



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
AUGUST 29, 2011**

Regular meeting of the City Council held on Monday, AUGUST 29, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Pope. Meeting adjourned at 9:30 PM.

ORDERED: That Council President Vigeant recognized and requested a moment of silence for former two term City Councilor, Ward Three, June Haddad, and former first female Councilor-At-Large, Pauline Bill, for their years of service, **FILE**; adopted.

ORDERED: That the minutes of the City Council Meeting AUGUST 1, 2011, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 03-100112B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 445 Simarano Dr., Order No. 11-1002954, all were heard who wish to be heard, hearing recessed at 8:13 p.m.; adopted. **Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Pope.**

The City Clerk read a disclosure statement on behalf of Councilor Pope pursuant to MGL c. 39, § 23D that she will review all evidence received at each of tonight's public hearings, including but not limited to the relevant video recordings; and that she further intends to certify in writing that she has examined all such evidence, before the votes are taken on said applications.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 97-6754F) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 75 Donald Lynch Blvd., Order No. 11-1002955, all were heard who wish to be heard, hearing recessed at 8:16 p.m.; adopted. **Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Pope.**

The City Clerk read a disclosure statement on behalf of Councilor Pope pursuant to MGL c. 39, § 23D that she will review all evidence received at each of tonight's public hearings, including but not limited to the relevant video recordings; and that she further intends to certify in writing that she has examined all such evidence, before the votes are taken on said applications.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 08/09-1002083B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 860 Boston Post Rd., Order No. 11-1002956, all were heard who wish to be heard, hearing recessed at 8:20 p.m.; adopted. **Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Pope.**

The City Clerk read a disclosure statement on behalf of Councilor Pope pursuant to MGL c. 39, § 23D that she will review all evidence received at each of tonight's public hearings, including but not limited to the relevant video recordings; and that she further intends to certify in writing that she has examined all such evidence, before the votes are taken on said applications.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 99-8280C) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 450 Boston Post Rd., Order No. 11-1002973, all were heard who wish to be heard, hearing recessed at 8:28 p.m.; adopted. **Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Pope.**

The City Clerk read a disclosure statement on behalf of Councilor Pope pursuant to MGL c. 39, § 23D that she will review all evidence received at each of tonight's public hearings, including but not limited to the relevant video recordings; and that she further intends to certify in writing that she has examined all such evidence, before the votes are taken on said applications.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility pertinent to lease Order No. 96-6861 to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 97 Arnold St., Order No. 11-1002974, all were heard who wish to be heard, hearing recessed at 8:30 p.m.; adopted. **Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Pope.**

The City Clerk read a disclosure statement on behalf of Councilor Pope pursuant to MGL c. 39, § 23D that she will review all evidence received at each of tonight's public hearings, including but not limited to the relevant video recordings; and that she further intends to certify in writing that she has examined all such evidence, before the votes are taken on said applications.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 4 Mount Royal Ave., Order No. 11-1002975, all were heard who wish to be heard, hearing recessed at 8:35 p.m.; adopted. **Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Pope.**

The City Clerk read a disclosure statement on behalf of Councilor Pope pursuant to MGL c. 39, § 23D that she will review all evidence received at each of tonight's public hearings, including but not limited to the relevant video recordings; and that she further intends to certify in writing that she has examined all such evidence, before the votes are taken on said applications.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 157 Union St., Order No. 11-1002976, all were heard who wish to be heard, hearing recessed at 8:40 p.m.; adopted. **Councilors Present: Ossing, Vigeant, Levy, Delano, Ferro, Elder, Tunnera, Clancy & Landers. Absent: Pope. Councilor Seymour abstained.**

The City Clerk read a disclosure statement on behalf of Councilor Pope pursuant to MGL c. 39, § 23D that she will review all evidence received at each of tonight's public hearings, including but not limited to the relevant video recordings; and that she further intends to certify in writing that she has examined all such evidence, before the votes are taken on said applications.

ORDERED: It is moved, in conformance with the provisions of Chapter 30A 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 under § 21(3) of Chapter 30A as an open meeting may have a detrimental effect on the bargaining position of 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 9:00 PM.; adopted. **Yea: 9- Nay: 0. Yea: Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Ossing, Vigeant & Levy. Absent: Landers and Pope.**

