



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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**Marlborough, MA 01752  
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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 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.

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.

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.

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.

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;

- 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, 3<sup>rd</sup> 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**

**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.



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.

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.

- 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.

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.

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.

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.

- 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



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**

**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**

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 for the purpose of funding sidewalk construction, **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	

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**

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
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BAN City Int.

TO:

Acct. # 19300006-58618	\$346,168.00
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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	

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: 10- Nay: 1**

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

**Nay: Ossing**

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.