

REGULAR MEETING
MAY 23, 2011

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 MAY 19 P 5:55

1. Minutes of the City Council Meeting, May 9, 2011.
2. PUBLIC HEARING On the FY12 Municipal Operating Budget as submitted by Mayor Stevens in the amount of \$124,999,703.00 in which this spending plan reflects an overall increase of 3.98% over the approved Fiscal Year 2011 budget.
3. Communication from the Mayor re: CDA transfer request in the amount of \$60,000.00 from following accounts to Community Development Authority needed for Community Development Block Grant funding as follows as the funding source is no longer available:
\$10,000.00 from Council Investigative Services
\$40,000.00 from Head Clerk
\$10,000.00 from Veterans Benefits
4. Communication from the Mayor re: revised transfer request in the amount of \$136,222.84 which will fund the City's two newly ratified agreements with MMEA and the Marlborough Police Patrol Officers Association as well as cost of living adjustments for non-affiliated employees as noted in the attached spreadsheets.
5. Communication from the Mayor re: Various Year End Inter-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets.
6. Communication from the Mayor re: Various Year End Intra-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets.
7. Communication from the Mayor re: Renewal of Parks and Recreation Revolving Fund referencing Order No. 10-1002613.
8. Communication from the Mayor re: Renewal of Sligo Hill Water Tank Revolving Fund referencing Order No. 10-1002588B.
9. Communication from the Mayor re: Renewal of Public Safety Revolving Fund referencing Order No. 10-1002587B.
10. Communication from the Mayor re: Proposed Order Amending Chapter 608, Water, and Chapter 510, Sewer, of the City Code.
11. Communication from the Mayor re: appointment of Patricia Carlson and Cheryl Soucy to the Commission on Disabilities to serve three year terms from date of approval.
12. Communication from City Solicitor Rider re: Special Permit of Verizon Wireless in proper legal form, Order No. 10/11-1002623F.
13. Communication from Attorney Bergeron on behalf of Melanson Development Group, Inc, re: request to extend time limitations to expand the non-conforming use of the existing Walker house and barn located on 93 Framingham Rd, to September 15, 2011, Order No. 11-1002853A.
14. Communication from Attorney Bergeron on behalf of U. S. Wireless re: request to review Application for Wireless Special Permit from Verizon Wireless (Order No. 10/11-1002623F), to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St.

15. Application for Special Permit from St. Mary's of French Hill Development LLC to modify an existing Special Permit (Order No. 07-1001500C) to allow rental of all proposed condominium units until first sale of each unit at 26 Broad St.
16. Application for Special Permit from 110 Pleasant LLC to modify an existing Special Permit (Order No. 10-1002683B) to allow rental of all proposed condominium units until first sale of each unit at 110-118 Pleasant St.
17. Application for Special Permit from Marlborough Hospital at 157 Union St. to extend prior non-conforming-use by constructing a cancer pavilion to be connected to the present main hospital building, and to reconfigure the site parking, which will result in an increase in lot coverage from 47.8% to 48.4% of the site.
18. Application of Thomas Travers d/b/a Village Clocksmith, for Junk Dealer's license at 1015 Boston Post Rd. E. #1.
19. Application of Bernard Novitch d/b/a Collectors Paradise, for renewal of Junk Dealer's license at 771 Boston Post Rd. East.
20. CLAIMS:
 - A. Eleanor Bouvier, 47 Walcott Circle, pothole or other road defect
 - B. John Chatalian, 56 Norwood St., other property damage
 - C. Encompass Insurance Company, on behalf of Edmuth Matthews, 30 East Park Rd., Sterling, MA, other property damage
 - D. Patricia Clark, 194 Broad St., other property damage

REPORTS OF COMMITTEES:**UNFINISHED BUSINESS:****From Finance Committee**

21. **Order No. 11-1002872 - Transfer \$1,681.00 from Medical Exams to Part Time Senior Clerk.** The Finance Committee reviewed the Mayor's letter dated April 1, 2011 requesting the transfer of \$1,681.00 from Medical Exams to Part Time Senior Clerk in the Personnel Department. **Recommendation of the Finance Committee is to approve 4-0.**
22. **Order No. 11-1002873 - Transfer \$10,000.00 from Undesignated to Conservation Trust Fund.** The Finance Committee reviewed the Mayor's letter dated April 7, 2011 requesting the transfer of \$10,000 from the Undesignated Fund to the Conservation Trust Fund. **Recommendation of the Finance Committee is to approve 4-0.**
23. **Order No. 11-1002874 - Gift of \$1,400.00 from Butler Family Foundation.** The Finance Committee reviewed the Mayor's letter dated April 1, 2011 requesting the City Council approve the gift of \$1,400.00 from the Butler Family Foundation to maintain the Felton Conservation Land on Elm Street. The gift will be deposited in the Conservation Trust Fund. **Recommendation of the Finance Committee is to thank Ms. Butler for the generous gift and to approve 4-0.**

24. **Order No. 11-1002887 - Bond of \$3,730,000.00 for Design of Easterly Waste Water Treatment Plant.** The Finance Committee reviewed the Mayor's letter dated April 14, 2011 requesting the approval of a \$3,730,000 bond for the design of the Easterly Waste Water Treatment Plant. The Finance Committee identified that there was money remaining in the \$2,000,000 design bond for the Westerly Treatment Plant that was available to potentially reduce the requested bond amount. **Recommendation of the Finance Committee is to report the bond out with no recommendation 4 to 0. The Mayor will submit a revised bond request at the May 9, 2011 City Council meeting reflecting the reduced bond amount for council approval.**
25. **Order No. 11-1002876 - Continuing Disclosure Report for Fiscal Year Ending June 30, 2010.** The Finance Committee reviewed the Comptroller's letter dated March 30, 2011 requesting the transmitting the Continuing Disclosure Report for Fiscal Year Ending June 30, 2011. **Recommendation of the Finance Committee is to accept and place on file the report 4-0.**

From Public Services Committee

26. **Order No. 11-1002878 - Application of Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery for Junk Dealer's license, 149 Main Street.** Police Chief Leonard to submit recommendation. **Recommendation of the Public Services Committee to approve 2-0. Police Chief to submit recommendation for the May 23 agenda.**
27. **Order No. 11-1002877 - Application of Best Buy Stores, LP for renewal of Junk Dealer's license at 769 Donald Lynch Blvd.** Police Chief Leonard without objection to RENEWAL. **Recommendation of the Public Services Committee to approve 2-0.**
28. **Order No. 11-1002889 - Application of Tony Bitar, d/b/a Hannoush Jewelers for Junk Dealer's License at 601 Donald Lynch Blvd.** Police Chief Leonard without objection to RENEWAL. **Recommendation of the Public Services Committee to approve 2-0.**
29. **Order No. 11-1002733 - Petition from Massachusetts Electric and Verizon New England to install stub pole 17-34 and remove pole on Church Street.** Public Hearing: November 22, 2010. City Engineer Recommendation: The pole should be placed within the city layout. The back of the sidewalk is the edge of the public property (i.e. city layout). No disturbance should be made on private property without permission from private property owner. Also, 48 inches shall be maintained from the front of the proposed pole to the back of the curbing on Church Street. **Recommendation of the Public Services Committee to approve subject to City Engineer Recommendation noted above 2-0.**

30. **Order No. 11-1002748 - Communication from Attorney Norris re: Easement Agreement of Ronald L. & Adelle R. Blum for property on Shorter Street, with proposed vote for the City Council to approve the acceptance of the Easement originally recorded in 2003 without the required vote of the City Council.** The Planning Board has requested that the Public Services Committee vote to deny the acceptance of the easement as stated in their February 17, 2011 correspondence and to report out to the full City Council **OR** inform the Planning Board in writing that it is the intention of the Public Services Committee to let the Order expire without action at the end of this legislative session. **Recommendation of the Public Services Committee is to table in Committee to let the order expire without action at the end of this legislative session 2-0.**

From Wireless Communications Committee

31. **Order No. 10/11-1002623F - Request by Verizon Wireless to permit, construct and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St. (Kane Self Storage).** The City Council's Wireless Communications Committee conducted further review of the proposed Wireless Communications Facility at 800 Bolton St. (Kane Self Storage). Previous meetings were held on 10/5/2010 and 11/29/2010. At the previous meeting on 11/29/2010 a request to relocate the WCF to another area on the Site to lessen the visible impact was discussed. Due to the request the Applicant presented the new location, which was now to be 303' from the residential office and 237' from the closest abutting property. The height of the tower was reduced to 120' and was to have flush mounted antennae. The WCF was to include a fenced compound area enclosing the Applicant's monopole, diesel-fueled generator, two HVAC units, electric and telephone equipment and accessories. The Applicant was to store its cell site equipment inside a 10 X 20 foot portion of an existing self storage building. An area for parking vehicles was shown on the outside of the fenced compound. Electric and telephone utilities are to be run underground from Bolton St. to the Applicant's WCF. Written permission issued by the Assabet Valley Regional School Committee was introduced as evidence due to the WCF proximity to the abutting Assabet School's property. A written opinion by Jeffery Benway, Professional Engineer at SFC Engineering, that the proposed relocation of the WCF will not increase the visibility from the Assabet School and would reduce the visual impact from Bolton St. and from the adjoining property to the north. An Environmental Noise Impact Evaluation, dated 4/4/2011 and updated for the WCF, concluded that the sound levels generated from the facility will not be noticed by the neighboring properties. A Site specific Cellular Telecommunications Analysis prepared by William Pastuszek Jr., a licensed appraiser, provided a detailed analysis of the site and other similar WCF sites, providing a professional opinion that the WCF site would not have any adverse effect upon the property values of residential real estate located near the WCF facility. A detailed review of the "Findings of Facts and Rulings" was conducted by the Wireless Communications Committee. Changes were made to the wording of the "Evidence" with addition and deletion of terminology which were agreed to by the Applicant. A total of 22 "Conditions" were reviewed with clarifications and elimination of certain terms being noted with agreement by the Applicant. **Recommendation of the Wireless Communications Committee is to approve the application and under Suspension of the Rules, to send the document to the City Solicitor to be place in "proper form" at the next regularly schedule City Council meeting 3-0.**

From City Council

32. **Order No. 11-1002900** - Communication from the Mayor with proposed redrawn precinct map as proposed by Secretary of State Galvin's office. Council President Vigeant announced establishment of City Council Reprecincting Committee to include Councilor Clancy as the Chair, and Councilors Pope and Ferro. **Recommendation of the City Council is to report back to the full Council at the May 23, 2011 City Council meeting.**

33. **Order No. 11-1002887A** - **Reduction in Pending Bond Authorization for Easterly Wastewater Treatment Plant from \$3,730,000.00 to \$3,458,000.00. Recommendation of the City Council is to table until May 23, 2011.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.**

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
MAY 9, 2011**

Regular meeting of the City Council held on Monday, MAY 9, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:15 PM.

ORDERED: That the minutes of the City Council Meeting, APRIL 25, 2011, **FILE**; adopted.

ORDERED: It is moved, in conformance with the provisions of § 21(3) of Chapter 30 of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing strategy with respect to collective bargaining, as an open meeting may have a detrimental effect on the collective bargaining position of the City of Marlborough. It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session, **APPROVED** and returned to open meeting at 8:25 PM; adopted.

Yea: 11- Nay: 0

Yea: Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Vigeant & Levy

ORDERED: That there being no objection thereto set **MONDAY, MAY 23, 2011** as date for a **PUBLIC HEARING** for the proposed FY12 budget as submitted by Mayor Stevens in the amount of \$124,999,703.00 for review and appropriation in which this spending plan reflects an overall increase of 3.98% over the approved Fiscal Year 2011 budget, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the City Council president recognized Boy Scout Troop 41 for the Citizenship and Community Merit Badges, **FILE**; adopted.