ORDERED: That the sum of \$7,500,000 (seven million five hundred 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 \$7,500,000. 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, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the following Fire Department transfer request in the amounts in the amounts of \$60,000.00, \$20,000.00 and \$20,000.00 which moves funds from various Short-Term Debt Interest accounts to Overtime to fund shift coverage, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Short Term Debt Interest			FISCAL YEAR:		Fire			
Available		FROM ACCOUNT:				TO ACCOUNT:			Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$112,500	\$60,000.00	17520006	59254	Short Term debt Interest	\$60,000.00	12200003	51300	OT	\$17,482	
	Reason:									
\$54,000	\$20,000.00	60075206	59050	Short Term debt Interest	\$20,000	12200003	51300	OT	\$17,482	
	Reason:									
\$40,500	\$20,000.00	61075206	59080	Short Term debt Interest	\$20,000	12200003	51300	OT	\$17,482	
	Reason:									
				Total	\$100,000.00					
	Reason:	To fund the Fire Departments budgeted overtime line item at approximately the eight year expenditure rate								

ORDERED: That the Fire Intra-Department transfer request in the amounts of \$17,165.69 which moves funds from Firefighter to OT to cover overtime requirements, **APPROVED;** adopted.

FROM:

Acct. #12200001-50450
Firefighter

\$17,165.69

TO:

Acct. # 12200003-51300
OT

\$17,165.69

ORDERED: That the Communication from the Mayor re: DPW transfer request in the amount of \$179,973.09 which moves funds from various accounts to fund the newly ratified agreement between the City of Marlborough and the DPW Engineers' Union as detailed in the spreadsheets below, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001501	50680	General Foreman, FP&C	\$71,806.20
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001401	50692	Supt. Of Automotive Maint.	\$71,806.19
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001301	50660	General Foreman, Streets	\$71,806.20
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,835.84	11990006	57820	Reserve for Salaries & Ben.	\$2,835.84	61090001	50680	General Foreman, W&S	\$69,909.16
	Reason:	Funding required for Engineers MOA							
\$516,499	\$3,599.00	11990006	57820	Reserve for Salaries & Ben.	\$3,599.00	14001101	50660	Asst. City Engineer	\$70,036.16
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$2,742.97	11990006	57820	Reserve for Salaries and Ben.	\$2,742.97	60085001	50910	Chief Plant Operator	\$66,426.48
	Reason:	Funding required for Engineers MOA							
\$516,499	\$1,835.87	11990006	57820	Reserve for Salaries and Ben.	\$1,835.87	60080001	50580	Assistant Chemist	\$88,135.04
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,493.76	11990006	57820	Reserve for Salaries and Ben.	\$2,493.76	14001101	50108	GIS Administrator	\$60,392.36
	Reason:	Funding required for Engineers MOA							
\$516,499	\$6,882.09	11990006	57820	Reserve for Salaries and Ben.	\$6,882.09	14001101	50710	Junior Civil Engineer	\$167,580.75
	Reason:	Funding required for Engineers MOA							
\$516,499	\$3,734.95	11990006	57820	Reserve for Salaries and Ben.	\$3,734.95	14001101	50700	Senior Engineering Aide	\$90,976.72
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT: PUBLIC WORKS					FISCAL YEAR: 2012				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$8,897.92	11990006	57820	Reserve for Salaries & Ben.	\$8,897.92	60081001	50850	Treatment Plant Operators	\$215,482.24
	Reason:	Funding required for Engineers MOA							
\$516,499	\$6,673.44	11990006	57820	Reserve for Salaries & Ben.	\$6,673.44	60085001	50850	Treatment Plant Operators	\$161,612.52
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 89.24	11990006	57820	Reserve for Salaries & Ben.	\$ 89.24	14001503	51430	Longevity, FP&C	\$25,287.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 31.12	11990006	57820	Reserve for Salaries & Ben.	\$ 31.12	14001403	51430	Longevity, Fleet	\$1,556.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 83.25	11990006	57820	Reserve for Salaries & Ben.	\$ 83.25	14001303	51430	Longevity, Streets	\$45,592.00
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT: PUBLIC WORKS					FISCAL YEAR: 2012				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$ 160.59	11990006	57820	Reserve for Salaries & Ben.	\$ 160.59	14001103	51430	Longevity, Engineering	\$6,417.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 183.78	11990006	57820	Reserve for Salaries & Ben.	\$ 183.78	60085003	51430	Longevity, West Plant	\$11,961.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 164.35	11990006	57820	Reserve for Salaries & Ben.	\$ 164.35	60081003	51430	Longevity, East Plant	\$8,769.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 93.24	11990006	57820	Reserve for Salaries & Ben.	\$ 93.24	14001003	51920	SLBB, Administration	\$11,456.14
	Reason:	Funding required for Engineers MOA							
\$516,499	\$3,977.94	11990006	57820	Reserve for Salaries & Ben.	\$ 3,977.94	14001103	51920	SLBB, Engineering	\$10,090.00
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT: PUBLIC WORKS					FISCAL YEAR: 2012				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$ 150.57	11990006	57820	Reserve for Salaries & Ben.	\$ 150.57	14001503	51920	SLBB, FP&C	\$516,499.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 150.57	11990006	57820	Reserve for Salaries & Ben.	\$ 150.57	14001403	51920	SLBB, Fleet	\$2,992.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 148.26	11990006	57820	Reserve for Salaries & Ben.	\$ 148.26	14001303	51920	SLBB, Streets	\$33,763.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 252.26	11990006	57820	Reserve for Salaries & Ben.	\$ 252.26	60085003	51920	SLBB, West Plant	\$5,013.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$ 256.92	11990006	57820	Reserve for Salaries & Ben.	\$ 256.92	60081003	51920	SLBB, East Plant	\$5,515.00
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$2,700.00	11990006	57820	Reserve for Salaries & Ben.	\$2,700.00	14001103	51440	Educational Inc. Engineering	\$10,700.00
Reason:		Funding required for Engineers MOA							
\$516,499	\$700	11990006	57820	Reserve for Salaries & Ben.	\$700	14001003	51440	Educational Inc. Admin. New Account Number	\$0.00
Reason:		Funding required for Engineers MOA							
\$516,499	\$1,000	11990006	57820	Reserve for Salaries & Ben.	\$1,000	60085003	51440	Educational Inc. West Plant	\$4,600.00
Reason:		Funding required for Engineers MOA							
\$516,499	\$2,700.00	11990006	57820	Reserve for Salaries & Ben.	\$2,700.00	60080003	51440	Educational Inc. Sewer Serv.	\$4,500.00
Reason:		Funding required for Engineers MOA							
\$516,499	\$1,609.04	11990006	57820	Reserve for Salaries & Ben.	\$1,609.04	14001003	51430	Longevity, Administration	\$14,160.28
Reason:		Funding required for Engineers MOA							
CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$ 38.63	11990006	57820	Reserve for Salaries & Ben.	\$ 38.63	60080003	51310	Overtime, Sewer Service	\$2,654.75
Reason:		Funding for Engineers MOA							
\$516,499	\$ 146.11	11990006	57820	Reserve for Salaries & Ben.	\$ 146.11	14001103	51310	Overtime, Engineering	\$1,500.00
Reason:		Funding for Engineers MOA							
\$516,499	\$ 569.17	11990006	57820	Reserve for Salaries & Ben.	\$ 569.17	60081003	51310	Overtime, East Plant	\$20,740.25
Reason:		Funding for Engineers MOA							
\$516,499	\$ 701.88	11990006	57820	Reserve for Salaries & Ben.	\$ 701.88	60085003	51310	Overtime, West Plant	\$20,605.82
Reason:		Funding for Engineers MOA							

