

REGULAR MEETING
OCTOBER 4, 2010

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 SEP 30 P 5: 12

1. **DRAFT** Minutes of the City Council Meeting, September 27, 2010.
2. Welcome ceremony for our Japanese students from our sister city of Akiruno, Japan.
3. Communication from City Solicitor, Donald Rider re: Easement for Access to Water Line, Elm Park Valley Estates Subdivision.
4. Communication from the Chair of the Library Board of Trustees, Susan Laufer, re: appointment of Margaret Cardello as Library Director and request that she commences at Step 1.
5. Petition of National Grid to install new intermediate P. 31-50 which is east of present P.31 on Essex St. and relocate P. 19 on Cook Ln.
6. Minutes, Traffic Commission, July 27, 2010.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From City Council

7. **Order No. 10-1002657 - All municipal vehicles be marked with the official city seal and numbered on the back for identification purposes. Recommendation of the City Council is to table until October 4, 2010.**



DRAFT

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
SEPTEMBER 27, 2010**

Regular meeting of the City Council held on Monday, SEPTEMBER 27, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Tunnera, Seymour, Clancy and Landers. Meeting adjourned at 10:12 p.m.

ORDERED: That the minutes of the City Council Meeting September 13, 2010, **FILE AS AMENDED**; adopted.

ORDERED: That the **PUBLIC HEARING** on the Application for Special Permit from Attorney Bergeron, on behalf of 110 Pleasant LLC., to alter, extend and change use of an existing former factory building located at 110-118 Pleasant St., to contain 17 garden-style residential condominium units and 1 business office., Order No. 10-1002683, all were heard who wish to be heard, hearing recessed at 8:09 p.m.; adopted.

Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers.

ORDERED; That the **PUBLIC HEARING** on the Application for Special Permit from Clear Wireless LLC, to modify wireless communication facility at 115/109 Onamog St., Order No. 10-1002648, all were heard who wish to be heard, hearing recessed at 8:16 p.m. adopted.

Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers.

ORDERED: That the grant in the amount of \$82,500.00 from the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Mental Health awarded to the Marlborough Police Department to continue funding of the successful Jail Diversion Program for purposed outlined in accordance to MGL, Chapter 44, Section 53A, **APPROVED**; adopted.

ORDERED: That the Executive Office of Elder Affairs Formula Grant awarded to the Marlborough Council on Aging in the amount of \$38,255.00 to provide supplemental support to local funding for personnel, programming and expenses for purposes outlined in MGL, Chapter 44, and Section 53A, **APPROVED**; adopted.

ORDERED: That the FY10 End of Year Close Timeline. **FILE**; adopted.

ORDERED: That the City of Marlborough hereby accepts the provisions of 780 CMR Appendix 120.AA, the Massachusetts Stretch Energy Code, with such acceptance to be effective on January 1, 2012, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND BUILDING INSPECTOR**; adopted.

ORDERED: That the Communication from the Mayor re: presentation to our Japanese visitors for the October 4, 2010 City Council meeting, **FILE**; adopted.

12

- ORDERED: That the Communication from Council President Vigeant re; Acceptance of Chapter 64G, Section 3A of the Massachusetts General Laws, Motel/Hotel/Boarding House Rooms Tax, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.
- ORDERED: That item #9, Communication from City Solicitor, Donald Rider re: Special Permit, MetroPCS Massachusetts, LLC, 157 Union St., in proper legal form, Order No. 10-1002646B, move to **ITEM #17 ON THE 9/27/10 AGENDA**; adopted.
- ORDERED: That item #10, Communication from City Solicitor, Donald Rider re: Special Permit, Crosspoint Associates Inc., 133 East Main St., in proper legal form, Order No. 10-1002644B, move to **ITEM #16 ON THE 9/27/10 AGENDA**; adopted.
- ORDERED: That the Communication from the Building Inspector, Stephen Reid, re: modification of a Special Permit for gas station located at 656 Boston Post Rd., Order No. 10-1002670, **ACCEPT THE COMMUNICATION FROM THE BUILDING INSPECTOR**; adopted.
- ORDERED: That the Communication from James McLoughlin re: completion of traffic improvements for Indian Hill Special Permit, Order No. 87-1848A, refer to **BUILDING INSPECTOR AND REQUEST THAT HE REPORTS BACK TO CITY COUNCIL THE STATUS OF THE CONDITION**; adopted.
- ORDERED: That the Communication from the Executive Office for Administration and Finance Commissioner, David Perini, re: Notice of Surplus State Owned Real Property in Marlborough, refer to the **MAYOR**; adopted.
- ORDERED: That the Minutes, MetroWest Regional Transit Authority, June 14, 2010, **FILE**; adopted.
- ORDERED: That the Minutes, Planning Board, August 23, 2010, **FILE**; adopted.

Suspension of the Rules requested - granted

**In City Council
Marlborough, Massachusetts
September 27, 2010
Decision on a Special Permit Application**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to 110 Pleasant LLC, a Massachusetts limited liability company having a mailing address of P.O. Box 650056, West Newton, MA 02465 as provided in this Decision and subject to the following Findings of Facts and Conditions.

1. 110 Pleasant LLC, a Massachusetts limited liability company, having a mailing address of P.O. Box 650056, West Newton, MA 02465, is herein referred to as Applicant.

2. Applicant will become the owner of certain real property located at 110-118 Pleasant Street, Marlborough, MA, as shown on the Marlborough Assessors Maps as Map 68, Parcels 462 and 463 (the "premises") which Applicant shall combine through an 81X plan. The land is entirely located in a Residence B zone. The property, which was originally developed as the site of the Howe Shoe Factory and later as the Corbin Box Factory, was used for manufacturing and various other non-residential purposes until 2009. All of these uses were pre-existing nonconforming in a Residence B zone.

13

3. The Applicant, on or about September 8, 2010, filed with the City Clerk of the City of Marlborough an application for a Special Permit under the provisions of Mass. Gen. Laws c. 40A, §6 and Marlborough Zoning Ordinance Article IV, § 650-12(B). Applicant intends to alter the preexisting nonconforming use of the premises to a mixed residential and office use, and to alter the preexisting nonconforming structure that exists thereon, through the adaptive reuse of the existing structure to accommodate seventeen (17) residential housing units and one (1) office suite. All residential units will be sold to owner-occupants.

4. In connection with the permit application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and twenty-three (23) copies of the Site Plan.

5. The Site Plan was certified by the Acting City Planner for the City of Marlborough as having complied with Marlborough Zoning Ordinance Article VIII, § 650-59, Paragraph 7.

6. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the permit application and the City Clerk caused to be advertised said date in the Metrowest Daily News and sent notice of said hearing to abutters entitled to notice under law.

7. The Marlborough City Council, pursuant to Mass. Gen. Laws c. 40A, held a public hearing on September 27, 2010, concerning the said application. The hearing was opened and closed at that meeting.

8. Applicant presented testimony at the public hearing detailing the application, and describing its impact upon municipal services and on the neighborhood, including visual, environmental and traffic impacts. In addition, the Urban Affairs Committee of the City Council began consideration of this application at its meeting on September 21, 2010, and invited public participation and attendance at that meeting. All comments by those attending the Urban Affairs Committee meeting, and by those attending the City Council public hearing, have been duly considered in making this decision.

9. Applicant provided further written and oral documentation to the City Council's Urban Affairs Committee regarding the impacts of the proposed project, and proposed building and related site modifications.

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

A)The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.