ORDERED: That the DPW transfer requests as follows with explanations noted on the spreadsheet, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2011		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$31,022	\$10,000	60080001	50580	Sewer- Assistant Chemist	\$10,000	61090006	54620	Water- Maintenance Trenches	\$2,015	
		Funds available due resignation						Funds needed to repair trench areas resulting from emergency water main breaks and sewer blockages.		
\$31,022	\$5,000	60080001	50580	Sewer- Assistant Chemist	\$5,000	60080006	55660	Sewer- Pumping Station Maint.	\$307	
		Funds available due resignation						Anticipated funds needed to repair and/or maintain pumping stations for remaining fiscal year.		
\$44,199	\$3,000	60080001	50630	Sewer- Assistant Commissioner	\$3,000	60085003	51310	WWTP Overtime - Regular	\$1,122	
		Funds available due to retirement						Higher than expected use associated with plant upgrades.		
\$44,199	\$865	14001403	50745	Fleet- Motor Equipment Repairman	\$865	14001403	51940	Fleet- Clothing Allowance	\$200	
		Funds available due to prior vacancy						New employee		
\$44,199	\$15,000	60080001	50630	Sewer- Assistant Commissioner	\$15,000	61090003	51310	Water- Overtime -Regular	\$12,590	
		Funds available due to retirement						Anticipated funds needed for hydrant flushing program off hours ~5-week time frame and emergency coverage for remaining fiscal year		

Suspension of the Rules requested – granted to allow the Mayor to speak.

ORDERED: That the Human Services Transfer request as follows to fund benefits associated with an employee's departure, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT: Various						FISCAL YEAR: 2011				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,420.01	\$1,420.01	11210006	57200	Mayor-Out of State Travel	\$12,386.06	15270001	50595	Human Services Director	\$10,618.02	
		Reason: Out of state travel has been completed for FY11						Vacation timed owed to departing employee		
\$9,069.33	\$9,069.33	11990006	53031	Main St Fire						
		Reason: Project has been completed								
\$45,749.90	\$1,896.72	11620002	50550	Elections - Head Clerk						
		Reason: Unfilled position								

ORDERED: That the Library transfer request in the amount of \$3,200.00 which moves funds from Library Director to part-time Reference Librarians to cover FY11 staff salaries for employees who worked in excess of budgeted hours, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. #116100001-50230 \$3,200.00
Library Director

TO:

Acct. # 116100003-51259 \$3,200.00
Part Time Reference Librarians

ORDERED: The Reduction in Pending Bond Authorization for Easterly Wastewater Treatment Plant from \$3,730,000.00 to \$3,458,000.00, Order No. 11-1002887, **TABLED UNTIL MAY 23, 2011**; adopted.

ORDERED: That the Green Communities Grant awarded to the City of Marlborough in the amount of \$217,125.00 from the Massachusetts Department of Energy Resources Green Communities Division to enable the City to make significant progress towards its energy and sustainability related goals to be uses for purposes outlined in MGL, Chapter 44, Section 53A, refer to **FINANCE COMMITTEE**; adopted.

At President Vigeant's request to recess at 8:21 PM and returned to open meeting at 8:22 PM, **APPROVED**; adopted.

ORDERED: That the Communication from the Mayor with proposed redrawn precinct map as proposed by Secretary of State Galvin's office – **COUNCIL PRESIDENT VIGEANT ANNOUNCED ESTABLISHMENT OF CITY COUNCIL REPRECINCTING COMMITTEE TO INCLUDE COUNCILOR CLANCY AS THE CHAIR, AND COUNCILORS POPE AND FERRO AND TO REPORT BACK TO THE FULL COUNCIL AT THE MAY 23, 2011 CITY COUNCIL MEETING**; adopted.

ORDERED: That the reappointments of Ray Hale, Janice Merk, & Jean Peters to the Library Board of Trustees for three year terms expiring February 3, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from DPW Commissioner LaFreniere re: Wireless Communications Facility Special Variance-402 Hudson St, refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 6, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit US Wireless, LLC, 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.), refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 6, 2011** as date for a **PUBLIC HEARING** on the Application for Fuel Storage License, Finishmaster, at 272 Lincoln St., refer to **PUBLIC SERVICES COMMITTEE, FIRE DEPARTMENT, AND ADVERTISE**; adopted.

ORDERED: That the communication from National Grid re: Annual Return, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, February 22 and April 1, 2011, **FILE**; adopted.

- ORDERED: That the Minutes, Planning Board, April 11, 2011, **FILE**; adopted.
- ORDERED: That the Minutes, Board of Assessors, April 15, 2011, **FILE**; adopted.
- ORDERED: That the Minutes, Council on Aging, April 12, 2011, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Charles Lai, 355 Hosmer St., other property damage
 - B. Daniel Pierpont, 6 Turner Ridge Rd., pothole or other road defect
 - C. Deborah Golden, 120 Miles Standish Dr., residential mailbox 2(a)
 - D. Stacy Reynolds, 2 Ash St., other property damage
 - E. Jyoti Gupta, 30 Wellington St., other property damage
 - F. Nelza deLima, 192 Bolton St., Apt 9, other property damage

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 11-1002872 - Transfer \$1,681.00 from Medical Exams to Part Time Senior Clerk. The Finance Committee reviewed the Mayor's letter dated April 1, 2011 requesting the transfer of \$1,681.00 from Medical Exams to Part Time Senior Clerk in the Personnel Department. **Recommendation of the Finance Committee is to approve 4-0.**

Order No. 11-1002873 - Transfer \$10,000.00 from Undesignated to Conservation Trust Fund. The Finance Committee reviewed the Mayor's letter dated April 7, 2011 requesting the transfer of \$10,000.00 from the Undesignated Fund to the Conservation Trust Fund. **Recommendation of the Finance Committee is to approve 4-0.**

Order No. 11-1002874 - Gift of \$1,400.00 from Butler Family Foundation. The Finance Committee reviewed the Mayor's letter dated April 1, 2011 requesting the City Council approve the gift of \$1,400.00 from the Butler Family Foundation to maintain the Felton Conservation Land on Elm Street. The gift will be deposited in the Conservation Trust Fund. **Recommendation of the Finance Committee is to thank Ms. Butler for the generous gift and to approve 4-0.**

Order No. 11-1002799 - Transfer \$23,000.00 from Undesignated to Fund Senior Center Feasibility Study. The Finance Committee reviewed the Mayor's letter dated January 20, 2011 requesting the transfer of \$23,000 from the Undesignated Fund to fund the Senior Center Feasibility Study. **Recommendation of the Finance Committee is to approve the following:**

- Mayor to appoint a committee to review the existing plan and provide recommendations on the plan for a new senior center.
- Mayor to provide copies of the existing plan to the City Council and Senior Center.
- The Finance Committee tabled the order and will reconvene on June 13 to review the Committee's findings.

Order No. 11-1002887 - Bond of \$3,730,000.00 for Design of Easterly Waste Water Treatment Plant. The Finance Committee reviewed the Mayor's letter dated April 14, 2011 requesting the approval of a \$3,730,000 bond for the design of the Easterly Waste Water Treatment Plant. The Finance Committee identified that there was money remaining in the \$2,000,000 design bond for the Westerly Treatment Plant that was available to potentially reduce the requested bond amount. **Recommendation of the Finance Committee is to report the bond out with no recommendation 4 to 0. The Mayor will submit a revised bond request at the May 9, 2011 City Council meeting reflecting the reduced bond amount for council approval.**

Order No. 11-1002876 - Continuing Disclosure Report for Fiscal Year Ending June 30, 2010. The Finance Committee reviewed the Comptroller's letter dated March 30, 2011 requesting the transmitting the Continuing Disclosure Report for Fiscal Year Ending June 30, 2011. **Recommendation of the Finance Committee is to accept and place on file the report 4-0.**

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

Order No. 11-1002878 - Application of Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery for Junk Dealer's license, 149 Main Street. Police Chief Leonard to submit recommendation. **Recommendation of the Public Services Committee to approve 2-0. Police Chief to submit recommendation for the May 23 agenda.**

Order No. 11-1002877 - Application of Best Buy Stores, LP for renewal of Junk Dealer's license at 769 Donald Lynch Blvd. Police Chief Leonard without objection to RENEWAL. **Recommendation of the Public Services Committee to approve 2-0.**

Order No. 11-1002889 - Application of Tony Bitar, d/b/a Hannoush Jewelers for Junk Dealer's License at 601 Donald Lynch Blvd. Police Chief Leonard without objection to RENEWAL. **Recommendation of the Public Services Committee to approve 2-0.**

Order No. 11-1002733 - Petition from Massachusetts Electric and Verizon New England to install stub pole 17-34 and remove pole on Church Street. Public Hearing: November 22, 2010. City Engineer Recommendation: The pole should be placed within the city layout. The back of the sidewalk is the edge of the public property (i.e. city layout). No disturbance should be made on private property without permission from private property owner. Also, 48 inches shall be maintained from the front of the proposed pole to the back of the curbing on Church Street. **Recommendation of the Public Services Committee to approve subject to City Engineer recommendation noted above 2-0.**

Order No. 11-1002748 - Communication from Attorney Norris re: Easement Agreement of Ronald L. & Adelle R. Blum for property on Shorter Street, with proposed vote for the City Council to approve the acceptance of the Easement originally recorded in 2003 without the required vote of the City Council. The Planning Board has requested that the Public Services Committee vote to deny the acceptance of the easement as stated in their February 17, 2011 correspondence and to report out to the full City Council **OR** inform the Planning Board in writing that it is the intention of the Public Services Committee to let the Order expire without action at the end of this legislative session. **Recommendation of the Public Services Committee is to table in Committee to let the order expire without action at the end of this legislative session 2-0.**

Councilor Clancy reported the following out of the Wireless Communications Committee:

Order No. 10-1002623F - Request by Verizon Wireless to permit, construct and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St. (Kane Self Storage). The City Council's Wireless Communications Committee conducted further review of the proposed Wireless Communications Facility at 800 Bolton St. (Kane Self Storage). Previous meetings were held on 10/5/2010 and 11/29/2010. At the previous meeting on 11/29/2010 a request to relocate the WCF to another area on the Site to lessen the visible impact was discussed. Due to the request the Applicant presented the new location, which was now to be 303' from the residential office and 237' from the closest abutting property. The height of the tower was reduced to 120' and was to have flush mounted antennae. The WCF was to include a fenced compound area enclosing the Applicant's monopole, diesel-fueled generator, two HVAC units, electric and telephone equipment and accessories. The Applicant was to store its cell site equipment inside a 10 X 20 foot portion of an existing self storage building. An area for parking vehicles was shown on the outside of the fenced compound. Electric and telephone utilities are to be run underground from Bolton St. to the Applicant's WCF. Written permission issued by the Assabet Valley Regional School Committee was introduced as evidence due to the WCF proximity to the abutting Assabet School's property. A written opinion by Jeffery Benway, Professional Engineer at SFC Engineering, that the proposed relocation of the WCF will not increase the visibility from the Assabet School and would reduce the visual impact from Bolton St. and from the adjoining property to the north. An Environmental Noise Impact Evaluation, dated 4/4/2011 and updated for the WCF, concluded that the sound levels generated from the facility will not be noticed by the neighboring properties. A Site specific Cellular Telecommunications Analysis prepared by William Pastuszek Jr., a licensed appraiser, provided a detailed analysis of the site and other similar WCF sites, providing a professional opinion that the WCF site would not have any adverse effect upon the property values of residential real estate located near the WCF facility. A detailed review of the "Findings of Facts and Rulings" was conducted by the Wireless Communications Committee. Changes were made to the wording of the "Evidence" with addition and deletion of terminology which were agreed to by the Applicant. A total of 22 "Conditions" were reviewed with clarifications and elimination of certain terms being noted with agreement by the Applicant. **Recommendation of the Wireless Communications Committee is to approve the application and under Suspension of the Rules, to send the document to the City Solicitor to be place in "proper form" at the next regularly schedule City Council meeting 3-0.**

Councilor Ossing requested to take the following order off the table – granted

ORDERED: That the Wireless Receipts transfer request in the amount of \$51,000.00 which moves funds from Undesignated to Open Space Stabilization to move the city's wireless antennae receipts for FY10 to open space account, **APPROVED**; adopted.