ORDERED: That the Police Public Safety Grant awarded to the Police Department in the amount of \$18,945.00 for the purchase of an Automated License Plate Reader, to be used for purposes outlined in MGL, Chapter 44, Section 53A, **APPROVED**; adopted.

ORDERED: That the State 911 Department Support and Incentive Grant awarded to the Police Department in the amount of \$95,091.00 to reimburse salary and overtime costs in the 911 Dispatch Center, to be used for purposes outlined in MGL, Chapter 44, Section 53A, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the along with the City Council's approval of the FY 12 operating budget, a recommendation of adopting of Section 4, Chapter 73 of the Acts of 1986 which allows for the doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts law in which the City would absorb any associated costs through the overlay account, **APPROVED**; adopted.

ORDERED: That the appointment of Sally Swartz to the Community Development Authority to fill the current vacancy in the resident's seat whereby upon approval she will serve a three year term, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Jay Whittaker as an alternate member of the Zoning Board of Appeals for a two year term, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointments of David Williams and John Skarin to the Conservation Commission for a three year term, refer to **PERSONNEL COMMITTEE**; adopted.

Councilor Clancy abstained

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT ESTABLISHING
A BUSINESS AND ECONOMIC DEVELOPMENT SPECIAL REVENUE FUND
IN THE CITY OF MARLBOROUGH**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city of Marlborough shall establish in the city treasury a special revenue account to be known as the Business and Economic Development Special Revenue Fund, into which shall be deposited certain receipts comprising a portion of the total local room occupancy tax received annually by the city under section 3A of chapter 64G of the General Laws, as provided in section 2. The fund shall be used to promote and to sustain the development of business and the local economy in the city of Marlborough.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, the amount of the room occupancy excise based on a rate in excess of 4 per cent collected under said section 3A of said chapter 64G of the General Laws by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the Business and Economic Development Special Revenue Fund, and shall be subject to further appropriation by a majority vote of the city council.

