20, 2010.

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

To accept and file correspondence, to send recommendation to the City Council to endorse the subdivision known as "Davis Estates, Boivin Drive" to the City Council.

Elm Farm Valley (Cleversy Drive)
Correspondence from Attorney Norris
Correspondence from the City Solicitor

Mr. Norris has prepared a Scrivener's Affidavit for the original land surveyor to sign. After review, the City Solicitor has revised certain aspects of the document and has asked the Board to review. With a brief overview of the document, Mr. Fay stated he would like to have a new paragraph added regarding the purpose of the affidavit at the beginning. Mr. Rider stated that he will add the new language.

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

To have Mr. Hodge and Mr. Fay review the revised affidavit by Mr. Rider when completed.

Mauro Farm (Spenser Circle and Nolan Way)
Bond Release research

Mrs. Lizotte polled a few surrounding Cities and Towns on their bonding approach and release of lots. In most cases, each community followed the state's guidance with the subdivision control law when it came to the types of bonds whether it was a performance bond or a covenant. However, the towns phased their streets (larger subdivisions) by only allowing several lots or streets to be completed at one time. In that case, the town would only bond a certain amount, wait for completed construction on that portion then repeat the process with a new security.

Mr. Rider discussed of adding this bonding method into the rules and regulations, however Dr. Fenby stated this was done in the past and is where the issues became prevalent. Ms. Hughes asked Mr. Collins if he could follow up with other City or Town Engineers on their bonding recommendations to their Planning Boards. He stated he will contact a few engineers, ask them of their practices and report back at the next meeting.

Correspondence from Attorney Pezzoni

The City Solicitor asked Attorney Pezzoni through email the following question stemming from the Boards last meeting regarding "other remedies besides Paragraph 9 of the Amended Covenant and if so, what those remedies are". Mr. Pezzoni responded through an email that "Paragraph 9 and any other reasonable Rules and Regulation established and appropriately adopted, have the option to pursue other remedies (modification, etc) if appropriate through M.G.L. Chapter 41, Sections 81U and 81W where applicable".

Shaughnessy Estates

Correspondence from Attorney Connolly

Avidia Bank through their Attorney stated they have reviewed the remaining items for the subdivision and has decided to let the Planning Board call the bond.

Correspondence from City Engineer

After receiving the correspondence from Attorney Connolly, the City Engineer's office is recommending to the Planning Board to pull the reaming bond secured for the completion of the subdivision. The initial bond amount began at \$542,000.00 and after two reductions remains at \$172,000.00.

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

To accept and file all correspondence, to prepare the paperwork to pull the performance bond and sign the revocation at the next meeting.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

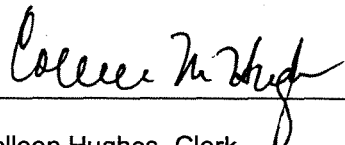
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:00 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk