

1. Minutes of the City Council Meeting, August 1, 2011.
2. CONTINUED 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.
3. CONTINUED 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.
4. CONTINUED 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Communication from the Mayor re: request for Executive Session for the purpose of discussing collective bargaining strategy as an open meeting may have a detrimental effect on the collective bargaining position.
10. Communication from the Mayor re: Building Renovation Bond Authorization in the amount of \$7,500,000.00.
11. Communication from the Mayor re: Fire Department transfer requests 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.
12. Communication from the Mayor re: Fire Department transfer request in the amount of \$17,165.69 which move funds from Firefighter to Overtime.
13. 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.
14. Communication from the Mayor re: Public Safety and Security, Highway Division Grant awarded to the Police Department in the amount of \$18,945.00 for the purchase of an Automated License Plate Reader.

15. Communication from the Mayor re: State 911 Department Support and Incentive Grant in the amount of \$95,091.00 awarded to the Police Department to cover salary and overtime costs in the 911 Dispatch Center.
16. Communication from the Mayor re: Doubling of Exemptions for Qualified Residents.
17. Communication from Mayor re: 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.
18. Communication from Mayor re: reappointment of Jay Whittaker as an alternate member of the Zoning Board of Appeals for a two year term.
19. Communication from the Mayor re: reappointments of David Williams and John Skarin to the Conservation Commission for a three year term.
20. Communication from Councilor Levy re: Language Modification of House Bill 01452 "An Act Establishing a Business and Economic Development Special Revenue Fund in the City of Marlborough".
21. 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.
22. Communication from Attorney Bergeron on behalf of 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, Order No. 11-1002922B.
23. Communication from Attorney Bergeron on behalf of 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, Order No. 11-1002923B.
24. Communication from Attorney Bergeron on behalf of 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, Order No. 11-1002902A.
25. Communication from Paul Faxon re: Acceptance of Perry Lane with Easements as a Public Way.
26. Renewal of Junk Dealers License, Jean Rabelo, Post Rd. Used Auto Parts, 785 Boston Post Rd.
27. Application of Junk Dealer's License, Best Buy Stores LP, at 601 Donald Lynch Blvd. NOTE: This location differs from the Best Buy Store located at Solomon Pond Mall which has an existing Junk Dealer's License.
28. Minutes, Planning Board, July 18, 2011.
29. Minutes, Conservation Commission, February 17, April 7, May 5, & 19, and July 21, 2011.
30. CLAIMS:
 - 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:

31. ORDERED: 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 as follows:

Alcoholic beverages consisting of beer and wine only may be served by the Applicant to be consumed on the Site and only in the area on the second floor of the building designated as Kick Back Club under the following terms and conditions: (a) Alcoholic beverages may only be served in the Kick Back Club; (b) There shall be no bar facilities for patron seating. All seating shall be at tables in the Kick Back Club area; (c) No alcoholic beverages are allowed to be taken out of the Kick Back Club; (d) No alcoholic beverages are allowed to be served outside of the Kick Back Club; (e) The serving of alcoholic beverages shall be limited to the hours of 4:00 PM to 11:30 PM Monday through Sunday; (f) For special events and catered functions Applicant may serve beer and wine between the hours of 12:00 noon and 11:30 PM. Special Events are private events, such as a birthday party, a bar mitzvah, a fund raiser or other social functions which are held in the Kick Back Club; (g) Food such as snacks, hot dogs, sandwiches and pizza shall be available for purchase in the Kick Back Club during the time that beer and wine is served; (h) Alcoholic beverages shall not be served one half hour before, during and one half hour after public school or private school games. (i) No alcoholic beverages may be consumed at any time in any area outside of the permitted area, including but not limited to the parking lots; (j) The Applicant has provided the City Council with its Alcohol Policy Handbook; and the Applicant shall implement the policy and performance of the policy as a condition of the Amended Permit.

19. Serving of Alcoholic Beverages. A. (a) During the period of time from the granting of the Amendment to Special Permit # 07-1001465D to August 31, 2011, Applicant may serve beer and wine on no more than 25 days, all in accordance with the terms and conditions in B. (a) through (j) hereof. (b) Each day the Applicant intends to serve beer and wine during said period, Applicant shall notify the Zoning Code Enforcing Authority of the intent to serve on that particular day. Prior to September 1, 2011, the City Council reserves the right to review the amended special permit allowing the serving of alcoholic beverages. (c) So long as there is no violation of Massachusetts General Laws Chapter 138 ALCOHOLIC LIQUORS, the City of Marlborough Licensing Board Rules and Regulations or Section 19 of this Grant of Amendment to Special Permit, and the Chief of Police and the Zoning Code Enforcing Authority state in writing that there has been no violation 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 this Grant of Amendment to Special Permit. B. Alcoholic beverages consisting of beer and wine only may be served by the Applicant to be consumed on the Site and only in the area on the second floor of the building designated as Kick Back Club under the following terms and conditions: (a) Alcoholic beverages may only be served in the Kick Back Club; (b) There shall be no bar facilities for patron seating. All seating shall be at tables in the Kick Back Club area; (c) No alcoholic beverages are allowed to be taken out of the Kick Back Club; (d) No alcoholic beverages are

allowed to be served outside of the Kick Back Club; (e) The serving of alcoholic beverages shall be limited to the hours of 4:00 PM to 11:30 PM Monday through Sunday; (f) For special events and catered functions Applicant may serve beer and wine between the hours of 12:00 noon and 11:30 PM. Special Events are private events, such as a birthday party, a bar mitzvah, a fund raiser or other social functions which are held in the Kick Back Club; (g) Food such as snacks, hot dogs, sandwiches and pizza shall be available for purchase in the Kick Back Club during the time that beer and wine is served; (h) Alcoholic beverages shall not be served one half hour before, during and one half hour after public school or private school games. (i) No alcoholic beverages may be consumed at any time in any area outside of the permitted area, including but not limited to the parking lots; (j) The Applicant has provided the City Council with its Alcohol Policy Handbook; and the Applicant shall implement the policy and performance of the policy as a condition of the Amended Permit. Submitted by Councilor Pope.

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

32. **Order No. 11-2920A** – Communication from Mayor Stevens with proposed ordinance to extend 2005 sunset legislation which allows homeowners to defer payment of entrance fees at the prior rate for a prescribed period of time. The prescribed period of time which is the same under the chapters concerning water and sewer will expire on September 5, 2011. The proposed ordinance eliminates the sunset provisions, thus permitting homeowners who received occupancy permits before December 31, 2003 to connect to the City's water and sewer systems at the old rates irrespective of when they actually connect. The Committee reviewed the Mayor's letter dated May 12, 2011. **Recommendation of the Legislative and Legal Affairs Committee is to approve the proposed changes to the City Code and advertise proposed Ordinance under Suspension of the Rules 3-0.**