B)The City Council finds that the proposed use of the site, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. Further, the City Council finds that the proposed new use of the site, and the structure as altered, will not be substantially more detrimental to the neighborhood than the continued use of the existing site and structure for manufacturing and other non-conforming uses. The visual impacts from the proposed use have been mitigated, and the traffic impacts will be no more detrimental than the possible impacts from industrial uses. In addition, the City Council finds that the proposed residential use may act as a catalyst in encouraging further growth and improvements to the surrounding area.

14

C) The City Council, pursuant to its authority under Mass. Gen. Laws c. 40A, § 6 and under Article IV, § 650-12, Paragraph B of the Marlborough Zoning Ordinance, GRANTS the Applicant a Special Permit to alter the pre-existing non-conforming use of the premises to a residential use and to alter the preexisting nonconforming structure that exists thereon, through the adaptive reuse of the existing structure to accommodate seventeen (17) residential housing units and one (1) office suite (the "Project"), SUBJECT TO THE FOLLOWING CONDITIONS:

1. Compliance With Building Regulations. Construction and modification of all structures on the site is to be in accordance with all applicable building codes in effect in the City of Marlborough and Commonwealth of Massachusetts. The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application and Site Plan. The Site Plan referred to in this condition is the four (4) page set of plans entitled "Preliminary Site Plan for a 17 Unit Condominium Development Howe Shoe Factory Condominium, 110 Pleasant Street, Marlborough, Massachusetts" dated September 9, 2010, last revised September 22, 2010, by Hancock Associates, Civil Engineers, filed with the Special Permit Application, as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee. All other terms, conditions, requirements, approvals, drawings, and renderings required hereunder are made a part of and incorporated herein as a condition of the issuance of this Special Permit.

2. 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 shall be further conditions attached to the Special Permit and no Occupancy Permit shall be issued until the Applicant complies with all conditions. Subsequent Site Plan Review shall be consistent with the Conditions of this Special Permit and Plans submitted, reviewed and approved by the City Council as the Special Permit granting authority. Any changes to the plans which alter the traffic patterns within the site, require the removal of landscaping, or reduce the overall green space of the Project by more than 10% will require subsequent approval by the City Council.

3. Application and Documents. All plans, drawings, site evaluations, and documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same.

4. Compliance with Local, State and Federal Laws. The Applicant agrees to comply with all rules, regulations, and ordinances of the City of Marlborough, Commonwealth of Massachusetts, and the Federal Government as they may apply to the construction, maintenance, and operation of Applicant's facility, except pursuant to the terms of this Special Permit.

5. Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings provided by the Applicant as part of this Special Permit Application and as amended during the application hearing process before the City Council and/or the City Council's Urban Affairs Committee are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council. The Site Plan referred to in this condition is the site plan referred to in Condition #1 above.

6. Improvements Installed Prior to Certificate of Occupancy. All site improvements that have been shown in renderings and/or are conditions of this Special Permit will be installed prior to the issuance of any temporary or permanent occupancy certificate; provided, however, that if all other work is completed between October 1, 2010 and June 1, 2011, all landscaping plants will be required to be installed by June 1, 2011. Applicant agrees that the permanent maintenance of the landscaping and the other site improvements is an ongoing condition of this Special Permit.

7. Limit and Type of Residential Units. The project will contain no more than seventeen (17), units, which will all be two-bedroom units as referenced on the Site Plan and to be further depicted on related architectural/building permit plans.

8. No Modifications to Driveway Entrances. If any modifications are made to the driveway entrances and exits as shown on the Site Plan that in any way alter the traffic flows as represented in the final revision of the Site Plan submitted to the City Council as part of the Special Permit Application, and as revised during the Special Permit approval process, the Applicant shall return to the City Council for approval of these modifications to the Special Permit. Applicant shall apply for and obtain all necessary permits from the necessary parties.

9. Catch Basins. All catch basins shall be installed in accordance with the plans submitted to the City Council and/or the City Council's Urban Affairs Committee. The catch basins shall be monitored by the Applicant on a semi-annual basis with reports given to the City Engineer. The catch basins are to be cleaned annually, or at more frequent intervals, by the Applicant as determined necessary by the City Engineer.

10. Maintenance of Parking Areas. Parking areas will be swept and maintained as necessary. Pursuant to the provisions of Mass. Gen. Laws c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission (the "Commission") to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. Applicant shall be responsible for providing, installing, and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Manual of Uniform Traffic Control Devices. Signs demarcating compact spaces shall not detract from the "streetscape" established for the project as requested during Site Plan Review.

11. Compliance of Signs with Sign Ordinance. All building signage at the subject location shall comply with the City of Marlborough Sign Ordinance in effect at the issuance of the special permit without a variance.

12. Exterior Light Fixtures. All illumination of individual parking lot light fixtures shall not exceed 200 watt fixtures and shall be screened, baffled or otherwise directed away from abutting residential property. Reflectors shall be utilized and configured to mitigate light from entering abutting properties. The total height of the pole and attached fixture shall not exceed 14 feet at its highest point.

/6

13. Landscaping Maintenance. Applicant agrees to plant and maintain the Project landscaping as shown on the Site Plan as submitted to the City Council and/or the City Council's Urban Affairs Committee subject to Site Plan Review.

14. Dumpster Screening. Applicant agrees to screen the Project's trash area by constructing a suitable 6-foot screen fence with a gate for access. Applicant further agrees that the dumpster located on the site will be covered.

15. Unit Washers and Dryers. Each residential unit shall contain a washer and dryer hookup.

16. Snow Storage. Snow storage is to be provided on-site. Snowmelt runoff is to be directed toward catch basins.

17. Trash Pickup. No trash pickup will occur at the site, and no commercial deliveries will be made to the site, before 7:00 A.M. or after 7:00 P.M. Applicant agrees to maintain a separate dumpster or receptacle for the recycling of paper products.

18. Fire Protection. Fire protection systems shall be acceptable in all respects to the City of Marlborough Fire Chief or his designee.

19. Water and Sewer Connections. Water and sewer services provided to the Project shall be subject to the current citywide water and sewer charges and subject to annual adjustment by the Commissioner of Public Works. Water and sewer connections, if such connections are required, to service the building, shall be subject to a separate approval process and conditions.

20. Fence. Applicant shall erect and maintain a 6-foot high stockade fence as shown on the Site Plan along the property line that abuts residential neighbors.

21. 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.

22. Owner-Occupancy. It shall be a condition of the condominium bylaws of the Project that all units in the project that are sold will be purchased by a person or persons who intend to reside in the units. The condominium documents shall provide for appropriate daily fines for the violation of this section of the condominium bylaws, and will provide that this section may not be amended. No occupancy permit regarding the Project shall be issued unless and until the City Solicitor has certified to the Building Commissioner that the condominium bylaws for the Project conform to this provision and that the said condominium bylaws, along with the condominium master deed, have been recorded. Applicant may, following the issuance of the occupancy permit for a particular unit but prior to the conveyance thereof to the purchaser of the unit, rent said unit to tenants; provided however, that:

- a. no said unit shall be or continue to be rented after the third anniversary of the date of the occupancy permit of said unit;

17

- b. no unit shall be rented or continue to be rented after the fifth anniversary of the date of issuance of the first occupancy permit for the Project;
- c. the number of units being rented to and occupied by tenants shall not at any time exceed four (4) units; and
- d. no sign at the premises shall market any unit as being for rent.

23. Handicapped/Wheelchair-Accessible Unit. Applicant has identified seven units that could be adapted to be handicapped/wheelchair accessible. One of these units will be marketed as handicapped/wheelchair accessible at all times until all of said seven identified units have been sold, and will be appropriately modified to accommodate the needs of a handicapped buyer at no extra cost to the buyer.