FROM:

Acct. #10000-35900	\$51,000.00
Undesignated	

TO:

Acct. # 83600-32918	\$51,000.00
Stabilization-Open Space	

Suspension of Rules requested – granted

ORDERED: That two transfer requests totaling \$275,780.00 with breakdown as follows: \$159,730.00 from Stabilization-Affordable Housing to CDA-Affordable Housing and \$116,050.00 from Stabilization-Affordable Housing to CDA-Affordable Housing for the purpose of building and rehabilitation of three affordable housing units in the City, **APPROVED**; adopted.

FROM:

Acct. # 83600-32718	\$159,730.00
Stabilization-Affordable Housing	

Acct. # 83600-32718	\$116,050.00
Stabilization-Affordable Housing	

TO:

Acct. # 89000-24998	\$159,730.00
CDA-Affordable Housing	

Acct. # 89000-24998	\$116,050.00
CDA-Affordable Housing	

Suspension of Rules requested – granted

ORDERED: That the Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St, refer to **CITY SOLICITOR TO BE PUT IN PROPER FORM FOR THE MAY 23, 2011 CITY COUNCIL MEETING**; adopted.

ORDERED: That the transfer request in the amount of \$45,251.98 from Undesignated into various accounts to fund the newly ratified agreement between City of Marlborough and the Marlborough Municipal Employee Association (MMEA), refer to **FINANCE COMMITTEE**; adopted.

REQUEST TO FUND MARLBORO MUNICIPAL EMPLOYEE ASSOC CONTRACT
 FROM : ACCOUNT 10000-35900 UNDESIGNATED FUND **\$45,251.98**
 ACCOUNT BALANCE \$1,408,278

TO: THE FOLLOWING ACCOUNTS

			Total Transfer
COMPTROLLER			
11330002	-50062	FIN ASST	\$ 1,647.57
11330003	-51430	LONGEV	\$ 54.72
	-51920	SICK BB	\$ 62.17
AUDITOR			
11350002	-50062	FIN ASST	\$ 823.78
	-50550	HEAD CLK	\$ 751.26
	-50770	SR CLK	\$ 286.07
11350003	-51430	LONGEV.	\$ 37.61
	-51920	SICK BB	\$ 28.35
ASSESSORS			
11410002	-50520	PRIN CLK	\$ 667.68
11410001	-50170	SR ASSR	\$ 1,001.38
11410002	-50550	HEAD CL	\$ 751.26
11410003	-51430	LONGEV	\$ 60.71
	-51920	SICK BB	\$ 91.33
COLLECTOR			
11440002	-50770	SR CLK	\$ 1,144.27
11440003	-51430	LONGEV	\$ 18.44
	-51920	SICK BB	\$ 43.18
INFO SYSTEMS			
11550001	-50210	SYS ANYL	\$ 893.80
	-50213	NET ENG	\$ 1,147.64
CITY CLERK			
11610002	-50770	SR. CLK	\$ 572.12
11610003	-51430	LONGEV	\$ 53.44
	-51920	SICK BB	\$ 52.18
ELECTION/REG			
11620002	-50550	HEAD CL	\$ -
	-50770	SR. CLK	\$ 572.12
11620003	-51430	LONGEV	\$ 37.61
	-51920	SICK BB	\$ 28.35

PROPERTY & BUILD

11920001	-50292	CRAFTMN	\$ 2,803.65
	-50385	ELECTRIC	\$ 781.38
11920002	-50520	PRIN CLK	\$ 667.68
11920003	-50560	CUSTOD	\$ 2,106.76
11920003	-51430	LONGEV	\$ 200.78
	-51920	SICK BB	\$ 192.29

POLICE

12100002	-50520	PRIN CLK	\$ 712.53
12100003	-50540	CHF DISP	\$ 706.88
	-51213	PBL DISP	\$ 4,941.88
	-51214	PUB ASST	\$ 795.92
	51342	LONGV	\$ 110.98
	-51920	SICK BB	\$ 30.04
	51450	Night SFT	\$ 132.74

INSPECTION

12410001	-50260	AST BLD IN	\$ 1,621.13
	-50370	PLUMB INS	\$ 895.54
	-50380	ELEC INSP	\$ 524.00
12410002	-50770	SR CLK	\$ 2,026.98
12410003	-51430	LONGEV	\$ 118.44
	-51920	SICK BB	\$ 118.97

DPW ADMIN

14001002	-50550	HEAD CL	\$ 751.27
	-50770	SR. CLK	\$ 572.16
	-50520	PRIN CLK	\$ 667.69
14001003	-51430	LONGEV	\$ 49.27
	-51920	SICK BB	\$ 53.56
61090002	-50520	PRIN CLK	\$ 667.69
61090003	-51430	LONGEV	\$ 25.96
61090003	-51920	SICK BB	\$ 25.21

RECREATION

14920001	-50166	PRG MR	\$ 767.78
14920002	-50770	SR. CLK	\$ 572.13
14920003	-51430	LONGEV	\$ 37.25
	-51920	SICK BB	\$ 50.57

HEALTH & LICENSE

15120001	-50611	ASST SAN	\$ 700.91
15120002	-50770	SR. CLK	\$ 572.13
15120003	-51430	LONGEV	\$ 69.99
	-51920	SICK BB	\$ 55.24

COUNCIL ON AGING

15410001	-50312	OUTREACH	\$	613.78
15410002	-50520	PRIN CLK	\$	572.13
15410003	-51430	LONGEV	\$	6.77
	-51920	SICK BB	\$	-

LIBRARY

16100001	-50470	CHILD LIB	\$	691.52
	-50471	YNG ADULT	\$	246.61
	-50480	CATALOG	\$	667.67
	-50656	HD CIRCL	\$	751.26
16100002	-50520	PRIN CLK	\$	667.67
16100003	-50490	LIB STAFF	\$	1,144.26
	-50860	FT LIB CLK	\$	384.52
	51261	PT CLKS	\$	2,190.66
	51262	PAGES	\$	415.54
	51263	SUN STAFF	\$	29.68
	-51430	LONGEV	\$	63.59
	-51920	SICK BB	\$	-

FIRE

12200002	-51214	PUB AST	\$	795.92
12200003	-51430	LONGV	\$	25.96
	51920	Sick BB	\$	30.04

TOTAL TRANSFER REQUEST = \$ 45,251.98

ORDERED: That the transfer request in the amount of \$36,043.86 from Undesignated into various accounts to fund salary line item adjustments for non-affiliated positions, refer to **FINANCE COMMITTEE**; adopted.

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			To Account			Total Transfer
		ORG CODE	OBJECT	ACCOUNT DESCRIPTION	ORG CODE	OBJECT	ACCOUNT DESCRIPTION	
\$ 1,408,278.00	\$ 36,043.86	10000	35900	UNDESIGNATED FUND	11210001	50010	MAYOR	\$1,148.43
						50321	EX AIDE	\$834.76
					11210002	50590	EX SECY	\$665.44
					11210003	51430	LONG	\$ -
						51920	SICK LEAVE	\$ -
					11330001	50015	COMPROLLER	\$1,368.15
					11350001	50020	AUDITOR	\$1,089.19
					11410001	50160	ASSESSOR	\$1,089.19
					11410003	50177	CERTIFICATION	\$109.02
					11440001	50042	COLLECTOR CITY	\$1,089.20
					11110003	50070	COUNCILORS	\$1,564.30
					11110002	50350	CITY COU SECY	\$834.76
					11110003	51430	LONG	\$40.95

	51920	SICK LEAVE	\$31.51
11510001	50030	SOLICITOR	\$1,438.59
		ASST	
	50172	SOLICITOR	\$1,164.46
	50174	PROCURE. OFF.	\$887.21
		PERS	
11520001	50530	DIRECTOR	\$1,051.32
	50532	PER ASST.	\$716.05
11520002	50401	PT SR CLK	\$335.21
11610001	50050	CITY CLK	\$1,089.18
11610002	50290	ASST CITY CLK	\$810.56
11610003	51430	LONG	\$24.62
	51920	SICK LEAVE	\$30.58
11920001	50291	DIRECTOR	\$640.38
11920003	51430	LONG	\$38.44
	51920	SICK LEAVE	\$48.33
12100001	50140	POLICE CHIEF	\$1,475.01
12100003	51432	LONG	\$92.20
	51920	SICK LEAVE	\$119.77
	51440	EDUC	\$368.76
	51410	FIRST RESP	\$36.89
12200001	50130	FIRE CHIEF	\$1,365.26
12200003	51480	EMT	\$70.22
	51440	EDUC	\$168.53
	51226	FIRST RESP	\$28.10
12410001	50090	BLDG INSP	\$1,198.06
		ENVIR.	
	50109	OFFICER	\$1,001.38
12410003	51430	LONG	\$59.54
	51920	SICK LEAVE	\$45.21
14001001	50600	DPW COMM	\$1,611.30
	50630	ASST COMM	\$1,334.20
14001003	51430	LONG	\$144.51
	51920	SICK LEAVE	\$111.17
14001101	50640	ENGINEER	\$1,334.20
60080001	50630	ASST COMM	\$ -
6008003	51430	LONG	\$ -
	51920	SICK LEAVE	\$ -
14920001	50110	REC DIRECTOR	\$925.39
15120001	50605	SAN/ADMIN	\$947.58
15120001	50220	SEALER	\$182.99
	50390	NURSE	\$882.19
15120003	51430	LONG	\$44.04
	51920	SICK LEAVE	\$33.29
15270001	50595	HUM SER DIR	\$953.15
15410001	50190	COA DIR	\$645.66
15430001	50080	VET DIR	\$696.38
16100001	50230	LIBRARY DIR	\$719.41

	50657	REF LIB	\$667.67
16100003	51259	PT REF LIB	\$641.99
			\$36,043.86

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:15 p.m.



IN CITY COUNCIL

Marlborough, Mass.,

MAY 9, 2011

ORDERED:

That there being no objection thereto set **MONDAY, MAY 23, 2011** as date for a **PUBLIC HEARING** for the proposed FY12 budget as submitted by Mayor Stevens in the amount of \$124,999,703.00 for review and appropriation in which this spending plan reflects an overall increase of 3.98% over the approved Fiscal Year 2011 budget, be and is herewith refer to **FINANCE COMMITTEE AND ADVERTISE**.

ADOPTED

ORDER NO. 11-1002894



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street

2011 MAY 19 P 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

May 18, 2011

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

RE: Transfer Request – Community Development Authority

Honorable President Vigeant and Councilors:

I am submitting for your approval the attached transfer requests which provide partial funding for the Community Development Authority (CDA). As previously communicated, this department is dependent on Community Development Block Grant funding for operational and programming expenses. Due to state and federal budget reductions, this funding source is currently unavailable.