(b) Notwithstanding any general or special law to the contrary, the amount of the room occupancy excise based on a rate equal to 4 per cent collected under said section 3A of said chapter 64G by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the General Fund of the city of Marlborough.

(c) Notwithstanding any general or special law to the contrary, any interest accruing on any amount on deposit in the Business and Economic Development Special Revenue Fund shall be credited to the General Fund of the city of Marlborough.

SECTION 3. Nothing in or resulting from this act shall affect amounts distributed in any fiscal year to the city of Marlborough from the Local Aid Fund.

SECTION 4. If the city of Marlborough revokes, by a majority vote of its city council, under said section 3A of said chapter 64G and sections (2)(h) and (2)(i) of 830 CMR 64G.3A.1, its acceptance of the room occupancy excise rate in excess of 4 per cent under said section 3A of said chapter 64G, the city council shall then decide, by a two-thirds vote, whether the Business and Economic Development Special Revenue Fund shall cease to have effect in the city. If two-thirds of the city council votes that the Business and Economic Development Special Revenue Fund shall cease to have effect in the city, all unexpended and uncommitted amounts on deposit in the said fund, as of the date of the vote to revoke the rate in excess of 4 per cent, shall be credited to the General Fund of the city on the first day of the calendar quarter following 30 days after the date of the revocatory vote, under said section (2)(i) of 830 CMR 64G.3A.1; provided, however, that if two-thirds of the city council does not vote that the Business and Economic Development Special Revenue Fund shall cease to have effect in the city, the fund shall continue to have effect in the city, and all unexpended and uncommitted amounts on deposit in the fund, as of the date of the vote to revoke the rate in excess of 4 per cent, shall be subject to further appropriation by a majority vote of the city council.

SECTION 5. The city of Marlborough may close the fund by a two-thirds vote of its city council. Such vote to close shall designate that: (a) the Business and Economic Development Special Revenue Fund shall cease to have effect in the city; (b) all unexpended and uncommitted amounts on deposit in the Business and Economic Development Special Revenue Fund, as of the date of the vote to close, shall forthwith be credited to the General Fund of the city; and (c) the portion of the total room occupancy excise in excess of 4 per cent received annually by the city under said section 3A of said chapter 64G and credited to the Business and Economic Development Special Revenue Fund, as provided in section 2 , shall thereafter be credited to the General Fund of the city.

SECTION 6. This act shall take effect upon its passage.

APPROVED; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 26, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 99-8311B)) to accommodate three additional panel antennae for Long Term Evolution (LTE) wireless network, along with associated cabling and equipment at 175 Maple St., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from St. Mary's of French Hill Redevelopment 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. to October 31, 2011, **APPROVED;** adopted.

ORDERED: That the Agreement to Extend Time Limitations on the 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. to October 31, 2011, **APPROVED;** adopted.

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from 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.), to December 31, 2011, **APPROVED**; adopted.

ORDERED: That the Communication from R. Paul Faxon re: Acceptance of Perry Lane as a Public Way, refer to **CITY SOLICITOR, PLANNING BOARD & PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Renewal of Junk Dealers License, Jean Rabelo, Post Rd. Used Auto Parts, 785 Boston Post Rd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application of Junk Dealer's License, Best Buy Stores LP, at 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

NOTE: This location differs from the Best Buy Store located at Solomon Pond Mall which has an existing Junk Dealer's License.

ORDERED: That the Minutes, Planning Board, July 18 2011, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, February 17, April 7, May 5, & 19, and July 21, 2011, **FILE**; adopted.

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

- A. Ben Cutone, 52 Hildreth St., other property damage
- B. Ketan Shah, 33 Peltier St., other property damage
- C. Bijan Mahnoori, 10 Belknap Cir., Ashland, other property damage
- D. David Marshall, 603 Hosmer St., other property damage
- E. Juan Ramos, 381 South St., other property damage

Reports of Committees:

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

Order No. 11-1002954B - Request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 2.5" flex conduit connecting the antennae to the existing equipment shelter. Discussion was begun on the application for a Special Permit for an upgrade to an existing co-location on a pole located at 445 Simarano Drive. No new testimony was heard but it was noted that no coverage maps were available, due to the fact that the technology was new and currently no coverage existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 12 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. It was also noted that the Applicant had agreed to the same condition in 2003 on their request for a Special Permit # x03-100112B. **Recommendation of the Wireless Communications Committee is to approve the application, pending the conclusion of the Public Hearing without objection, as amended, 3-0.**