24. No Further Subdivision of Condominiums. Applicant shall cause there to be included in the Master Deed creating the condominium for the Project a requirement that there shall be no further units created within the condominium other than the seventeen (17) residential units and one (1) office unit allowed through this special permit. Prior to the issuance of the first occupancy permit for the first unit of the Project, the City Solicitor shall verify in writing to the Building Commissioner that the Master Deed creating the condominium for the Project has been recorded, that said requirement is contained in the Master Deed, and that the Master Deed contains a provision that said Master Deed requirement prohibiting the creation of further units may not be eliminated.

25. Unless the context otherwise clearly requires, all references in the above conditions to "Applicant" shall also refer to Applicant's successors and assigns, and specifically to the condominium unit owners' association.

Yea: 11- Nay: 0

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

Suspension of the Rules requested - granted

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to MetroPCS Massachusetts LLC ("MetroPCS"), 285 Billerica Road, 3rd Floor, Chelmsford, MA 01824, in the amount of \$6,600.00 for the first year of the ground lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location on city-owned property adjacent to the current location of the Verizon Wireless Tower at the Easterly Wastewater Treatment Plant at 860 Boston Post Road, shown on Assessors' Map 61, Parcel 16, and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHERED ORDERED: that, if and when a Special Permit is approved, the Mayor is then authorized to negotiate a ground lease, subject to obtaining all necessary permits and licenses, with MetroPCS for the placement of an approved shelter and related equipment outside the existing fenced compound adjacent to the current Verizon Wireless Tower site. Said municipal property has been declared available for disposition by City Council Order No. 01-9384, **APPROVED.**

Yea: 11- Nay: 0

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

18

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 10-1002644C**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Crosspoint Associates, Inc. for banking services with 24-hour ATM facilities at 133 East Main Street, Marlborough, MA, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. Crosspoint Associates, Inc., 217 West Main Street, Natick, MA 01760 is hereinafter referred to as the "Applicant."

2. Applicant is a party to contracts calling for the acquisition of the premises known and numbered as 133 East Main Street, Marlborough, Massachusetts described on Marlborough Assessor's Map 57, Parcel 190 (hereinafter the "Site") and proposes to construct a stand-alone banking facility with a banking services drive-through, including a 24-hour ATM to be located at the Site (hereinafter "Project").

3. Applicant has filed with City Clerk of the City of Marlborough an application for a Special Permit (hereinafter "Application"). Pursuant to Sections 650-14.B and 650-17 of the Zoning Ordinance of the City of Marlborough (2008 Code), Applicant is seeking permission for a drive-through facility, which will include a drive-through ATM to be available to bank customers when the bank itself is closed.

4. The Site is located in both the Business and Residence RB zoning districts as determined by the Zoning Map of the City of Marlborough.

5. In connection with the Application, Applicant has submitted a traffic impact and access study, certified list of abutters, filing fees, and a detailed site plan entitled "Site Plan, 133 East Main Street, Marlborough, MA", prepared for Crosspoint Associates, Inc., drawn by Bruce Saluk & Assoc., Inc., 576 Boston Post Road, Marlborough, MA, scale 1"=20', dated July 12, 2010, with a final revision dated September 5, 2010 (hereinafter "Plans").

6. The site plan was certified by the acting City Planner for the City of Marlborough as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

7. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the application for a Special Permit and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, August 23, 2010.

19

9. Applicant, through its site developer and its counsel, presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic. No individual in attendance at the public hearing spoke in opposition to the project.

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

A. Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds that the proposed use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS Applicant a Special Permit to construct and operate drive-through banking services as shown on the plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on Applicant, its successors and/or assigns:

1. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. 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 building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit and no occupancy permit shall be issued until Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority. Any changes to the Plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.

3. Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of Applicant's facility.

/ 10

4. The locations and design of signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with the sign ordinance of the City of Marlborough without variance therefrom. Notwithstanding the foregoing, in no event shall the signage contain a so-called message board or LCD components. It is a further condition that the location of the signage shall not be substantially different than that shown on the Plans submitted herewith, allowing, however, for minor changes in the field so as to avoid conflicts with existing City infrastructure.

5. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved by the City of Marlborough during the Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough.

6. All illuminations of individual parking lot light fixtures shall not exceed 200-watt fixtures and shall be screened from abutting residential property. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.

7. Snow storage will be located as shown on the Plans referred to in condition #1 above. Applicant, its successors and/or assigns shall provide off-site snow removal as required and if deemed necessary by the City of Marlborough Commissioner of Public Works.

8. There shall be no overnight parking at the Site.

9. After issuance of a Special Permit, the Project is further subject to the City's Stormwater Management Ordinance. All catch basins and water quality inlets shall be installed in accordance with the Plans submitted to the City Council and/or the City Council's Urban Affairs Committee. Applicant, its successors and/or assigns shall monitor the catch basins on a semi-annual basis, and shall give reports to the City Engineer annually. The catch basins are to be cleaned by Applicant, its successors and/or assigns annually, or at more frequent intervals as determined necessary by the City Engineer.

10. Applicant, its successors and/or assigns agrees to plant and maintain the Project landscaping substantially in conformance with the Plans as submitted to the City Council and/or the City Council's Urban Affairs Committee as may be amended during Site Plan Review.

11. The drive-through teller window shall employ a pedestal speaker system of a quality that seeks to minimize the noise emanating from the speaker system and with full compliance of the noise ordinance of the City of Marlborough. The drive-through audio speakers also shall not produce noise at the property line greater than that which would be allowed at the property line in a Residential zoning district, in accordance with the noise ordinance of the City of Marlborough.

12. If a dumpster is required by the City or otherwise utilized, the Applicant, its successors and/or assigns agrees to screen the Project's trash area by constructing a six-foot (6') white vinyl fence screen. Applicant, its successors and/or assigns further agrees that the dumpsters located on the Site will be covered. No trash pickup shall occur before 7:00 a.m. or after 6:00 p.m. on weekdays, or at any time during weekends.

13. Applicant, its successors and/or assigns agrees that following the issuance of the Special Permit, both Site entrances will be subject to approval during Site Plan Review for the traffic configuration to accommodate traffic flow and ensure public safety, and agrees to make changes in compliance with the recommendations of the Marlborough Department of Public Works ("MDPW") and the Marlborough Traffic Commission ("the Commission"), as well as the Commonwealth of Massachusetts Department of Transportation ("MassDOT") if applicable. Applicant, its successors and/or assigns agrees that the Site will be subject to a review of the traffic configuration after one year from the issuance of the Occupancy Permit to determine whether any alterations need to be made to the entrances and egresses to the Site to accommodate traffic flow and ensure public safety, and agrees to make changes in compliance with the recommendations of the MDPW and the Commission, as well as MassDOT if applicable.

14. All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs 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.

15. Notwithstanding condition #1 above, the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow or increase the size of the building shown on the Plans.

16. In connection with the installation of improvements within public rights-of-way which requires a street opening permit, Applicant, its successors and/or assigns shall provide the City Engineer with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, Applicant, its successors and/or assigns, and not the City of Marlborough, will bear the costs of any police detail for any work performed within the public way.

17. Parking areas will be swept and maintained by Applicant, its successors and/or assigns as necessary. Pursuant to the provisions of Massachusetts General Laws c. 90, § 18, Applicant, its successors and/or assigns shall submit to the Marlborough Traffic Commission (the "Commission") a written request and grant of authority to promulgate legally enforceable rules and regulations for the control of on-Site and off-Site traffic and parking. Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.