This transfer will provide approximately six months of funding to enable the CDA to continue managing current programs, seek additional funding sources, as well as develop a future operational plan.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2011

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$10,000.00</u>	<u>\$10,000.00</u>	<u>11110005</u>	<u>55825</u>	<u>Council-Investigative Services</u>	<u>\$60,000.00</u>	<u>89000</u>	<u>24995</u>	<u>Community Development</u>	<u>\$0.00</u>
	Reason:	<u>Services not needed during FY11</u>				<u>Partial funding for two existing CDA positions</u>			
<u>\$43,238.18</u>	<u>\$40,000.00</u>	<u>11620002</u>	<u>50550</u>	<u>Elections - Head Clerk</u>	_____	_____	_____	_____	_____
	Reason:	<u>Unfilled position</u>			_____	_____	_____	_____	_____
<u>\$26,246.34</u>	<u>\$10,000.00</u>	<u>15430006</u>	<u>57710</u>	<u>Veterans Benefits</u>	_____	_____	_____	_____	_____
	Reason:	<u>Benefits running slightly less than anticipated</u>			_____	_____	_____	_____	_____

Department Head signature: 

Department Head signature: 

Department Head signature: 



City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 MAY 19 10 52 AM

May 18, 2011

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

RE: Revised Transfer Request

Honorable President Vigeant and Councilors:

Following a year-end analysis of surplus accounts, I am submitting for your approval a revised transfer request in the total amount of \$136,222.84. The transfer will fund the City's two newly ratified agreements with the Marlborough Municipal Employees Association (MMEA) and the Marlborough Police Patrol Officers Association, as well as cost of living adjustments for non-affiliated employees. Transfer account details are included in the attached transfer sheets.

Please note that this request supersedes the following three previous requests:

Order Number 11-1002871 - Transfer in the amount of \$54,927.00

Order Number 11-1002885 - Transfer in the amount of \$45,251.98

Order Number 11-1002886 - Transfer in the amount of \$36,043.86

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

ELECTION/REG

\$	572.12	11620002	-50770	SR. CLK
\$	37.61	11620003	-51430	LONGEV
\$	28.35	11620003	-51920	SICK BB

PROPERTY & BUILD

\$	2,803.65	11920001	-50292	CRAFTMN
\$	781.38	11920001	-50385	ELECTRIC
\$	667.68	11920002	-50520	PRIN CLK
\$	2,106.76	11920003	-50560	CUSTOD
\$	200.78	11920003	-51430	LONGEV
\$	192.29	11920003	-51920	SICK BB

POLICE

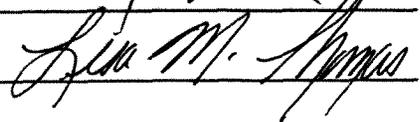
\$	712.53	12100002	-50520	PRIN CLK
\$	706.88	12100003	-50540	CHF DISP
\$	4,941.88	12100003	-51213	PBL DISP
\$	795.92	12100003	-51214	PUB ASST
\$	110.98	12100003	51342	LONGV
\$	30.04	12100003	-51920	SICK BB
\$	132.74	12100003	51450	Night SFT

INSPECTION

\$	1,621.13	12410001	-50260	AST BLD IN
\$	895.54	12410001	-50370	PLUMB INS
\$	524.00	12410001	-50380	ELEC INSP
\$	2,026.98	12410002	-50770	SR CLK
\$	118.44	12410003	-51430	LONGEV
\$	118.97	12410003	-51920	SICK BB

DPW ADMIN

\$	751.27	14001002	-50550	HEAD CL
\$	572.16	14001002	-50770	SR. CLK
\$	667.69	14001002	-50520	PRIN CLK
\$	49.27	14001003	-51430	LONGEV
\$	53.56	14001003	-51920	SICK BB
\$	667.69	61090002	-50520	PRIN CLK

Dept Head signature: 
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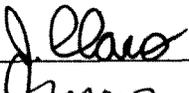
\$	25.96	61090003 -51430	LONGEV
\$	25.21	61090003 -51920	SICK BB
RECREATION			
\$	767.78	14920001 -50166	PRG MR
\$	572.13	14920002 -50770	SR. CLK
\$	37.25	14920003 -51430	LONGEV
\$	50.57	14920003 -51920	SICK BB
HEALTH & LICENSE			
\$	700.91	15120001 -50611	ASST SAN
\$	572.13	15120002 -50770	SR. CLK
\$	69.99	15120003 -51430	LONGEV
\$	55.24	15120003 -51920	SICK BB
COUNCIL ON AGING			
\$	613.78	15410001 -50312	OUTREACH
\$	572.13	15410002 -50520	PRIN CLK
\$	6.77	15410003 -51430	LONGEV
LIBRARY			
\$	691.52	16100001 -50470	CHILD LIB
\$	246.61	16100001 -50471	YNG ADULT
\$	667.67	16100001 -50480	CATALOG
\$	751.26	16100001 -50656	HD CIRCL
\$	667.67	16100002 -50520	PRIN CLK
\$	1,144.26	16100003 -50490	LIB STAFF
\$	384.52	16100003 -50860	FT LIB CLK
\$	2,190.66	16100003 51261	PT CLKS
\$	415.54	16100003 51262	PAGES
\$	29.68	16100003 51263	SUN STAFF
\$	63.59	16100003 -51430	LONGEV
\$	-	FIRE	
\$	795.92	12200002 -51214	PUB AST
\$	25.96	12200003 -51430	LONGV
\$	30.04	12200003 51920	Sick BB
\$45,251.98 total			

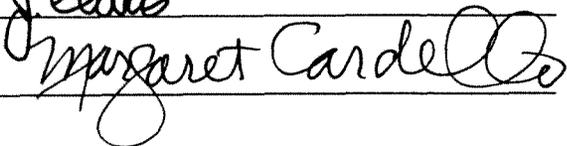
FROM ACCOUNT

To Account

AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP
\$24,748.50	\$2,873.00	15410001	50190	COA Director	\$ 1,148.43	11210001	50010	MAYOR
\$25,688.00	\$25,688.00	15410001	50391	COA-P/T Nurse	\$ 834.76	11210001	50321	EX AIDE
\$16,240.99	\$7,482.86	16100001	50230	Library Director	\$ 665.44	11210002	50590	EX SECY
					\$ 1,368.15	11330001	50015	COMPROLLER
					\$ 1,089.17	11350001	50020	AUDITOR
total	\$36,043.86				\$ 1,089.19	11410001	50160	ASSESSOR
					\$ 109.02	11410003	50177	CERTIFICATION
					\$ 1,089.20	11440001	50042	COLLECTOR
					\$ 1,564.30	11110003	50070	CITY COUNCILORS
					\$ 834.76	11110002	50350	CITY COU SECY
					\$ 40.95	11110003	51430	LONG
					\$ 31.51	11110003	51920	SICK LEAVE
					\$ 1,438.59	11510001	50030	SOLICITOR
					\$ 1,164.46	11510001	50172	ASST SOLICITOR
					\$ 887.21	11510001	50174	PROCURE. OFF.
					\$ 1,051.32	11520001	50530	PERS DIRECTOR
					\$ 716.05	11520001	50532	PER ASST.
					\$ 335.21	11520002	50401	PT SR CLK
					\$ 1,089.18	11610001	50050	CITY CLK
					\$ 810.56	11610002	50290	ASST CITY CLK
					\$ 24.62	11610003	51430	LONG
					\$ 30.58	11610003	51920	SICK LEAVE
					\$ 640.38	11920001	50291	DIRECTOR
					\$ 38.44	11920003	51430	LONG
					\$ 48.33	11920003	51920	SICK LEAVE
					\$ 1,475.01	12100001	50140	POLICE CHIEF
					\$ 92.20	12100003	51432	LONG

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			AMOUNT	To Account		
		ORG CODE	OBJECT	ACCOUNT DESCRIP		ORG CODE	OBJECT	ACCOUNT DESCRIP
					\$ 119.77	12100003	51920	SICK LEAVE
					\$ 368.76	12100003	51440	EDUC
					\$ 36.89	12100003	51410	FIRST RESP
					\$ 1,365.26	12200001	50130	FIRE CHIEF
					\$ 70.22	12200003	51480	EMT
					\$ 168.53	12200003	51440	EDUC
					\$ 28.10	12200003	51226	FIRST RESP
					\$ 1,198.06	12410001	50090	BLDG INSP
					\$ 1,001.38	12410001	50109	ENVIR. OFFICER
					\$ 59.54	12410003	51430	LONG
					\$ 45.21	12410003	51920	SICK LEAVE
					\$ 1,611.30	14001001	50600	DPW COMM
					\$ 1,334.20	14001001	50630	ASST COMM
					\$ 144.51	14001003	51430	LONG
					\$ 111.17	14001003	51920	SICK LEAVE
					\$ 1,334.20	14001101	50640	ENGINEER
					\$ 925.39	14920001	50110	REC DIRECTOR
					\$ 947.58	15120001	50605	SAN/ADMIN
					\$ 182.99	15120001	50220	SEALER
					\$ 882.19	15120001	50390	NURSE
					\$ 44.04	15120003	51430	LONG
					\$ 33.29	15120003	51920	SICK LEAVE
					\$ 953.15	15270001	50595	HUM SER DIR
					\$ 645.66	15410001	50190	COA DIR
					\$ 696.38	15430001	50080	VET DIR
					\$ 719.41	16100001	50230	LIBRARY DIR
					\$ 667.67	16100001	50657	REF LIB
					\$ 641.99	16100003	51259	PT REF LIB
					\$ 36,043.86			

Dept Head signature: 

Dept Head signature: 



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 MAY 19 PM 4:42

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

May 18, 2011

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

RE: Year-end Inter-department Transfers

Honorable President Vigeant and Councilors:

Attached herewith are various year-end inter-department transfer requests necessary to balance FY11 accounts. Transfer details are enclosed for your review.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: Public Facilities

DATE: 15-May-11

FY: 2011

Available Balance	Amount	FROM ACCOUNT:				Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:	Org Code		Object	Account Description:		
<u>\$31,074</u>	<u>\$25,000.00</u>	<u>11920003</u>	<u>52250</u>	<u>Heating oil</u>	<u>\$25,000.00</u>	<u>11920006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$4,644</u>	
	Reason:	<u>Conversion to natural gas</u>					<u>Electricity costs</u>			
<u>\$54,762</u>	<u>\$35,000.00</u>	<u>11920001</u>	<u>50292</u>	<u>Building Maintenance Craftsman</u>	<u>\$35,000</u>	<u>11920006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$4,644</u>	
	Reason:	<u>Vacant position</u>					<u>Electricity costs</u>			
<u>\$26,199</u>	<u>\$26,198.00</u>	<u>60080001</u>	<u>50630</u>	<u>Sewer-Assistant Chemist</u>	<u>\$184,000</u>	<u>11920006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$4,644</u>	
	Reason:	<u>Unfilled position</u>					<u>Electricity costs</u>			
<u>\$69,863</u>	<u>\$69,863.00</u>	<u>60080001</u>	<u>50890</u>	<u>Sewer-Sr Chemist</u>						
	Reason:	<u>Unfilled position</u>								
<u>\$73,500</u>	<u>\$73,500.00</u>	<u>60080004</u>	<u>53110</u>	<u>Sewer-Legal Services</u>						
	Reason:	<u>Legal services to be addressed in FY12</u>								
<u>\$17,312</u>	<u>\$14,439.00</u>	<u>15410001</u>	<u>50190</u>	<u>COA-Director Elderly Affairs</u>						
	Reason:	<u>Funds available when position was unfilled</u>								
total	\$244,000.00				total				\$244,000.00	

Dept Head signature: *[Signature]*

Dept Head signature: *[Signature]* 5/18/11

Dept Head signature: *[Signature]*

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL	
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	
				BAN Other Interest				School Support & Medicare	
\$ 40,000.00	\$ 9,000.00	17520006	59253	Other Int	\$ 9,000.00	13100003	51753	Medicare School	\$ 73,172.00
	\$ 5,482.00				\$ 5,482.00	13100003	57406	Life iNsurance	\$ 1,518.00
	\$ 5,000.00				\$ 5,000.00	11980006	51752	Medicare City	\$ 22,852.00
	\$ 19,482.00				\$ 19,482.00				

