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CITY OF MARLBOROUGH

2011 OCT 13 P 5:17

1. Minutes of the City Council Meeting, October 3, 2011.
2. Minutes of the City Council Meeting, September 26, 2011.
3. Communication from the Mayor re: Marlborough Economic Development Corporation (MEDC) transfer request in the amount of \$150,000.00 which moves funds from Economic Development Special Revenue to MEDC funding.
4. Communication from the Mayor re: formula grant awarded to the Council on Aging in the amount of \$41,894.00 based on the 2010 federal census for seniors over sixty.
5. Communication from the Mayor re: Sustainability Action Plan.
6. Communication from the City Clerk re: Municipal Election Call.
7. Communication from Brona Simon, Executive Director of the Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln St.
8. Communication from Yan Chun Zhang d/b/a Japan Car Service for Livery License at 197 Boston Post Rd. West.
9. Minutes, Traffic Commission, August 30, 2011.
10. CLAIMS:
 - A. Ernest Amidon Jr., 81 Oakcrest Ave., other property damage

REPORTS OF COMMITTEES:

11. ORDERED: That the Mayor be requested to investigate the feasibility of leasing with an option to purchase the building commonly referred to as the West Meeting House on Pleasant Street as the site for a new Senior Center.....Submitted by Councilor Vigeant

UNFINISHED BUSINESS:

From Public Services Committee

12. **Order No.11-1002789A - Communication from Attorney Cipriano re: Street Acceptance-Boivin Dr., Davis Estates.** **Communication from Asst. Solicitor Panagore Griffin together with documents in proper legal form for acceptance (emailed to City Councilors), cover letter attached herewith. **Communication from Planning Board dated December 10, 2010, endorsing and accepting City Engineer's recommendation that the subdivision known as "Davis Estates", as-built plot plan dated November 4, 2004 with revised date of August 8, 2010 drawn by: "Guerriere and Halnon, Inc." has remained in satisfactory condition for the year long maintenance period. On a motion by Mr. Fay, seconded by Mr. Johnson, it was duly voted to reduce the bond amount to \$85,000.00 which will remain in place until accepted by the City Council and all streets and easements have been registered. It is the responsibility of the developer to contact the City Council to have the street accepted. **Recommendation of the Public Services Committee is to recommend approval of the acceptance as a Public Way of Boivin Drive and certain easements as municipal easements and, further, to Suspend the Rules for referral to the Planning Board, requesting that their recommendation regarding the acceptance of Boivin Drive and easements be forwarded to the City Council for the October 17, 2011 agenda.**

13. **Order No.11-1003006** - Renewal of Junk Dealers License, Jean Rabelo, Post Rd. Used Auto Parts, 785 Boston Post Road. Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, September 26, 2011 9:40 AM **To:** City Council **Subject:** RE: Pub. Services Comm. I have no issues with the renewal of a Junk Dealer's license for Post Road Auto and Best Buy. **Recommendation of the Public Services Committee is to recommend approval of the Renewal of the Junk Dealers License to Post Road Used Auto Parts, 785 Boston Post Road.**
14. **Order No.11-1003007** - Application of Junk Dealer's License, Best Buy Stores LP, at 601 Donald Lynch Blvd. NOTE: This location differs from the Best Buy Store and is located at the Solomon Pond Mall.*Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, September 26, 2011 9:40 AM **To:** City Council **Subject:** RE: Pub. Services Comm. I have no issues with the renewal of a Junk Dealer's license for Post Road Auto and Best Buy. **Recommendation of the Public Services Committee is to recommend approval of a Junk Dealer's License to Best Buy Stores LP, at 601 Donald Lynch Blvd.**
15. **Order No.11-1003033** - **Application of Frederick Kenney, Jr. d/b/a The Carousel, for Junk Dealer's license at 266 Main Street.** **Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, October 03, 2011 9:30 AM **To:** City Council **Subject:** RE: Pub. Services Comm. Karen, I have spoken with Mr. Kenney regarding his application for a junk dealer's license for 266 Main St. He is intending to sell used children's clothing, shoes, etc. on consignment, and I have no objection to the issuance of a junk dealer's license to him for that purpose. He will be utilizing available on street and municipal parking for customers, and his hours of operation will be somewhat limited so I do not have any other concerns. Mark F. Leonard, Chief of Police. **Recommendation of the Public Services Committee is to recommend approval of a Junk Dealer's License to Frederick Kenney, Jr., d/b/a The Carousel, at 266 Main Street.**