18. The Police Chief or his designee, may, in the exercise of his professional discretion to protect public safety, order the temporary closure of the drive-through facilities.

- a. The hours of operation for the drive-through teller operation shall not exceed Monday through Saturday 8:00 a.m. to 8:00 p.m. and Sunday 8:00 a.m. to 6:00 p.m.

/12

- b. The operation of the drive-through ATM shall be allowed 24 hours per day, 7 days per week.
19. All work performed within the public way on East Main Street shall be done by Applicant, its successors and/or assigns during off peak hours and, prior to commencement of such work, Applicant, its successors and/or assigns shall provide a traffic management plan relating to the same for approval by the Engineering Division of the City's Department of Public Works.
20. Prior to construction, Applicant, its successors and/or assigns shall establish and grant to the City utility easements for construction, maintenance or repair of existing City infrastructure including, but not limited to, water, sewer, drain, and traffic control. Landscaping in the area of such easements shall be coordinated by the Applicant, its successors and/or assigns with the Engineering Division of the City's Department of Public Works in the field so as to avoid conflicts with existing infrastructure.
21. All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the Engineering Division of the City's Department of Public Works.
22. During construction, no vehicles shall be staged on public ways.
23. Applicant, its successors and/or assigns shall be required to hire a site engineer who shall be competent in stormwater and erosion control management. This individual(s) credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan, the approved erosion control plan, and, if applicable, the Conservation Commission's Order of Conditions. The Applicant, its successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
24. If the drainage system (during construction and post-construction) constructed by Applicant, its successors and/or assigns fails and the failure is the cause of damage to another's property, Applicant, its successors and/or assigns shall be responsible to pay the owner of said damaged property the full cost of the repair and or replacement of the damaged property. In the event Applicant, its successors and/or assigns does not pay for the damage, it shall be a violation of this Special Permit.
25. As it is anticipated that Applicant, its successors and/or assigns will need to conduct demolition operations prior to construction at the Site, Applicant, its successors and/or assigns shall be responsible to pay the owner of any property damaged by said demolition the full cost of the repair and replacement of the damaged property. In the event Applicant, its successors and/or assigns does not pay for the damage, it shall be a violation of this Special Permit.

/13

26. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns 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 before Applicant, its successors and/or assigns has applied to the Building Commissioner for a building permit concerning the Project. Applicant, its successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: 10- Nay: 0

**Yea: Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, Levy
Councilor Delano abstained**

**DECISION ON A SPECIAL PERMIT
METROPCS MASSACHUSETTS, LLC
CITY COUNCIL ORDER NO. 10-1002646C**

Re: 157 Union Street, Marlborough, MA

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to METROPCS MASSACHUSETTS, LLC, having a usual place of business at 285 Billerica Road, Third Floor, Chelmsford, MA 01824, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The applicant is METROPCS MASSACHUSETTS, LLC, which has a business address of 285 Billerica Road, Third Floor, Chelmsford, MA 01824 (hereinafter "Applicant").
2. Through its Application for a Special Permit (hereinafter "Application"), the Applicant seeks permission to install a wireless communication facility onto the face of an existing building consisting of six (6) wireless communications antennas, along with the supporting equipment cabinets which will be located on the roof of the building (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "BOS0461A, MARLBOROUGH HOSPITAL, 157 Union Street, Marlborough, MA 01752, Middlesex County," prepared by Coler & Colantonio, Inc., 101 Accord Park Drive, Norwell, MA 02061, dated 6/22/10, revised 6/30/10 (hereinafter "Plans").
3. The location of the Proposed WCD Project is 157 Union Street, Marlborough, MA. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 43, Lot 56 (hereinafter "Site"). The owner of record for the Site is Marlborough Hospital.
4. The Applicant is a lessee of the Site's owner for purposes of the Application.

/14

5. The Site is zoned Residence A-3. Wireless communication devices are allowed by grant of Special Permit in Residence A-3 Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Commissioner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on August 23, 2010, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCD Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

1/15

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 12:**

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

1/16

- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code.
- 8) No operation of the Proposed WCD Project shall commence until the Applicant has received written approval from the Building Commissioner that all the conditions herein have been satisfied.
- 9) Applicant's Proposed WCD Project shall be subject to site plan review, if applicable.
- 10) 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 District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit concerning the Proposed WCD Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.
- 11) 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 WCD Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCD 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 WCD 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 WCD Project; ii) shall include a professional opinion by a third party certifying that the Proposed WCD Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCD Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCD Project that may increase the actual output of radio frequency energy emitted by the Proposed WCD 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

1/17

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

- 12) Applicant shall paint the antennas and visible portions of the cable tray a non-reflective color, and shall maintain that color, in order to blend in with the portion of the building to or on which they are mounted.

Yea: 10- Nay: 0

**Yea: Delano, Ferro, Elder, Tunnera, Clancy, Landers, Ossing, Pope, Vigeant, Levy
Councilor Seymour abstained**

ORDERED: That the transfer request in the amount of \$30,000.00 to move funds from BAN City Int. to Recreation to fund the master plan and design for Memorial Beach **APPROVED**; adopted.

FROM:

Acct. # 17520006-59254

\$30,000.00

BAN City Int

TO:

Acct. # 19300006-58718

\$30,000.00

Recreation

ORDERED: That the following transfers to offset the bond requests:

- Transfer in the amount of \$386,491.00 from various debt service accounts to various capital outlay accounts. This transfer is necessary to fund various departmental equipment needs.
- Transfer in the amount of \$1,091,080.00 from various debt service accounts to DPW Equipment. This transfer will fund DPW equipment.
- Transfer in the amount of \$198,675.00 from various debt service accounts to DPW Projects. The transfer will fund city sidewalk construction.
- Transfer in the amount of \$346,168.00 from BAN City Int. to IS Equipment. This transfer will fund the purchase of equipment in the Information Technology Dept,
MOVE TO ITEMS #20, #22, #28 AND #30 ON THE 9/27/10 AGENDA

ORDERED: That the sum of \$445,388.00 (four hundred forty five thousand three hundred eighty eight) dollars be appropriated for departmental equipment. Recommendation of the Finance Committee is to approve the bond.

Yea: 0 – Nay: 11

Nay:

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

BOND IS DENIED

1/18

MOTION made by Council Delano, seconded, to reduce the following transfers by \$109,000.00 removing DPW Equipment, Account #19300006-58731 – **DOES NOT CARRY**

ORDERED: That the following transfer requests from various debt service accounts to various outlay accounts **APPROVED** adopted.

FROM:

Acct. # 60075106-58961 \$109,000.00
 Inter. WWTP

TO:

Acct. # 19300006-58731 \$109,000.00
 DPW Equipment

FROM:

Acct. # 60075106-58961 \$18,000.00
 Inter. WWTP

TO:

Acct. # 19300006-58467 \$18,000.00
 Public Facilities

FROM:

Acct. # 60075106-58961 \$49,000.00
 Inter. WWTP

TO:

Acct. # 19300006-58508 \$49,000.00
 Police Vehicles

FROM:

Acct. # 60075106-58961 \$34,882.00
 Inter. WWTP

TO:

Acct. # 19300006-58512 \$34,882.00
 Fire Equipment

FROM:

Acct. # 60075206-59050 \$28,622.00
 BAN Sewer Int.

TO:

Acct. # 19300006-58512 \$28,622.00
 Fire Equipment

FROM:

Acct. # 60075206-59050 \$82,769.00
 Ban Sewer Int.