Reason: To fund shortage in medicare and life insurance



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 MAY 19 P 4:42

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

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EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

May 18, 2011

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

RE: Year-end Intra-department Transfers

Honorable President Vigeant and Councilors:

Attached herewith are various year-end intra-department transfer requests necessary to balance FY11 accounts. Transfer details are attached for your review.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Police

DATE: 16-May-11

FY: 2011

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	
<u>\$25,509</u>	<u>\$8,000.00</u>	<u>12100003</u>	<u>51450</u>	<u>Night Shift Differential</u>	<u>\$8,000.00</u>	<u>12100003</u>	<u>51490</u>	<u>Holiday</u>	<u>\$18,719</u>	
	Reason:	<u>Account will have surplus</u>				<u>Not enough in account to cover final holiday pay</u>				
<u>\$9,732</u>	<u>\$700.00</u>	<u>12100006</u>	<u>57380</u>	<u>Conference and Training</u>	<u>\$700</u>	<u>12100004</u>	<u>52820</u>	<u>Paging/Telephone</u>	<u>\$338</u>	
	Reason:	<u>Able to utilize alternate sources for some funding</u>				<u>Increases in paging costs</u>				
<u>\$9,732</u>	<u>\$600.00</u>	<u>12100006</u>	<u>57380</u>	<u>Conference and Training</u>	<u>\$600.00</u>	<u>12100006</u>	<u>57340</u>	<u>Dues & Subscriptions</u>	<u>\$66</u>	
	Reason:	<u>Same</u>				<u>Increased subscription costs - Westlaw</u>				
<u>\$9,732</u>	<u>\$1,500.00</u>	<u>12100006</u>	<u>57380</u>	<u>Conference and Training</u>	<u>\$1,500</u>	<u>12100006</u>	<u>52560</u>	<u>Vehicle Maintenance</u>	<u>\$2,535</u>	
	Reason:	<u>Same</u>				<u>More repairs needed - some due to winter damage</u>				
	Reason:	<u></u>				<u></u>				

Dept Head signature: *Mad. A. Head*

Mayor signature: _____

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Inspectional Services 2410

FISCAL YEAR: 11

Available Balance	FROM ACCOUNT:				Amount	TO ACCOUNT:			Available Balance
	Amount	Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$1,584</u>	<u>\$38.00</u>	<u>12410004</u>	<u>53180</u>	<u>Professional & Technical</u>	<u>\$38.00</u>	<u>12410002</u>	<u>50770</u>	<u>Senior Clerks</u>	<u>\$17,754</u>
				<u>Savings realized on technical supply purchases</u>				<u>Coverage fo remainder of year (Calculation error)</u>	
<u>\$1,584</u>	<u>\$186.00</u>	<u>12410002</u>	<u>51050</u>	<u>Professional & Technical</u>	<u>\$186</u>	<u>12410004</u>	<u>53180</u>	<u>Board Secretary</u>	<u>\$110</u>
				<u>Savings realized on technical supply purchases</u>				<u>Coverage remainder of Planning Board and Zoning Board meetings</u>	
<u>\$1,584</u>	<u>\$60.00</u>	<u>12410002</u>	<u>51050</u>	<u>Professional & & Technical</u>	<u>\$60</u>	<u>1241003</u>	<u>51185</u>	<u>Fence Viewers</u>	<u>\$28</u>
				<u>Savings realized on technical supply purchases</u>				<u>Payment for pending decisions</u>	

Department Head signature: 

CITY OF MARLBOROUGH
BUDGET TRANSFERS

DEPT: FIRE

FISCAL YEAR: FY11

Available Balance	FROM ACCOUNT:				Amount	TO ACCOUNT:			Available Balance	
	Amount	Org Code	Object	Account Description:		Org Code	Object	Account Description:		
<u>\$48,087.53</u>	<u>\$2,500.00</u>	<u>12200003</u>	<u>51490</u>	<u>HOLIDAY</u>	<u>\$2,500.00</u>	<u>12200001</u>	<u>50335</u>	<u>DEPUTY CHIEF</u>	<u>\$38,630.19</u>	
	Reason:	<u>Excess due to 1 resignation & 1 retirement</u>					<u>More needed for Acting Chief pay when Chief is on vacation</u>			
<u>\$48,087.53</u>	<u>\$3,500.00</u>	<u>12200003</u>	<u>51490</u>	<u>HOLIDAY</u>	<u>\$3,500.00</u>	<u>12200001</u>	<u>50450</u>	<u>FIREFIGHTER</u>	<u>\$413,156.95</u>	
	Reason:	<u>Excess due to 1 resignation & 1 retirement</u>					<u>Had a Lieutenant on injury leave causing additional out of grade pay</u>			
<u>\$5,546.37</u>	<u>\$1,266.71</u>	<u>12200003</u>	<u>51226</u>	<u>FIRST RESPONDER</u>	<u>\$1,266.71</u>	<u>12200003</u>	<u>51430</u>	<u>LONGEVITY</u>	<u>\$7,866.72</u>	
	Reason:	<u>Excess due to 1 resignation & 1 retirement</u>					<u>3 employees became eligible 5/7/11</u>			
<u>\$48,087.53</u>	<u>\$15.69</u>	<u>12200003</u>	<u>51450</u>	<u>HOLIDAY</u>	<u>\$15.69</u>	<u>12200003</u>	<u>51430</u>	<u>LONGEVITY</u>	<u>\$7,866.72</u>	
	Reason:	<u>Excess due to 1 resignation & 1 retirement</u>					<u>3 employees became eligible 5/7/11</u>			
	Reason:	<u></u>					<u></u>			

Department Head signature: 

CITY OF MARLBOROUGH
BUDGET TRANSFERS

DEPT: FIRE

FISCAL YEAR: FY11

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
<u>\$48,087.53</u>	<u>\$3,669.20</u>	<u>12200003</u>	<u>51490</u>	<u>HOLIDAY</u>	<u>\$3,669.20</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$33,329.41</u>	
	Reason:	<u>Excess due to 1 resignation & 1 retirement</u>				<u>Funds needed to complete FY11 based on average</u>				
<u>\$17,586.55</u>	<u>\$4,647.75</u>	<u>12200003</u>	<u>51480</u>	<u>EMT</u>	<u>\$4,647.75</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$33,329.41</u>	
	Reason:	<u>Less than expected personnel took EMT class</u>				<u>Funds needed to complete FY11 based on average</u>				
<u>\$29,243.50</u>	<u>\$5,000.00</u>	<u>12200003</u>	<u>51440</u>	<u>EDUCATIONAL</u>	<u>\$5,000.00</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$33,329.41</u>	
	Reason:	<u>Less than expected personnel took college courses</u>				<u>Funds needed to complete FY11 based on average</u>				
<u>\$7,782.40</u>	<u>\$1,683.05</u>	<u>12200003</u>	<u>51450</u>	<u>NIGHT SHIFT</u>	<u>\$1,683.05</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$33,329.41</u>	
	Reason:	<u>The amount varies depending on unscheduled leave this varies night shifts worked</u>				<u>Funds needed to complete FY11 based on average</u>				
	Reason:	_____				_____				

Department Head signature: 

CITY OF MARLBOROUGH
-BUDGET TRANSFERS -

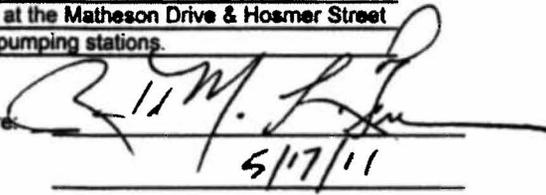
DEPT: PUBLIC WORKS

FISCAL YEAR: 2011

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$600</u>	<u>\$100</u>	14001403	51440	Fleet- Educational Incentive	<u>\$100</u>	14001403	51470	Fleet- Interim Foreman	<u>\$283</u>
		<u>Funds available funds due to retirement.</u>				<u>Funds needed for contractual coverage for the remainder fo the fiscal year.</u>			
<u>\$23,021</u>	<u>\$5,000</u>	14001406	54830	Fleet- Fuel & Lubricants	<u>\$5,000</u>	14001406	54810	Fleet- Repair/Maintenance	<u>\$564</u>
		<u>Funds available due to reduced fuel prices earlier this year.</u>				<u>Anticipated funds needed to repair and maintain vehicles for remainder of fiscal year.</u>			
<u>\$13,852</u>	<u>\$13,852</u>	60086006	52925	Solid Waste & Sludge Removal Curbside Recycling	<u>\$13,852</u>	60086006	52920	Solid Waste & Sludge Removal Rubbish Collection	<u>\$0</u>
		<u>Funds available due contract extension revised pricing.</u>				<u>Anticipated funds required based on contract extension pricing and fuel adjustments.</u>			
<u>\$26,198</u>	<u>\$5,000</u>	60080001	50630	Sewer Assistant Commissioner	<u>\$5,000</u>	60080003	51380	Sewer- O. T -Water/Sewer Police	<u>\$0</u>
		<u>Funds available due to retirement.</u>				<u>Anticipated funds needed for emergency details for the remainder of the fiscal year</u>			
<u>\$24,868</u>	<u>\$10,000</u>	60081006	55950	East Wastewater Plant- East WWTP	<u>\$10,000</u>	60080006	55660	Sewer Pumping Station	<u>\$257</u>
		<u>Funds available due to price decrease in Alum.</u>				<u>Funds needed to rebuild and/or replace pumps at the Matheson Drive & Hosmer Street sewer pumping stations.</u>			

Department Head signature: 

Date: 5/17/11

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL	
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT		ACCOUNT DESCRIP
		Comptroller & Sewer			Comptroller & Sewer				
\$ 24,400.00	\$ 5,000.00	11330006	57850	Bond Exp	\$ 5,000.00	11330006	53460	Postage	\$ 13,311.00
\$ 20,000.00	\$ 5,000.00	60019904	53110	Legal Services	\$ 5,000.00	60019906	53460	Postage	\$ 4,317.00
\$ 20,000.00	\$ 4,500.00	60019904	53110	Legal Services	\$ 4,500.00	60019904	53080	Audit Services	\$ -

Reason: To fund postage required to mail bills and additional audit service charges



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
Office of the Mayor

2011 MAY 19 P 4 53 140 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

May 19, 2011

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

RE: Renewal of Parks and Recreation Revolving Fund

Honorable President Vigeant and Councilors:

I am submitting for your approval the reauthorization of the Parks and Recreation revolving account. As you recall, this account was created last fiscal year by the consolidation of the Fairmount and Easterly Treatment Plant revolving accounts. It is anticipated that once the rehabilitation of the Sligo standpipe is complete, the balance of funds within the Sligo revolving fund will also be transferred into the Parks and Recreation revolving fund. This should enable the money to be used more efficiently, effectively and expeditiously to complete much needed projects on all of the parks and recreation facilities within the City.

As you are aware, state law requires that revolving accounts be reauthorized prior to the start of the new fiscal year. If the reauthorization does not occur, all funds within the revolving account will roll over into the general fund as of July 1, 2011.

Per Council Order 10-1002613, I have included a year-end report submitted by Commissioner of Public Works Ronald LaFreniere detailing funds received, funds expended, encumbered funds, the fund balance and a description of expenditures.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2012 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and

(b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and

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

(d) that no more than one hundred thousand dollars shall be expended during fiscal year 2012, unless otherwise authorized by the City Council and Mayor; and

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

(f) that no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED

In City Council

Order No. 11-

Adopted

Approved by Mayor

Nancy E. Stevens

Date:

A TRUE COPY

ATTEST:

May 19, 2011

Memorandum

To: Michael Ossing, Chairman
Marlborough City Council, Finance Committee

From: Ron LaFreniere,
Commissioner of Public Works

Re: Parks and Recreation Revolving Account; 26244401-52415

Pursuant to the provisions of Council Order No. 10-1002613, the revolving account established by this order had income and expenditures as shown below.