From Finance Committee

16. **Order No. 11-1003026 – Transfer \$34,397.58 from Fringes to Fire Fighter Sick Leave Buy Back.** The Finance Committee reviewed the Mayor's letter dated September 21, 2011 requesting the transfer of \$34,397.58 from Fringes to Fire Fighter Sick leave Buy Back for an employee's retirement. **Recommendation of the Finance Committee is to approve the transfer 4-0.**
17. **Order No. 11-1003027 – Transfer \$30,000 from Short Term Interest to Legal Services.** The Finance Committee reviewed the Mayor's letter dated September 20, 2011 requesting the transfer of \$30,000 from City short term interest account to Legal Services account for a variety of legal services. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

From City Council

18. **Order No. 11-1002973 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002973.** The request by AT&T wireless PCS LLC, seeking permission to modify a existing rooftop wireless facility to accommodate three additional (3) LTE (Long Term Evolution) panel antennae at a height of 42.4', one (1) LTE GPS antenna on the rooftop which would be invisible from any vantage point, except the rooftop itself. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment also located on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a rooftop located at 450 Boston Post Rd. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. It should be noted that the facility will only extend 10' above the existing roofline. This was brought out due to its proximity to Marlborough Airport. It was agreed that the applicant would work with the owner of Marlborough Airport if a lifting device, such as crane, would be needed during the installation. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 11 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 City Council is to table until the October 17, 2011 City Council meeting.**
19. **Order No. 11-1002974– The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002974.** The request by AT&T wireless PCS LLC, to modify a existing wireless facility pertinent to lease Order No. 96-6861 to accommodate three additional (3) LTE (Long Term Evolution) panel antennae on to an existing water tank, owned by the City of Marlborough, MA, antenna. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment mounted behind the antennae and to an existing equipment shelter located within the WCF compound. One (1) LTE GPS will be mounted to a post at the existing ice bridge at the minimum height necessary to prevent obstruction from vegetation and snow accumulation. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on water tank located at 97 Arnold St. Ext. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. The color of the equipment will matching its background and will not exceed the height of the tank. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 11 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 City Council is to table until the October 17, 2011 City Council meeting.**

20. **Order No. 11-1002975 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002975.** The request by AT&T wireless PCS LLC, seeking permission to replace three existing and obsolete wireless communication antennae with three new (3) LTE (Long Term Evolution) panel antennae and appurtenant equipment painted to match the façade of the building to minimize their visibility from public ways. Two antennae will be located at a height of 52.6’ and one at a height of 55.2’. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment also located on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a rooftop located at 4 Mt. Royal Ave. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. A review of the “Decision” was begun covering the Evidence, Findings of Fact and the 11 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 City Council is to table until the October 17, 2011 City Council meeting.**
21. **Order No. 11-1002976 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002976.** The request by AT&T wireless PCS LLC, seeking permission install three new (3) LTE (Long Term Evolution) panel antennae and appurtenant equipment on the existing smokestack located at 157 Union St. (Marlborough Hospital). They are to be located at a height of 64.5’ and are to be painted to match façade of the smokestack. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment, also located on the rooftop. One (1) GPS antenna will be mounted to existing equipment on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a smokestack located at 157 Union St. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. A review of the “Decision” was begun covering the Evidence, Findings of Fact and the 11 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 City Council is to table until the October 17, 2011 City Council meeting.**