TO:

Acct. # 19300006-58630 \$82,769.00
 School Equipment

FROM:

Acct. # 17520006-59254 \$64,218.00
 BAN City Int.

TO:

Acct. # 19300006-58630 \$64,218.00
 School Equipment

Councilor Vigeant requested to be recorded in opposition

1/19

ORDERED: That the sum of \$2,664,300.00 (two million six hundred sixty four thousand three hundred) dollars be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$2,664,300.00

Pursuant to the provisions of Chapter 44, Section 7 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

Yea: 11- Nay: 0

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

ORDERED: That the sum of \$1,100,000.00 (one million one hundred thousand) dollars be appropriated for sidewalk construction. Recommendation of the Finance Committee is to approve the bond.

Yea: 0 – Nay: 11

Nay:

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

BOND IS DENIED

ORDERED: That the following transfer requests from various debt service accounts to DPW Projects, **APPROVED**; adopted.

FROM:

Acct. # 17520006-59254 \$26,134.00
BAN City Int.

TO:

Acct. # 19300006-58514 \$26,134.00
DPW Projects

FROM:

Acct. # 13860006-59254 \$45,000.00
BAN School Int.

TO:

Acct. # 19300006-58514 \$45,000.00
DPW Projects

FROM:

Acct. # 13850006-58948 \$18,901.00
1999 School Int.

TO:

Acct. # 19300006-58514 \$18,901.00
DPW Projects

FROM:

Acct. # 61075206-59080 \$108,640.00
BAN Water Int.

TO:

Acct. # 19300006-58514 \$108,640.00
DPW Projects

/ 20

ORDERED: That the sum of \$455,200.00 (four hundred fifty five thousand two hundred) dollars be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$455,200.00.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue.

Yea: 11- Nay: 0

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

ORDERED: That the sum of \$200,000.00 (two hundred thousand) dollars be and is hereby appropriated for water meters.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$200,000.00.

Pursuant to the provisions of Chapter 44, Section 8 (7A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

Yea: 11- Nay: 0

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

ORDERED: That the sum of \$1,616,700.00 (one million six hundred sixteen thousand seven hundred) dollars be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,616,700.00.

Pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than forty (40) years from its date of issue.

Yea: 11- Nay: 0

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

121

ORDERED: That the sum of \$110,000.00 (one hundred ten thousand) dollars be and is hereby appropriated for park reconstruction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$110,000.00.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

Yea: 11- Nay: 0

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

ORDERED: That the sum of \$80,000.00 (eighty thousand) dollars be appropriated for park engineering and architectural design. Recommendation of the Finance Committee is to approve the bond.

Yea: 0 – Nay: 11

Nay:

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

BOND IS DENIED

ORDERED: That the sum of \$350,000.00 (eighty thousand) dollars be appropriated for computer hardware. Recommendation of the Finance Committee is to approve the bond.

Yea: 0 – Nay: 11

Nay:

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

BOND IS DENIED

ORDERED: That the transfer requests from BAN City Int. to IS Equipment to fund the purchase of equipment in the Information Technology Department, **APPROVED**; adopted.

FROM:

Acct. # 17520006-59254

\$346,168.00

BAN City Int.

TO:

Acct. # 19300006-58618

\$346,168.00

IS Equipment

ORDERED: That the sum of \$1,950,000.00 (one million nine hundred fifty thousand) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,950,000.00.

Pursuant to the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than twenty (20) years from its date of issue.

Yea: 11- Nay: 0

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

ORDERED: That the sum of \$1,236,280.00 (one million two hundred thirty six thousand two hundred eighty) dollars be appropriated for departmental equipment. Recommendation of the Finance Committee is to approve the bond.

Yea: 0 – Nay: 11

Nay:

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

BOND IS DENIED

ORDERED: That the following transfer requests from various debt service accounts to DPW Equipment, **APPROVED**; adopted.

FROM:

Acct. # 60071106-59961	\$878,006.00
Princ. WWTP	

TO:

Acct. # 19300006-58731	\$878,006.00
DPW Equipment	

FROM:

Acct. # 60075106-58961	\$213,074.00
Inter. WWTP	

TO:

Acct. # 19300006-58731	\$213,074.00
DPW Equipment	

/23

ORDERED: That the sum of \$1,800,000.00 (one million eight hundred thousand) dollars be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,800,000.00.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue.

Yea: 11- Nay: 0

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

ORDERED: That the reappointments of Lee Thomson and Joseph DelGenio to the Fort Meadow Commission for three year terms from date of approval, **APPROVED**; adopted.

ORDERED: That all municipal vehicles be marked with the official city seal and numbered on the back for identification purposes, **TABLED UNTIL OCTOBER 4, 2010**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:12 p.m.; adopted.



IN CITY COUNCIL

2

SEPTEMBER 27, 2010

Marlborough, Mass., _____

ORDERED:

That the Communication from the Mayor re: presentation to our Japanese visitors for the October 4, 2010 City Council meeting, be and is herewith accepted and placed on **FILE**.

ADOPTED

ORDER NO. 10-1002697



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

3,
RECEIVED
DONALD V. RIDER, JR.
CITY SOLICITOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
KATHA M. HARGREAVE GRIFFIN
ASSISTANT CITY SOLICITOR
2010 SEP 30 2:50 PM
BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER
DENISE M. LINDBERG
PARALEGAL

September 30, 2010

Arthur Vigeant
President
Marlborough City Council

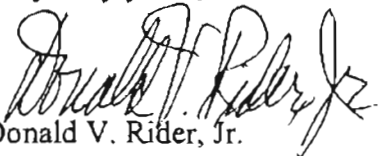
RE: Easement for Access to Water Line
Elm Farm Valley Estates Subdivision

Dear President Vigeant and Members:

Enclosed for your review and acceptance is an easement that has been executed by the current residents of a lot within a subdivision in Marlborough known as Elm Farm Valley Estates. The easement would help enable the City in the future to repair, maintain, improve and replace a water line located within the residents' property. Further, it has been learned that the residents who have executed the easement have recently placed their property up for sale. Therefore, it makes sense that an acceptance of that easement by the Council get recorded at the Middlesex Registry of Deeds as quickly as possible, so that it can enter into the chain of title as quickly as possible.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Thomas E. Cullen, P.E., City Engineer
Marlborough Planning Board

32

GRANT OF EASEMENT

GEORGE A. HARVEY and RENU HARVEY, of 49 Cleversy Drive, Marlborough, Middlesex County, Massachusetts 01752, (hereinafter referred to as the "Grantors"), in consideration paid of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged,

Hereby grant to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address of 140 Main Street, Marlborough, MA 01752 (hereafter referred to as the "Grantee"),

With Quitclaim Covenants, an exclusive and perpetual right and easement in the land of the Grantors for the purpose of and described as follows:

To repair, maintain, improve and replace an 8" CLDI water line located within the property identified as "30' Wide Utility Easement to City of Marlborough, Area - 2,599 SF±" and shown on a plan entitled, "Plan of Acceptance of Cleversy Drive and Easements in Marlborough, Massachusetts," prepared by Robert J. Parente, R.L.S., 15 Hickory Road, Southborough, MA 01772, scale: 1"= 20', date: October 14, 2004, last revised March 3, 2010, said plan to be recorded at the Middlesex South District Registry of Deeds herewith.

The easement area consists of 2,599 square feet, more or less, according to said plan. Said easement is to be under the care, custody, management and control of the Commissioner of the Marlborough Department of Public Works for the purpose of repair, maintenance, improvement and replacement of the 8" CLDI water line located within said Utility Easement, which also contains a sewer line.