Balance as of July 1, 2010:	\$ 157,072.09
Funds received between July 1, 2010 and May 19, 2011:	\$ 74,808.94
Funds expended between July 1, 2010 and May 19, 2011:	(\$ 6,703.78)
Funds encumbered between July 1, 2010 and May 19, 2011	(\$ 30,000.00)
Balance:	\$ 195,177.25

EXPENDITURE SUMMARY

Ward Park pool pump and piping replacements	\$ 6,703.78
Ward Park Master Plan	\$ 30,000.00
Total:	\$ 36,703.78



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 MAY 19 P 4:53

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

May 18, 2011

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

RE: Renewal of Sligo Water Tank Revolving Fund

Honorable President Vigeant and Councilors:

Last year, your body reauthorized the Sligo Water Tank Revolving Fund for the Public Facilities Department to utilize income from telecommunications companies to maintain and improve adjacent neighborhood parks and property.

To be effective in fiscal year 2012, state law requires that the City Council once again reauthorize this revolving account before the new fiscal year begins. Per Council Order 10-1002588B, I have included a year-end report submitted by Public Facilities Director John Ghiloni detailing funds received, funds expended, encumbered funds, the fund balance and a description of expenditures.

Once the work on the standpipe is completed, I would recommend the transfer of remaining funds to the Parks and Recreation Revolving Fund.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2012, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

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

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

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

(d) that no more than one hundred thousand dollars shall be expended during Fiscal Year 2012, unless otherwise authorized by the City Council and Mayor; and

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

(f) that no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED
In City Council
Order No. 11-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Public Facilities Department

85 SAWIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3521 FACSIMILE (508) 460-3565

JOHN L. GHILONI
DIRECTOR

ANDREW J. WHITE
ASSISTANT DIRECTOR

To: Mayor Nancy E. Stevens

From: John L. Ghiloni

Date: May 16, 2011

Re: Sligo Revolving Account

The income and expenditures of the Sligo Revolving account are as follows:

Beginning balance: 5/14/2010	\$631,701.28
Revenue to date	<u>467,824.89</u>
	\$1,099,526.17
Expenditures to date	
Postage	(237.15)
Advertising	(79.75)
Encumbrances	
Am Star of Western New York	(800,000.00)
Engineering	(35,000.00)
Fencing	(15,000.00)
Electrical	<u>(20,000.00)</u>
Balance as of May 16, 2011	<u>\$229,209.27</u>



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2011 MAY 19 PM 4:53

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

May 18, 2011

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

RE: Renewal of Public Safety Revolving Fund

Honorable President Vigeant and Councilors:

Last year, your body reauthorized a revolving fund for emergency dispatch fees from Patriot Ambulance's contract with the City. The account is utilized by the City for expenditures on public safety training.

To be effective in fiscal year 2012, state law requires that the City Council once again reauthorize this revolving account before the new fiscal year begins. Per Council Order 10-1002587B, I have included a year-end report submitted by City Auditor Diane Smith detailing funds received, funds expended, encumbered funds, the fund balance and a description of FY11 expenditures.

As always, if you have any questions or concerns about this issue, please feel free to contact me anytime.

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2012, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

(a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and

(b) that expenditures from said fund shall be limited to public safety training; and

(c) that the Mayor shall be the only officer authorized to approve expenditures from the same; and

(d) that no more than forty-five thousand dollars shall be expended during Fiscal Year 2012, unless otherwise authorized by the City Council and Mayor; and

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

(f) that no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED
In City Council
Order No. 11-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

May 18, 2011

MEMORANDUM

TO: Mayor Nancy E. Stevens
FROM: Diane Smith, City Auditor
RE: Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2010	\$51,567.62
Funds received to date	45,000.00
Expenditures to date- (detail on following page)	(53,545.60)
Encumbrances - Taser Training	<u>(18,600.00)</u>
Balance as of May 18, 2011	<u>\$24,422.02</u>

Public Safety Training Account Detail

Expenditures

Fire & Rescue Training	2,500.00
Certified Child Car Seat Training	3,946.00
Leadership Academy	531.59
Dive Training	2,229.22
MBTA Transit Police	3,100.00
IMC Training	2,925.38
IAFC Executive Edge Conference	995.00
Intermediate Dispatch Training	2,006.52
Elevator Training Class	10,921.43
FDIC 2011 Conference	1,219.80
NAIF Conference	1,843.99
Rope Rescue Course	975.00
ICS 300 Training	11,018.82
Hoarding Training	350.00
Harvard School of Public Health	50.00
NIMS Training	6,728.60
Emergency Services Training	150.00
Fire Investigation Class	1,654.75
Tech Rescue Training	399.50
Total Expenditures to date	<u>53,545.60</u>



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street

2011 MAY 19 10:15 AM
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

May 12, 2011

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

RE: Proposed Order Amending Chapter 608, Water and Chapter 510, Sewer, of the City Code

Honorable President Vigeant and Councilors:

Enclosed is a proposed order which amends the water and sewer chapters of the City Code. You may recall that in 2005, the City Council increased the cost for connecting to the City's water and sewer systems. At the same time, the City Council amended the City Code to allow residents who had received an occupancy permit prior to December 31, 2003, to connect to the City's water and sewer systems at the former rates.

The 2005 legislation also included a sunset clause which allows homeowners to defer payment of entrance fees at the prior rate for a prescribed period of time. The prescribed time, which is the same under the chapters concerning water and sewer in the City Code, will expire on September 5, 2011.

As you know, the major sewer project for the Sudbury Street area has yet to begin, and it will not be completed and for several years. Inasmuch as the 2005 legislation was specifically intended to benefit then existing homes in the Sudbury Street area, the attached proposed order eliminates the sunset provisions, thus permitting homeowners who received occupancy permits before December 31, 2003 to connect to the City's water and sewer systems at the old rates irrespective of when they actually connect. The proposed order has the support of the Commissioner of the Department of Public Works.

Commissioner LaFreniere is available at your convenience to discuss this matter in further detail. As always, feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

cc: Ronald LaFreniere

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 608, ENTITLED "WATER," AS FOLLOWS:

Chapter 608 is hereby amended by deleting from section 608-11A.(1)(a)[1] the following words from the first sentence thereof: "a period of one year from the first Monday of the month following the effective date of this section to sign a commitment"; and by deleting the second, third, and fourth sentences in their entirety.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 510, ENTITLED "SEWER," AS FOLLOWS:

Chapter 510 is hereby amended by deleting from section 510-4A.(1)(a)[1] the following words from the first sentence thereof: "a period of one year from the first Monday of the month following the effective date of this section to sign a commitment"; and by deleting the second, third, and fourth sentences in their entirety.

ADOPTED

In City Council
Order No. 11-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



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

May 9, 2011

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

RE: Appointments- Commission on Disabilities

Honorable President Vigeant and Councilors:

I am submitting for your approval the names of Patricia Carlson and Cheryl Soucy for appointment to the Commission on Disabilities. Ms. Carlson is currently employed by the Brain Injury Foundation and Ms. Soucy is recently retired from the Marlborough Hospital. Their background and interests will bring valuable insight and skills to the Commission.

Upon approval, each member will serve a term of 3 years.

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

Sincerely,

Nancy E. Stevens
Mayor



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LEGAL OFFICE
MAY 19 2011

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

May 19, 2011

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

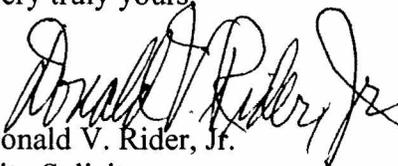
RE: Order No. 10/11-1002623F
Special Permit Application
Verizon Wireless
800 Bolton Street

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 findings on the special permit application submitted by Verizon Wireless. The application is for a 120-foot monopole-type tower, which would support the antenna/cable equipment of Verizon Wireless and up to four or five other wireless carriers. The application also includes an adjacent compound area enclosing an equipment room and a generator room, along with future equipment areas for the other wireless carriers.

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: James Valeriani, Esquire

NOTICE OF DECISION
GRANT OF SPECIAL PERMIT

In City Council:
Order No.10/11-1002623

Application of:
Verizon Wireless
400 Friberg Parkway
Westborough, Mass., 01581

Locus/Subject Site:
Kane Self Storage Facility
800 Bolton Street
Assessor Map 16, Parcel 6

DECISION:

The City Council of the City of Marlborough voted to Grant a Special Permit to Verizon Wireless (Bell Atlantic Mobile of Massachusetts Corporation, Ltd. and Cellco Partnership) for the installation and operation of a Wireless Communications Facility (WCF) at 800 Bolton Street in Marlborough, MA, based on the Findings of Facts and Conditions attached hereto.

Date Decision Filed: _____

APPEALS:

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, Massachusetts.

CITY OF MARLBOROUGH

DECISION ON A SPECIAL PERMIT PETITION

CITY COUNCIL ORDER NO. 10/11-1002623

FINDINGS OF FACTS AND RULINGS

The City Council of the City of Marlborough hereby grants a Special Permit to Bell Atlantic Mobile of Massachusetts Corporation, Ltd., and Cellco Partnership, d/b/a Verizon Wireless, having a usual place of business at 400 Friberg Parkway, Westborough, Massachusetts, 01581, for a Wireless Communications Facility (“WCF”) at the Kane Self Storage Facility located at 800 Bolton Street in Marlborough, MA (the “Locus”), based upon and subject to the following evidence, findings of facts and conditions.

EVIDENCE

1. The Applicant is Bell Atlantic Mobile of Massachusetts Corporation, Ltd., and Cellco Partnership, d/b/a Verizon Wireless, having a usual place of business at 400 Friberg Parkway, Westborough, Massachusetts, 01581.
2. Applicant is licensed by the Federal Communications Commission (FCC) to operate as a personal wireless services provider for the development and operation of personal wireless services facilities, as those terms are defined under the FCC Regulations and the 1996 Telecommunications Act, codified at 47 U.S.C.A., Section 332, and the Applicant’s facility falls under the definition of a Wireless Communication Facility (WCF) as defined in the City of Marlborough Zoning Ordinance.
3. The Marlborough City Council is authorized to grant a Special Permit for a WCF at the Locus, pursuant to the following Articles and Sections of the Marlborough Zoning Ordinance: Article VI, Section 650-25 on WCF; Article VIII, Section 650-59 on Special Permits generally; and Article III, Section 650-17, on allowable uses, which lists WCF as an allowable use under a special permit in the table of uses. The Kane Self Storage Facility is located in a Limited Industrial Zone (LI), and the table of uses lists WCFs as allowed by special permit in the LI Zone.
4. The City Planner reviewed the Applicant’s Special Permit application prior to its filing with the City Clerk, determining that: the application was complete; the application met all information requirements; that no variances were required; and that the application conformed to the special permit rules and regulations.

