



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas**

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**OCTOBER 18, 2010**

Regular meeting of the City Council held on Monday, OCTOBER 18, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy and Landers. Meeting adjourned at 8:13 p.m.

ORDERED: That the minutes of the City Council Meeting October 4, 2010, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.31-50 which is east of present P.31 on Essex St. and to relocate P.19 on Cook Lane, Order No. 10-100708, all were heard who wish to be heard, hearing recessed at 8:05 p.m.; adopted.

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

ORDERED: That the Fire Department transfer request in the amount of \$3,059.76 moving funds from Firefighter to Additional Overtime to fund coverage for an injured employee, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12200001-50450

\$3,059.76

Firefighter

TO:

Acct. # 12200003-51300

\$3,059.76

Additional Overtime

ORDERED: That the following notification from the City Clerk re: 2010 State Election Call, **FILE**; adopted.

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That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **STATE ELECTION** will be held in the polling locations as noted below on **NOVEMBER 2, 2010** as follows: Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, Representative in Congress, Councillor, Senator in General Court, Representative in General Court, District Attorney, and Sheriff.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.,
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.,
WARD THREE: Prec. 1	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd., Cafeteria
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.,
WARD FIVE: Prec. 1	Senior Center, 250 Main St.,
WARD FIVE: Prec. 2	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD SIX: Prec. 1 and 2	1LT Charles W. Whitcomb School, 25 Union St., Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the Communication from Attorney Golden re: Acceptance of Peebles Way as a Public Way, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **NOVEMBER 22, 2010** as date for a **PUBLIC HEARING** on the Application for Special Permit from Andy Candiello on behalf of MetroPCS Massachusetts, LLC, to install a Wireless Communications Facility onto the existing communication tower at 860 Boston Post Rd. East, refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: That the Minutes, School Committee, September 28, 2010, **FILE**; adopted.

ORDERED: That the Minutes, Board of Registrars, October 5, 2010, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, September 13, 2010, **FILE**; adopted.

Reports of Committees:

Councilor Levy reported the following out of the Urban Affairs Committee:

**Order No. 10-1002645 - Application for amended Special Permit from Attorney Gadbois, on behalf of Fore kicks II, Inc., seeking to amend Special Permit #07-1001465D to allow the applicant to serve alcoholic beverages on Site.**

Councilor Elder did not attend as he abstained from this matter.

Councilor Clancy disclosed that he did not attend the Public Hearing on September 13<sup>th</sup> but had reviewed the tape and transcript of the Public Hearing and will participate in the discussion but will not vote on the matter.

Attorney Gadbois reviewed the materials that were provided to Councilors including

- a draft Proposed Decision
- letters and e-mails submitted during the public hearing
- an e-mail from the Norfolk Chief of Police
- a letter from Framingham State College
- Fore Kicks Alcohol Policy Handbook

Attorney Gadbois explained that the latest draft conditions revised the amendment to Condition 19 to address concerns expressed by some Councilor and is modeled after similar conditions placed on the New England Sports Center. The amended Permit allows for a beer and wine license only. Time restrictions are laid out in the conditions as to when alcohol may be served. Food will be available in the *Kick Back Club* during hours of operation when alcohol is being served and during special events. No alcohol will be served from ½ hour before to ½ hour after any school games.

During the period of time from the granting of the amended permit to August 31, 2011, Applicant will only be allowed to serve alcohol on 25 days, effectively allowing for 25 one-day licenses. So long as there are no violations of MGL Chapter 138, local License Board regulations or the conditions of this permit, on and after September 1, 2011 Applicant may serve beer and wine on any day subject to the terms and conditions of this Grant of Amendment. **Recommendation of the Urban Affairs Committee is to approve the application for an amendment to the Special Permit and refer to the City Solicitor to place in proper legal form.**

Councilor Seymour reported the following out of the Legislative and Legal Affairs Committee:

**Order No. 10-1002622 – Communication from Tree Warden Christopher White regarding Disclosure of Financial Interest and Exemption as required by M.G.L. c.268A, s.20(d) for filing and approval of exemption by the City Council.** The Committee reviewed the letter dated June 11, 2010 from Christopher White. **Recommendation of the Legislative and Legal Affairs Committee is to approve the exemption 2-0. Councilor Ossing was not present at the time of the vote.**

ORDERED: That all municipal vehicles be marked with the official city seal and numbered on the back for identification purposes, **TABLED UNTIL NOVEMBER 8, 2010**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:15 p.m.; adopted.