The grant of easement is and shall be binding upon the Grantors, their successors and/or assigns, and inures to the benefit of the Grantee. Said easement area shall be kept free by the Grantors, their successors and/or assigns, of all buildings, structures or other encroachments which would otherwise affect the purpose of the easement.

For our title, see deed from Niel Fossile and Geraldine Fossile, Trustees of Elm Farm Realty Trust, dated November 22, 2004 and recorded at the Middlesex South District Registry of Deeds in Book 44147, Page 91.

Grantors hereby execute this Grant of Easement under seal this 15th day of July, 2010.

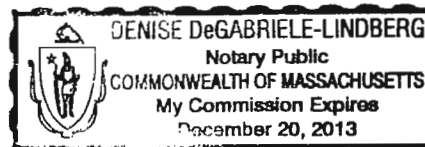
George A. Harvey
George A. Harvey

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 15th day of July, 2010, before me, the undersigned notary public, personally appeared George A. Harvey, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Denise DeGabriele-Lindberg
Notary Public
My commission expires: 12-20-13



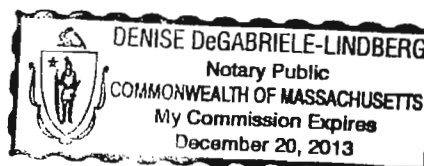
Renu Harvey
Renu Harvey

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 15th day of July, 2010, before me, the undersigned notary public, personally appeared Renu Harvey, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Denise DeGabriele-Lindberg
Notary Public
My commission expires: 12-20-13



APPROVED FOR THE CITY OF MARLBOROUGH
 DATE: 1/11/11
 ENGINEER: [Signature]

DATE: 1/11/11

APPROVED FOR THE CITY OF MARLBOROUGH
 DATE: 1/11/11
 ENGINEER: [Signature]

APPROVED FOR THE CITY OF MARLBOROUGH
 DATE: 1/11/11
 ENGINEER: [Signature]

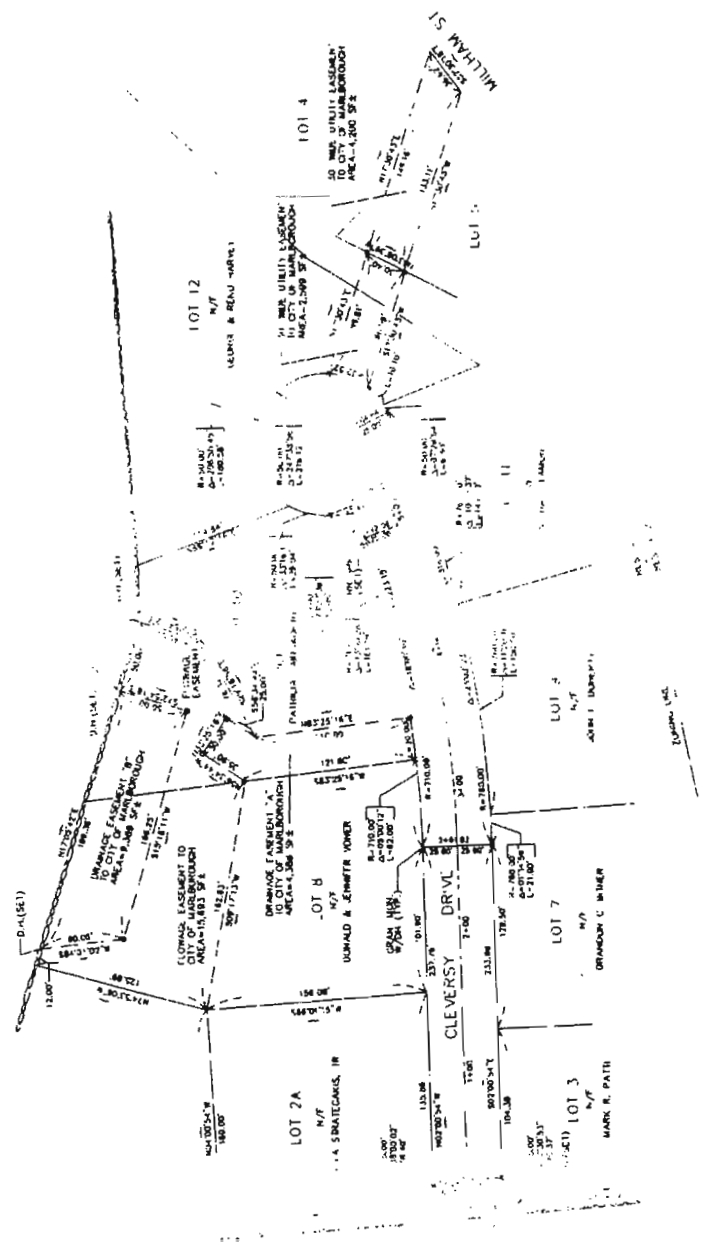
APPROVED FOR THE CITY OF MARLBOROUGH
 DATE: 1/11/11
 ENGINEER: [Signature]

APPROVED FOR THE CITY OF MARLBOROUGH
 DATE: 1/11/11
 ENGINEER: [Signature]



PLAN OF ACCEPTANCE OF
 CLEVERSY DRIVE
 AND EASEMENTS
 IN
 MARLBOROUGH, MASSACHUSETTS

PROJECT: [Project Name]
 DRAWING NO.: [Drawing Number]



Marlborough Public Library
35 West Main Street
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 SEP 23 P 4: 30

September 23, 2010

Dear City Council Members,

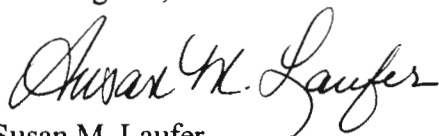
As you know, the library has been without a Director since June 15 of this year. I am pleased to announce, on the behalf of the Library Trustees, that we have found a new Director who will be starting with us on October 11, 2010.

Margaret Cardello arrives in Marlborough with over 20 years of library administrative experience. She has worked in corporate libraries, public libraries, and in the Central Massachusetts Regional Library System. She has advised public libraries and Boards of Trustees all over the state on a wide variety of issues. We are extremely excited to be bringing Margaret onboard at our library.

I am writing to you today to both inform you of the above and to make a request. I am respectfully requesting that we bring Margaret in on Step 1, as opposed to Step 0, in the Salary Schedule. As you can see from the attached cover letter and resume, she has an impressive amount of experience and talent to offer our city. The search for a Library Director is an arduous and competitive process and we had many qualified applicants. I would like to acknowledge the high qualifications that Margaret brings to the Marlborough Public Library with this request. I have no doubt in my mind that she will be a tremendous asset to our community and we will all benefit from her expertise.

Please contact me if you have any questions or would like to discuss this further. Thank you for your consideration in this matter.

Best Regards,



Susan M. Laufer
Chair, Marlborough Public Library Board of Trustees

42

July 28, 2010

Board of Trustees
Marlborough Public Library
35 West Main Street
Marlborough, MA 01752
Attn: Susan Laufer, Chair

Dear Members of the Board of Trustees:

Please accept my resume in consideration for the position of Library Director at the Marlborough Public Library.

I would bring over 20 years of library administrative experience to Marlborough. While I started my career in corporate libraries, I found my true calling in public libraries at the Manchester (NH) City Library, the largest public library in New Hampshire. In Manchester my blend of solid administrative skills and passion for public libraries resulted in my quick promotion to the Deputy Director position where I oversaw the daily operations of this busy, public library.