5. The Applicant's Special Permit application was received by the City Clerk on June 15, 2010, and was accompanied by other supporting documentation and information, including the required Engineering Plans and Drawings prepared by SFC Engineering Partnership, Manchester, New Hampshire, entitled "Marlborough Fort Meadow" with an original preparation date of May 15, 2009, and with a revision date of July 22, 2009, (the "Original Engineering Drawings"). The application and support documentation and Original Engineering Drawings show that the Applicant's WCF is to consist of a 120 to 130 foot monopole-type tower, which was support the antenna/cable equipment of the Applicant and up to four to five other wireless carriers as shown on Sheet D-1 of the Original Engineering Drawings. The WCF was to include a fenced compound area enclosing the Applicant's monopole, diesel-fueled generator, two hvac units, electric and telephone equipment and accessories, and the Applicant was to store its cell site equipment inside a 10 x 20 foot portion of the existing self storage building. An area for parking vehicles was shown on the outside of the fenced compound. The Applicant's WCF was to be located towards the center of the Kane Self Storage Facility with electric and telephone utilities to be run underground from Bolton Street to the Applicant's WCF.
6. The Applicant's Special Permit Application was received by the City Clerk on June 15, 2010, and the City Council formally received and acknowledged the application at a public meeting on June 28, 2010, setting the date of the public hearing for July 26, 2010, delegating preliminary review of the application to the City Council's Wireless Communications Committee. The application was then formally posted and advertised by the City Clerk, with the required mailing of abutter notices based on a certified assessor list, as required by local and state law, with the first hearing scheduled for July 26, 2010. The first hearing date was continued, without the petition being opened, to August 23rd, so that the Applicant could conduct a second visibility study utilizing a crane, which was successfully conducted on August 17, 2010. The City Council opened and heard the application on August 23, 2010, and the hearing was closed that same date, with the City Council's decision on the application to be made following a final review by the City Council's Wireless Communications Committee. The Applicant and the City Council agreed to several extensions of time in which to act, with each extension being properly filed in the City Clerk's office, with the final extension expiring on June 7, 2011.
7. The Applicant held the required balloon visibility study on August 17, 2010, with the Applicant posting the required newspaper notice and providing additional notice by mail to surrounding properties and to the City Council and other City Officials.
8. The City Council's Wireless Communications Committee conducted further review of the Applicant's proposed WCF at meetings held at City Hall on October 5, 2010, November 29, 2010, and April 26, 2011, prior to its rendering a final recommendation to the full City Council. At its final review meeting on April 26, 2011, the Wireless Communications Committee voted to recommend that the City Council grant the requested zoning relief under the Special Permit, with conditions.

9. In an effort to reduce the visibility of the Applicant's monopole structure from Bolton Street and the abutting property to the North at 281 Washington Street, Hudson, and notwithstanding the monopole structure's compliance with dimensional requirements for a WCF monopole as shown on the Original Engineering Plans, the Wireless Communications Committee requested the Applicant attempt to move the monopole structure further from the residential property to the immediate north at 281 Washington Street, Hudson, and the office/apartment building located on the subject site to the east.
10. Following successful efforts to redesign and relocate the proposed WCF, the Applicant prepared and submitted a revision of the Original Engineering Drawings to show the revised design and location of the proposed WCF monopole-type tower in the rear of the Locus, as shown on the plans and drawings prepared by SFC Engineering Partnership of Manchester, New Hampshire, with a final revision date of April 11, 2011, which revised plans and drawings are referred to and incorporated herein as the "Final Engineering Drawings" with a final revision date of April 11, 2011, and are made a part hereof.
11. The City Council, in reviewing the Applicant's special permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25, and considered the general special permit requirements pursuant to Article VIII, Section 650-59, of the City of Marlborough Zoning Ordinance, as applicable to the Applicant's proposed WCF.

BASED UPON THE ABOVE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACTS AND TAKES THE FOLLOWING ACTIONS.

- A. The Applicant has complied with all of the Rules and Regulations promulgated by the Marlborough City Council pertaining to the Application for a Special Permit for a WCF.
- B. The Locus is an appropriate location for the WCF and the project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate conditions of this Approval.
- C. The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to WCFs, enumerated in Article VI, Section 650-25, and Article VIII, Section 650-59, of the City of Marlborough Zoning Ordinance, by siting and designing the proposed WCF to minimize any adverse impact of the WCF on nearby properties.
- D. The WCF is located in a Limited Industrial zone, in the rear of the Kane Self Storage facility, and is 237 +/- feet from the nearest residential lot line, 378 +/- feet from the

nearest off-site residential structure, and 303 +/- feet from the office building (with apartment above) located on the Kane Self Storage facility site.

- E. There are no existing or previously approved tower structures in Marlborough in the vicinity of the Locus to accommodate the Applicant's wireless equipment.
- F. The Applicant's development and use of a wireless communications facility at the Locus by FCC-licensed wireless telephone carriers will provide a desirable communications service that benefits the safety, convenience and welfare of the residents, businesses, travelers and government users in the City of Marlborough.
- G. The Applicant states that there will be a minimal visual impact of the WCF from the neighborhood, streets and residential properties in the vicinity because: a) the facility is in the rear area of the Locus, adjacent to a wooded area, and the Kane property is generally surrounded by a dense stand of trees to the west and south and partially to the north, and is setback approximately 400 feet from Bolton Street; b) the height of the WCF monopole shall not exceed 120-feet; c) the Applicant's balloon-visibility test/crane test indicated that the Applicant's monopole-tower at the proposed location did not appear to be visible from the public roadways throughout the majority of the residential areas near the facility but that the upper thirty feet of the monopole was visible along portions of Bolton Street (Route 85) and Reservoir Street, and limited portions of the Assabet Valley Technical Facility to the west; d) the Applicant's engineering firm, SFC Engineering, provided a written opinion, dated April 11, 2011, that the location of the WCF as shown on the Final Engineering Plans will not increase visibility from the abutting property to the west (Assabet Valley School) and will be decreased from Bolton Street to the east and the abutting property immediately to the north at 281 Washington Street, Hudson; e) the monopole structure shall be painted brown from the base up to 90 feet in height to blend with the adjacent stand of dense trees; and f) no additional visibility or balloon tests were necessary for the relocation of the monopole WCF to the rear of the subject property as shown on the Final Engineering Drawings.
- H. The School Committee of the Assabet Valley Regional Technical School, a body politic established by the Massachusetts General Court pursuant to Chapter 513 of the Acts of 1966, thereby an agency and political subdivision of the Commonwealth, (the Assabet Valley School), held a public meeting on April 5, 2011, a necessary quorum being present, the School Committee, acting pursuant to and in compliance with Chapter 513 of the Acts of 1966 and all other applicable rules and regulations, voted to grant written permission to Verizon Wireless for the placement of a Verizon Wireless monopole communications facility, and appurtenances thereto, in the rear of the Locus, adjacent to a portion of the eastern property line of the Assabet Valley School property, pursuant to and in compliance with the provisions of the City of Marlborough Zoning Ordinance, Section 650-25, Part E on Development Requirements, Subpart 8, subject to compliance with this decision and other conditions stated in the Assabet Valley School written permission, dated April 14, 2011.

- I. Pursuant to the provisions of the City of Marlborough Zoning Ordinance, Section 650-25 Part C on Application and Jurisdiction, Subpart (5), the Applicant's WCF may be considered an accessory use to the subject property's principal use as a storage facility, as WCF's are allowed in all zoning districts by special permit and, pursuant to Section 650-45 on location of accessory structures, and pursuant to the written permission of the Assabet Valley School allowing the WCF monopole structure and its appurtenances as shown on the Final Engineering Drawings, with the radius of the 120-foot monopole extending onto the Assabet School Property, issued pursuant to Section 650-25, Part E on Development Requirements, Subpart 8, the setback requirements for the Applicant's unmanned equipment shelter and monopole structure are subject to and comply with the dimensional requirements for accessory buildings and structures pursuant to said 650-45, namely, no closer to the rear property line than five (5) feet.
- J. It is therefore generally found that the Applicant's WCF and its characteristics will have a minimal impact and will not be in conflict with public health, safety, convenience and welfare, and shall not be detrimental or offensive, provided the conditions imposed herein are met.

THE CITY COUNCIL, PURSUANT TO ITS AUTHORITY UNDER MASS. GENERAL LAWS, CHAPTER 40A, AND THE CITY OF MARLBOROUGH ZONING ORDINANCE, GRANTS THE APPLICANT ITS SPECIAL PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Applicants WCF monopole-type tower shall be constructed in substantial conformance with the Final Engineering Drawings prepared by SFC Engineering Partnership of Manchester, New Hampshire, with a final revision date of April 11, 2011, which drawings are made a part hereof.
2. The Applicant's monopole-type tower shall be built to a height of one-hundred twenty feet 120.
3. The Applicant's monopole-type tower shall provide for closely-mounted antenna array systems (commonly referred to as exterior flush-mounted antenna arrays) on the outside of the tower and shall be designed to accommodate the antenna/cable equipment and other related wireless equipment and accessories of the Applicant and at least four other wireless telecommunication service providers, as shown on Sheet D-1 of the Applicant's Final Engineering Drawings.
4. Pursuant to Article VI, Section 650-25, Subsection E (12), the Applicant's monopole-type tower shall not utilize any flashing lights or strobe lighting.
5. The Applicant's WCF shall be located as shown on the Applicant's Final Engineering Plans prepared by SFC Engineering, which are made a part hereof.

6. Any future expansion of the ground-based WCF fenced-compound by the Applicant, and any future collocation on the Applicant's monopole or in the adjacent Kane Self Storage building, or otherwise, shall require the prior review and approval of the Marlborough City Council pursuant to the special permit process under the Marlborough Zoning Ordinance and any other applicable laws and regulations.
7. Any future users of the monopole-type tower shall require the prior review and approval of the Marlborough City Council pursuant to the special permit process under the Marlborough Zoning Ordinance and any other applicable laws and regulations.
8. The height of the Applicant's monopole structure shall not be increased, other than for municipal whip antennas and lightning rods, without the prior review and approval of the Marlborough City Council pursuant to the special permit process under the Marlborough Zoning Ordinance and any other applicable laws and regulations, including the written permission of the Assabet Valley School.
9. The Applicant may maintain and modify the Applicant's wireless equipment on the monopole-type tower as shown on Sheet D-1 of the Final Engineering Drawings, provided that i) the height of the monopole-type tower is not increased, ii) the tower is structurally satisfactory to accommodate any modified equipment, iii) the modified equipment is similar in appearance to the equipment shown on said Sheet D-1, and iv) the Applicant obtains a building permit for any such modifications.
10. The Applicant's monopole-type tower shall be painted brown from the base of the tower up to a height of ninety (90) feet which will help it to blend with the stand of trees to the west.
11. All antennas attached to the tower shall be flush-mounted in the manner shown on Sheet D-1 of the Final Engineering Drawings.
12. The climbing pegs on the Applicant's monopole structure shall be removed for the first twenty (20) feet from the base of the monopole and the WCF shall be fenced as shown on the Final Engineering Drawings.
13. All electric and telephone utilities connected to the Applicant's WCF shall be via overhead utility poles placed along the south and west ends of the subject property, as shown on the Final Engineering Drawings.
14. The Applicant's WCF shall comply with all applicable Federal Communication Commission (FCC) regulations, Federal Aviation Administration (FAA) regulations, and any other applicable federal, state or local law, ordinance or regulation.

15. The Applicant shall plant and maintain three (3) 14 to 16 foot Colorado Blue Spruce trees or similar species adjacent to the garage structure on the abutting property along the northern boundary line, as shown on Sheet C-2 of the Final Engineering Drawings (which are to be further revised and finalized to show the final planting locations for the three trees), to assist with screening of the WCF from the abutting property to the north.
16. Sound levels from the Applicant's WCF shall comply with the determinations and levels set forth in the Applicant's Environmental Noise Impact Evaluation prepared by Modeling Specialties and dated April 4, 2011.
17. If the Applicant's monopole-type tower is no longer in use by the Applicant or any other wireless carrier or other user, then the Applicant shall be required to remove the tower within thirty (30) days of such non-use, along with any other WCF equipment, and shall restore the premises to its original condition, except for reasonable wear and tear and below-grade concrete foundations.
18. The Applicant shall post with the City's Chief Procurement Officer a performance bond from a surety authorized to do business in the Commonwealth of Massachusetts, to ensure removal of the WCF if its use is completely discontinued.
19. 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 Commissioner 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) include a professional opinion by a third party certifying that the Proposed WCF Project fully complies with all applicable radio frequency emission standards promulgated by the Federal Communications Commission ("FCC") and any other applicable health and safety standards; and (iii) 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 radio frequency emission standards promulgated by the FCC and any other 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) provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; (iii) 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) include a professional opinion by a 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 radio frequency emission standards promulgated by the FCC and any other applicable health and safety standards.