Order No. 11-1002955B - Request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 132' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 3" flex conduit connecting the antennae to the existing equipment shelter. Discussion was begun on the application for a Special Permit for an upgrade to an existing co-location on a pole located at 75 Donald Lynch Blvd. No new testimony was heard but it was noted that no coverage maps were available, due to the fact that the technology was new and currently no coverage existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 12 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Wireless Communications Committee is to approve the application, pending the conclusion of the Public Hearing without objection and proof of notification to the property owner at 75 Donald Lynch Blvd., as amended, 3-0.**

Order No. 11-1002956B - Request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 3" flex conduit connecting the antennae to the existing equipment shelter. Discussion was begun on the application for a Special Permit for an upgrade to an existing co-location on a pole located at 860 Boston Post Road (EWWTP). No new testimony was heard but it was noted that no coverage maps were available, due to the fact that the technology was new and currently no coverage existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 12 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Personnel Committee is to approve the application, pending the conclusion of the Public Hearing without objection, as amended, 3-0.**

Councilor Ferro reported the following out of the Operations and Oversight Committee:

Order No. 11-1002984 - Communication from Mayor Stevens regarding the Municipal Aggregation Program, Proposed Pre-Qualification of Additional Suppliers of Electricity. Colonial Power Group, the City's broker/consultant, has advised that the City would stand to benefit if the number of potential suppliers were expanded to include the following suppliers. The current supply agreement with ConEdison Solutions will be expiring (after the first meter read in November). **Councilor Ossing abstained**

- Constellation
- Easy Energy LLC
- GDF SUEZ Energy North America
- Halifax-American Operating Co.
- Hampshire Council of Governments
- Integrys Energy Services, Inc.
- Noble Americas Energy Solutions
- Patriot Energy Group
- TransCanada Power Marketing Ltd.

Recommendation of the Operations and Oversight Committee is to approve 3-0.

Councilor Delano reported the following out of the Personnel Committee:

Order No. 11-1002819 - Reappointments of Sean Fay and Philip Hodge to the Planning Board with terms expiring February 1, 2016. Recommendation of the Personnel Committee is to approve just Sean Fay's appointment as Philip Hodge was not able to attend 2-0.

Order No. 11-1002932 - Reappointment of Albert DeSimone as Plumbing Inspector for a three year term, expiring February 11, 2014. Recommendation of the Personnel Committee is to approve 2-0.

Order No. 11-1002949 - Appointment of Brenda Calder to the Parks and Recreation Commission to serve out the remaining term of Robert Lazaros which expires on May 6, 2013 and the reappoint Dennis Zilembo and Jeffrey Long for three year terms from the date of approval. Recommendation of the Personnel Committee is to approve Brenda Calder and Jeffrey Long's appointment as Dennis Zilembo was not able to attend 2-0.

Order No. 11-1002901 - Reappointments of Ray Hall, Janice Merk and Jean Peters to the Library Board of Trustees for three year terms expiring February 3, 2014. Recommendation of the Personnel Committee is to approve Jean Peters as other appointees remain in Committee 2-0.

Order No. 11-1002864 - Order No. 11-1002864 - Reappointments of Dorothy Hodgson, Rita Connors and Brenda Costa and appointment of Marie Elwood to the Council on Aging Board of Directors for four year terms expiring the first Monday in May 2015. Recommendation of the Personnel Committee is to approve Dorothy Hodgson, Rita Connors, and Marie Elwood as other appointee remains in Committee 2-0.

Suspension of the Rules requested-granted

ORDERED: That the Hurricane Irene transfer request in the amount of \$100,000.00 which moves funds from Undesignated Stabilization to Hurricane Irene to meet immediate expenses associated with the storm's aftermath, **APPROVED**; adopted.

FROM:

Acct. #83600-32925 \$100,000.00

Undesignated Stabilization

TO:

Acct. # 11990006-53021 \$100,000.00

Hurricane Irene

ORDERED: That the Police Chief and the Building Inspector, in compliance with the Modified Special Permit granted to ForeKicks, be requested to report to the City Council in writing on the status of the service of alcoholic beverages at the recreational facility's 'Kick Back Club'; and, further ordered, that if no violations have occurred prior to September 1, 2011 then on and after September 1, 2011, Applicant may serve beer and wine on any day in the Kick Back Club in accordance with the terms and conditions of the Grant of Amendment to Special Permit, **APPROVED**; adopted.

Councilor Elder abstained

(A copy of said reports shall be forwarded to the License Board)

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.

APPROVED; adopted.

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

Suspension of the Rules requested - granted

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:30 p.m.