In recent years at the Central Massachusetts Regional Library System (CMRLS) I have administered services to over 250 member libraries. At CMRLS one of my areas of expertise has been in advising public libraries and Boards of Trustees on a variety of topics, such as long range planning, policy development, conflict resolution, human resource issues, implementing new services and problem solving. I have served as a trusted advisor and consultant to library staff, Directors and Trustees throughout Central Massachusetts on a wide variety of issues. Severe budget cuts and a major reorganization of the Regional Library System have compelled me to seek other opportunities.

Since my position ended with CMRLS, I have been consulting with the Framingham Public Library on a number of projects, including their long range plan, their annual statistical report (ARIS) to the Massachusetts Board of Library Commissioners and their library newsletter.

I would be very interested in meeting to discuss my qualifications in greater detail.

Sincerely,

Margaret Cardello

Profile

- ◆ **Experienced library administrator with superior leadership and management skills across all levels and functions.**
- ◆ **Unique ability to turn visionary goals step by step into practical, sustainable, and highly successful projects.**
- ◆ **Exceptional communications skills;** strong track record communicating library needs and priorities to diverse audiences, including staff, boards, municipal government, and other stakeholders.
- ◆ **Outstanding planning skills;** excel at strategic planning and creating innovative solutions to varied challenges.
- ◆ **Expert problem solver and conflict manager.** When called in to resolve complex disagreements, able to provide skilled strategizing and negotiation to build solutions satisfactory to all stakeholders.
- ◆ **Strong background preparing effective library budgets** and developing innovative cost-cutting and revenue-producing programs and systems.

Areas of Expertise

- | | | |
|-------------------------------|-----------------------------|-------------------------------|
| ◆ Grants Management | ◆ Project Management | ◆ Fiscal Management |
| ◆ Grant Writing | ◆ Human Resource Management | ◆ Contract Negotiation |
| ◆ Library Trends and Services | ◆ Advocacy | ◆ Strategic Planning |
| | | ◆ Marketing/ Public Relations |

Professional Experience

Central Massachusetts Regional Library System, Shrewsbury MA
Assistant Regional Administrator / Consultant

1998 – 2010

- ◆ Managed services to over 250 public, academic, school and special libraries in Central Massachusetts. FY2010 statewide budget of \$12M, CMRLS budget of \$1.6M
- ◆ Consulted with member libraries on strategic planning, policies, staff training and development, conflict management, Trustee relations and other topics.
- ◆ Collaborated on development of annual budget and aligning budget to strategic goals.
- ◆ Coordinated member training program, including assessment and delivery of workshops and trainers with annual budget of \$25K per year.
- ◆ Managed major rebranding and marketing effort of regional services and materials.
- ◆ Project Director on LSTA federal grants, including grant to create a website for library Directors called Director Essentials, www.directoressentials.org
- ◆ Managed regional grant program of \$50,000, including setting criteria, convening judges, monitoring grant activity and resolving problems.
- ◆ Negotiated regional database pricing and contracts resulting in an 8% decrease in FY2010. Resolved content questions and connection problems.
- ◆ Created and implemented innovative temporary library staffing service, BiblioTemps. Recruited temporary workers and positions, interviewed temps, consulted with clients, negotiated fees and placed temporary workers in libraries. Profitable in first year of operation with a FY10 balance of \$180,000.

44

Manchester City Library, Manchester NH
Deputy Director

1995 – 1998

- ◆ Managed library operations and human resources functions at largest public library in New Hampshire, annual budget of \$1.5M and 35FTE
- ◆ Collaborated on the preparation, presentation and administration of library budget
- ◆ Worked closely with Mayor and Aldermen to present library priorities and obtain satisfactory annual budget.
- ◆ Coordinated departmental activities and facilitated change throughout the library
- ◆ Interviewed and hired all staff. Developed and implemented new performance appraisal system

Head of Information Services

1993 - 1995

- ◆ Supervised professional and support staff in Reference, Art, Periodicals and New Hampshire History departments
- ◆ Staffed reference desks
- ◆ Developed and implemented policy changes within the department and throughout the library
- ◆ Managed \$100,000 reference and electronic resources budget

Bull Information System, Billerica, MA

Manager of Library Services

1989 – 1993

- ◆ Managed professional and support staff at multiple library locations, including Marketing and Research and Development facilities
- ◆ Developed and managed department budget
- ◆ Marketed services to global user groups

Technical/Computer Proficiencies

- ◆ Microsoft Office – Word, Excel, PowerPoint. Knowledge of Access.
- ◆ Adobe Creative Suite 3 – Dreamweaver. Knowledge of InDesign.
- ◆ Web 2.0, including Facebook, Delicious, wikis, blogging, Google Docs
- ◆ Library automation systems – C/W MARS and Millennium

Leadership Roles

- ◆ President, Simmons College, Graduate School of Library and Information Science Alumni Board, 2008
- ◆ Secretary, Massachusetts Library Association, 2008 – 2010
- ◆ Membership Chair, Massachusetts Library Association, 2004 – 2007. Increased membership from 700 to over 1,000.
- ◆ Mentor, Library Leadership Massachusetts, 2005

Training

- ◆ Leader, CMRLS Director Roundtable series
- ◆ Trainer, Strategic Planning for Results model
- ◆ Trainer, Libraries Prosper with Passion, Purpose, and Persuasion!: PLA Toolkit for Success

Education

- ◆ Master of Science, Library and Information Science, Simmons College, Boston, MA
- ◆ Bachelor of Arts, English, Salem State College, Salem, MA

nationalgrid

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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2010 SEP 24 A 9 51

September 21, 2010

To the City Council
Marlborough, Massachusetts

Council Members:

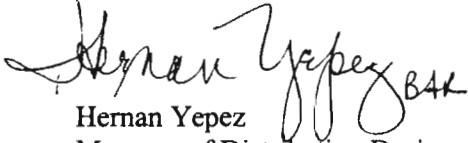
Enclosed you will find a petition for Cook St. petition# (9272530)

Description: National Grid to install new intermediate P.31-50 east of present P.31 Essex St. National Grid also plans to relocate existing P.19 Cook Lane north of present locations and retain the same number. All locations to be jointly owned.

If you have any questions regarding this petition please contact Barbara Romasco 508-482-1252.

Thank you for your attention to this matter.

Respectfully yours,

Handwritten signature of Hernan Yopez in black ink, with the initials 'BY' written at the end of the signature.

Hernan Yopez
Manager of Distribution Design
401-784-7173

KH/br

Enclosures

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Hopedale, MA 01747

September 8, 2010
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

52

To the City Council
of the City of Marlborough, Massachusetts

2010 SEP 24 A 9 51

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

Essex & Cook

National Grid to install new intermediate P.31-50 east of present P.31 Essex St. National Grid also plans to relocate existing P.19 Cook Lane north of present location and retain the same number. All locations to be jointly owned.

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. 9272530 Dated: 09/08/2010

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: Herman Yipen BAK
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

By: Paul Schneider
Manager, R.O.W.

July 27, 2010

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 SEP 28 A 11: 22

**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, July 27th, 2010 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Asst. Civil Engineer Tim Collins and City Councilor Ed Clancy (arrived approx. 10:20am) Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, June 29th, 2010.

MOTION was made, seconded, duly VOTED:

To APPROVE. (Lisa Thomas abstaining as not present at prior meeting.)

2-New Business

2a. Review of nighttime commercial vehicle exclusion on Stevens Street.