20. 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 Permit, the annual sum of One Thousand Five Hundred Dollars (\$1,500.00), the first payment due and payable at the time of the issuance of the unappealable building permit hereunder, or within one year if 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 Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit.
21. Compliance With Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough ordinance, prior to the issuance of the actual Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review, including as to landscape screening, shall be further conditions attached to the Building Permit and no Occupancy Permit shall be issued until all conditions are complied with by Applicant. Further, any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to this Special Permit, and any non-compliance with said changes, alterations, modifications or amendments shall constitute a violation of this Special Permit. Any other provision of this paragraph notwithstanding:
 - (a) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Wireless Communications Committee 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.
 - (b) Notwithstanding condition (a) hereof, engineering changes may be made to said plans by the Site Plan Review Committee as long as said changes do not change the use of the Project as approved herein, increase the impervious area of the

Project, reduce the green area, alter traffic flow or increase the size of the WCF shown on the Final Engineering Drawings.

22. This Special Permit is granted subject to Applicant's compliance with the City of Marlborough Zoning Ordinance, Section 650-25.F, entitled "Conditions," including Conditions (1), (2), (5), (6), (7), (9) and (10) provided therein.
23. To the extent that the Superintendent of the Assabet Valley Regional Technical School (the "School"), in consultation with the School's legal counsel, and/or the School's School Committee, acts so as to approve changes to the project plans as set forth in the Final Engineering Drawings approved herein by the Marlborough City Council, the Applicant shall forthwith notify the Council in writing of said School action, and the Council shall take such steps as are necessary in order that the City may determine whether the School-approved changes are sufficiently substantial so as to require the Applicant to apply to the Council for a modification of this Special Permit.
24. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South 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 said recording shall be made before a Building Permit is issued. Upon said recording, Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

End of evidence, findings of facts and decision.

APPROVED: Yea _____; Nay _____; Absent _____

ADOPTED

In City Council

Order No. **10/11-1002623**

Date Adopted: _____

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 MAY 19 P 12:32

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

May 19, 2011

Councilor Arthur Vigeant, President
Marlborough City Council
City Hall
Marlborough, MA 01752

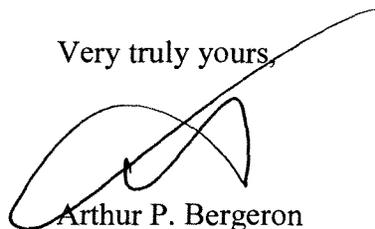
Re: Request to extend deadline for City Council action regarding special permit
application of Melanson Development, Order # 11-1007853

Dear Councilor Vigeant:

I have been informed that the Urban Affairs Committee does not want to begin deliberations in this matter until the back taxes on the property in question have been paid by the current owner. My client respectfully requests that the deadline for City Council action on the above-referenced special permit request be extended until September 15, 2011, so that the taxpayer can attempt to obtain the funds to pay those taxes.

I know that at the City Council public hearing, several Councilors expressed concern that the taxes were not paid despite that fact, as I represented to the Council, my client's deposit funds had become non-refundable. In defense of the taxpayer, I want to make it clear that while the funds are nonrefundable, they are not being held by the taxpayer, but are in escrow pending the the eventual closing or my client's eventual default.

Very truly yours,



Arthur P. Bergeron

APB/lmb

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 MAY 19 P 12:37

Arthur P. Bergeron
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May 19, 2011

Councilor Arthur Vigeant, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Application of Verizon for special permit to construct cell tower and Wireless Communications Facility (WCF) (Council Order # 10-102623)

Dear Councilor Vigeant:

My client U.S. Wireless, requests that the City Council defer its pending action regarding the above-referenced request by Verizon to locate a cell tower and WCF at 800 Bolton Street until the full council or a committee thereof has the opportunity to hear a full presentation from my client, with opportunity for response from Verizon, regarding why the application should be rejected given the City's completed lease with my client to construct a cell tower nearby, at the former solid waste disposal site at 402 Hudson Street. The current deadline for City action regarding the Verizon site is Tuesday, June 7, the day after your June 6 City Council meeting. It is my understanding that the draft permit with conditions has been completed by the City Solicitor, so the City Council could act promptly if it rejects my client's argument.

As you know, my client has entered into a lease agreement with the City regarding the City site. My client intends to show at the meeting of the City Council, or of any committee thereof, that:

1. the City ground lease has the potential to generate between \$1.065-million and \$2.073 million to the City in revenues over the 25-year lease period;
2. use of the cell tower on the City site will provide cell users in the area with comparable coverage to that which would be obtained at the 800 Bolton Street site, since it will have a higher elevation and will be located only .2 air miles from the 800 Bolton Street site;
3. the likelihood that lease will be activated, a cell tower constructed and WCF's located on the tower will be substantially reduced if the 800 Bolton Street site is approved, since, regarding the finite set of potential site users;

MIRICK O'CONNELL

Councilor Arthur Vigeant, President
May 19, 2011
Page 2

- a. Verizon will only locate on one site;
- b. AT&T and T Mobile have announced a \$40-billion merger plan, pending approval of federal regulators; action on that matter is not expected until mid-2012. In the meantime, both companies have frozen any additional cell tower plans;
- c. Sprint conducts all its site development through a national company called Clearwire LLC., which has postponed any new development plans unless and until it has raised an additional \$1-billion in the equity markets, a prospect which has been reported to be far from certain in the near future; and
- d. The only other potentially interested party, Metro PCS, has no current plans or interest in locating a WCF in the area of 402 Hudson Street.

If the City Council finds that all this is true, and that only one cell tower in this north central area of Marlborough is viable, you may also find that the preferable site to permit would be the City site. Permitting just one site is consistent with two of the legislatively stated goals of the ordinance section dealing with this, Sec. 650-25(A). Subsection (A)(6) states that it is the City's goal to minimize the total number of towers in the City, and subsection (A)(7) states that the City wants to encourage co-location of WCF's on towers. Similarly, in the section of the ordinance dealing with matters to be considered by the City Council, subsection (D)(1) states that you should take into account proximity to residential neighborhoods. The 800 Bolton Street site is right next to a neighborhood. The City site is far away from any neighborhood. Subsection (D)(2) says that the Council should always check to see if prior approved tower sites can accommodate the WCFs., While the City site has not been approved, I would suggest that the existence of the lease with the City is the next best thing.

As a frequent visitor to the City Council, I can certainly appreciate the tremendous amount of time and energy that has already been expended on the permitting of the Bolton Street site, and the desire of all members, given the fact that various compromises have been worked out with the neighbors of 800 Bolton Street, to get the matter resolved and move on. In this particular case, however (a) if my client is right in its analysis, then approval of the Verizon site would be inconsistent with the provisions of the ordinance and unwise given the City's financial stake in the other site, and (b) if my client is wrong in its analysis, then all that you and Verizon have lost is the two weeks until the next City Council meeting. Given this cost/benefit calculation, I urge you to postpone action for that two weeks. You could refer the

MIRICK O'CONNELL

Councilor Arthur Vigeant, President

May 19, 2011

Page 3

matter back to the Wireless Communications Committee with the condition that, when it is reported back out, it can be acted on immediately without a suspension of the rules.

Very truly yours,

A handwritten signature in black ink, appearing to be 'A. Bergeron', with a long horizontal stroke extending to the right.

Arthur P. Bergeron

APB/lmb

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

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

RECEIVED
CITY CLERK'S OFFICE
2011 MAY 19 P 2:35

1. Name and address of Petitioner or Applicant:

St. Mary's of French Hill Redevelopment LLC, 69 Lowell Ave., Newton, MA 02460

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

26 Broad Street

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

N/A

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

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

Article VI Section 650-59 Paragraph C Sub-paragraph 20

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

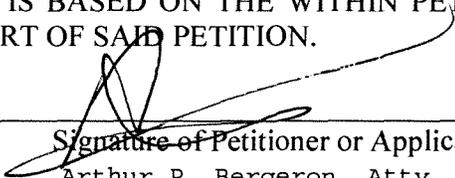
Residence C

7. Specific reason(s) for seeking Special Permit

The applicant is seeking to modify an existing special permit to allow
rental of all proposed condominium units until first sale of each unit
by applicant.

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

Arthur P. Bergeron, Atty. for St. Mary's
Address of French Hill Redevelopment, LLC
Mirick O'Connell DeMallie & Lougee LLP
100 Front Street, Worcester, MA 01608

Telephone No. (508) 791-8500

Date: May, 2011

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2011 MAY 19 P 2:34

1. Name and address of Petitioner or Applicant:

110 Pleasant LLC, P.O. Box 650056, West Newton, MA 02465

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

110-118 Pleasant Street; Map 68, Parcels 462-463

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

Same

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

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

Article VI Section 650-59 Paragraph C Sub-paragraph 20

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

Residence B

7. Specific reason(s) for seeking Special Permit

The applicant is seeking to modify an existing special permit to allow rental of all proposed condominium units until first sale of each unit by applicant.

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
Arthur P. Bergeron, Esq.

Address: Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477

Telephone No. (508) 791-8500
(Attorney for 110 Pleasant LLC)

Date: May 18, 2011
City Clerk's Office

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

RECEIVED
CITY CLERK'S OFFICE
OF SPECIAL PERMIT

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2011 MAY 19 P 2:33

1. Name and address of Petitioner or Applicant:

Marlborough Hospital

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

157 Union Street, Plate 43, Parcel 56

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

N/A

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

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

Article IV Section 650-12 Paragraph B Sub-paragraph _____

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

Residence A-3

7. Specific reason(s) for seeking Special Permit

The current use of the premises as a hospital is a prior non-conforming use, as is the lot coverage. Applicant is requesting a special permit to extend this prior non-conforming use by constructing a cancer pavilion to be connected to the present main hospital building, and to reconfigure the site parking, which will result in an increase in lot coverage from 47.8% to 48.4% of the site.

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
Arthur P. Bergeron, Atty. for

Address: Marlborough Hospital

Mirick O'Connell DeMallie & Lougee LLP
100 Front Street, Worcester, MA 01608

Telephone No. (508) 791-8500

Date: May, 2011

City Clerk's Office

325.00 pd



**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2001 MAY 16 P 3:47

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 5/16/2001

To the City Council:

Owner Name: THOMAS M TRAVERS

Residential Address: 29-10 ROYAL CREST DR, MARLBOROUGH

Telephone Number: 508-308-4026

Business Name: VILLAGE CLOCKSMITH

Business Address: 1015 BOSTON POST RD E#1, MARLBOROUGH, MA 01752

Business Telephone Number: 508-308-4026

Owner Signature: Thomas M Travers

The above-signed THOMAS M TRAVERS respectfully requests that he/she be granted a JUNK DEALERS LICENSE license.

(CLOCK REPAIRS)

In City Council

FINE CLOCKS, NEW + ANTIQUE, REPAIRED, BOUGHT + SOLD



#25.00 pd. Cash
5/6/11
City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 MAY -6 A 9:22

Lisa M. Thomas
City Clerk

MARLBOROUGH, MA

DATE: 5-6-11

To the City Council:

Owner Name: BERNARD NOVITCH

Residential Address: 271-C WEST MAIN ST. MARLBOROUGH

Telephone Number: 508-485-3891

Business Name: COLLECTORS PARADISE

Business Address: 771 BOSTON POST ROAD EAST

Business Telephone Number: 508-485-9800

Owner Signature: Bernard Novitch

The above-signed _____ respectfully requests that he/she be

granted a JUNK DEALERS LICENSE license.

In City Council