Chief Leonard reviewed the fact that an 18 wheeler cannot make the turn near State Street without crossing the center line. Tom Cullen contacted the Massachusetts DOT (formerly MHD) via e-mail requesting that they reconsider a truck exclusion on a section of Stevens Street due to this fact. Engineering presented a large map to the Commission which outlined the "Proposed Commercial Vehicle Exclusion between East Main and Union Street" along with a copy of Section 11A-9, Heavy Commercial Vehicle Exclusion, from the MUTCD Website. The DOT responded via e-mail that "heavy commercial vehicle volume is a minimum warrant that must be met for a 24-hour truck exclusion to be considered." Unless the volume has increased the DOT would not approve a 24 hour exclusion. They would, however, consider a specific nighttime exclusion. Chief Leonard advised that the complaints that he has received have all concerned daytime issues. Ron agreed with the Chief that it appears to be more of a daytime problem. The Commission went on to discuss whether the issue was worth pursuing. They discussed the possibility of using signage to create a "preferred truck route" rather than trying to change the regulation and create a specific "truck exclusion". Ron advised that Engineering would have to be creative with advance warning signs that

62

would push trucks onto East Main. Trucks would be directed to move to the left lane. The DOT, however, would still need to approve the signage.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to discuss a "preferred route" for truck traffic on Stevens Street with the Massachusetts DOT.

Additional Item brought up by Councilor Clancy:

Councilor Clancy brought up the problem with backups on Rte. 290 at Rte. 495. Ron went on to explain that the interchange is under a major redesign project. He referred to it as an "enormous project with significant environmental impact." The State is putting a lot of money into this and the original proposal includes a series of bridges and flyovers. They recognize the backups on I-290 and the accidents on the ramp system. Ron advised that the City was not happy with the State's modified plan for the project. He indicated that we have gone on record as opposed to the modified plan. The city sees the modified plan as more of a stop gap than what's needed to fully address the capacity and safety issues with this interchange. Engineering referred to the original proposal as "a great design".

3-Old Business

3k. Rawlins Ave. parking restrictions.

Lisa Thomas noted that the minutes from the meeting on June 29th indicated that the Commission approved 3 new amendments for Rawlins Ave., however, she did not receive copies for advertisement. Chief Leonard advised that he thought he had already forwarded them and would send them by e-mail. Lisa asked if he could condense them into one advertisement to save on cost. The Chief advised that he would do this.

3a. Municipal off street parking regulation.

MOTION was made, seconded, duly VOTED:
To TABLE.

3b. High School parking regulations.

MOTION was made, seconded, duly VOTED:
To TABLE.

3c. Stop signs on Bigelow Street.

MOTION was made, seconded, duly VOTED:

To TABLE until next meeting. Chief Leonard advised that the new Ward 4 Councilor, Rob Tunnera, was sworn in last night. The Commission had talked about discussing this issue with the new councilor before any further action was taken. The Chief has had a brief conversation with Councilor Tunnera and will invite him to the next meeting in August.

3d) Traffic Commission rules and regulations update.

MOTION was made, seconded, duly VOTED:

To TABLE until the Commission can determine how to handle this project.

3e) Communication from Kevin Flynn, re: Grant of Authority to enforce traffic regulations at CDA (Community Development Authority) senior housing locations.

MOTION was made, seconded, duly VOTED:

To TABLE

3f. Request for protected left turn signal for eastbound traffic on Lincoln St. @ Bolton St.

Tim Collins presented a proposed timing sequence for this intersection. He explained how the actual interval will remain the same; however, a portion of the "green time" will be set aside for a protected left turn (with a green arrow). Ron tried to explain it more simply by saying, for example, if the whole phase from green to yellow to red took 35 seconds. It would still take 35 seconds, however, would include a green arrow (for the left turn) in that same timeframe. It will be similar to the signal at Lincoln and Pleasant. Another signal head for the green arrow will be added. There is no room for a separate left turn lane, however, a short protected left arrow will at least allow for the first few vehicles to be able to take a left, if necessary, so they don't have to hold up the whole queue. Councilor Clancy commented that this was a great idea that was worth trying. He knows there are problems with backups at that left turn. The handout with the timing sequence had an error and was collected and returned to Engineering for correction. They will forward a revised copy.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to amend the existing traffic control signal in accordance with the diagram.

3g. Lincoln Street parking near Cross Street.

Chief Leonard asked if Tim had sent him the dimensions for the proposed regulation. Tim advised that he had already sent it but the Chief did not recall seeing it. He passed out a copy of the notice distributed to neighboring parties indicating the change in the current "no parking regulation". Chief Leonard asked if the Commission could vote on the revised regulation (which would allow for one parking spot in front of Bouvier's Pharmacy) as the wording will be as indicted in the DPW's notice. Chief Leonard will prepare the regulation and the DPW can install the appropriate signs next week. Tim also indicated that the crosswalks have been painted and they are working on blocking out the double yellow line.

MOTION was made, seconded, duly VOTED to APPROVE the revised regulations as indicated in the notice and map from the DPW. Chief Leonard will advise Phil Bouvier.

- 1) Amendment #1 – repeals existing regulation "No parking anytime – Lincoln Street, North Side.
- 2) Amendment #2 – allows for one parking space in front of Bouvier's Pharmacy.

3h. Parking restriction on Langelier Lane.

64

Chief Leonard prepared the proper amendments to the Rules and Regulations for a vote based on the specifications provided by Engineering:

MOTION was made, seconded, duly VOTED:

To APPROVE the amendment DELETING the existing parking restriction on Langelier Lane.

MOTION was made, seconded, duly VOTED:

To APPROVE the amendment restricting parking at the end of Langelier Road. (The portion of the road that extends from the cul-de-sac to the Mt. Ward trail head.

3i. Parking restriction on Harrison Place.

Chief Leonard prepared the proper amendments to the Rules and Regulations for a vote based on the specifications provided by Engineering. .

MOTION was made, seconded, duly VOTED:

To APPROVE the amendment DELETING the existing parking restriction on Harrison Place.

MOTION was made, seconded, duly VOTED:

To APPROVE the amendment which prohibits all parking on the West side of Harrison Place. (Note: parking now prohibited on both sides of Harrison Place)

Side Note:

Lisa Thomas brought up the issue of advertisements. She commented that Councilor Vigeant asked her about the advertizing costs in other papers. Ron asked about using the internet to advertise rather than the newspapers. Lisa said that she wanted to do this a long time ago but has been met with resistance. She contacted Representative Gregoire about this issue to see if she could get something started. It would require the passage of a bill. Representative Gregoire was looking for a precedent. Lisa advised that there is no other city or town in MA that advertises online.

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:02 a.m.

Respectfully submitted,
Karen L. Lambert - Records Clerk, MPD

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, July 27, 2010

-Includes the following attachments:

*New City of Marlborough Meeting Posting Notice

*Minutes from meeting of 6/29/10

*E-mail chain from Ron LaFreniere to Chief Leonard re: Marlborough: Stevens Street Truck Exclusion, dated 7/20/10 (Also includes various e-mails between Tim Cullen and Joseph Frawley of the MA DOT re: same)

*DPW Notice advising as to the changes in the parking regulations on Hemenway Street.

-Regulations to amend the Rules and Regulation of the Traffic Commission

*2 for Langelier Lane

*2 for Harrison Place

- Additional Handouts:

*Copy of page 11, Section 11A-9 Heavy Commercial Vehicle Exclusion form MUTCD Website

*DPW Notice advising as to the changes in the parking restrictions on Lincoln St., includes a map on the reverse side.