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CITY OF HARLBOROUGH

2013 APR 18 P 1:37

1. Minutes of the City Council Meeting, April 8, 2013.
2. PUBLIC HEARING On Medical Marijuana Treatment Centers-Proposed Moratorium, Order No. 12/13-1005247A.
3. Communication from the Mayor re: Legal Department transfer requests in the amount of \$265.00 which moves funds from Registry of Deed to Office Supply to cover the department's expenses for the remainder of this fiscal year.
4. Communication from the Mayor re: Building Department transfer request in the amount of \$10,688.86 which covers expenses associated with an increasing amount of electrical inspections for the remainder of this fiscal year.
5. Communication from the Mayor re: Veteran's Office Transfer request in the amount of \$20,000.00 which moves funds from Senior Assessor to Veteran's Benefits due to a rise in demand for benefits afforded to eligible veterans and their families through the assistance program offered by the Commonwealth of Massachusetts under MGL Chapter 115.
6. Communication from Mayor re: Notification of Tax Title Collection Efforts.
7. Communication from the Mayor re: Validation of Use of Ward Park.
8. Communication from City Clerk, Lisa Thomas, re: Special Primary State Election Call.
9. Communication from City Solicitor, Donald Rider, re: AT & T Mobility LLC Special Permit, 75 Donald Lynch Blvd, in proper legal form, Order No. 13-1005342B.
10. Communication from City Solicitor, Donald Rider, re: T-Mobile Northeast LLC Special Permit, 445 Simarano Dr., in proper legal form, Order No. 12/13-1005249B.
11. Communication from City Solicitor, Donald Rider, re: Logical Partners LLC Special Permit, 126 Pleasant St., in proper legal form, Order No. 12/13-1005151F.
12. Communication from City Solicitor, Donald Rider, re: Easterly Wastewater Treatment Plant-Proposed Easement to National Grid.
13. Communication from Building Commissioner, Michael Mendoza, re: Proposed Zoning Amendment, Section 41, Utility Service Vehicle Maintenance, Order No. 12/13-1005267B.
14. Communication from Attorney Bergeron re: Acceptance of Bouffard Drive as a public way.
15. Communication from Attorney Mitrakas re: request to extend date for City Council vote on Special Permit, Logical Partners LLC, Order No. 12/13-1005151F.
16. Petition of National Grid to install conduit from manhole 15-22 to pole 50, Simarano Dr. and pole 50, D'Angelo Dr. Petition also includes two pole installations on Simarano and D'Angelo Dr.
17. Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd.
18. Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St.
19. Minutes, Council on Aging, March 12, 2013.
20. Minutes, Recreation Department, March 13, 2013.
21. Minutes, Conservation Commission, January 19, April 5, July 19, August 2 & 16, September 6, October 4 & 18, December 6 & 20, 2012 and January 17, 2013.

## 22. CLAIMS:

- A. Maranatha Christian Church, 276 Boston Post Rd. East., other property damage,
- B. A. Richard Desimone, 54 Schofield Dr., residential mailbox claim 2(a)
- C. Ken and Andrea Mercier, 14 Fish Lane, residential mailbox claim 2(b)
- D. Rich Berte, 11 Paquine Dr., residential mailbox claim 2(a)
- E. Dan Tran, 39 Desimone Dr., residential mailbox claim 2(a)
- F. Francis McCarthy, 114 Leolis Dr., other property damage
- G. Janice Stafford, 287 Forest St., residential mailbox claim 2(b)

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

- 23. **Order No. 13-1005353 – Transfer \$10,308.00 to Fund Comptroller Temporary Employee.** The Finance Committee reviewed the Mayor's letter dated March 7, 2013 requesting a transfer of \$10,308.00 from Bond Issue Expense to Comptroller Finance Assistant to cover unanticipated short term absence of payroll personnel. **Recommendation of the Finance Committee is to approve the transfer 3-0. Councilor Seymour abstained.**
- 24. **Order No. 13-1005352 – Transfer \$18,712.85 to Cover Upcoming Special Elections.** The Finance Committee reviewed the Mayor's letter dated March 7, 2013 requesting two transfers totaling \$18,712.85 to fund costs associated with the upcoming special elections for the United States Senate. **Recommendation of the Finance Committee is to approve the transfer 4-0.**
- 25. **Order No. 13-1005368 – Transfer \$25,000.00 for the Summer Employment Initiative.** The Finance Committee reviewed the Mayor's letter dated March 21, 2013 requesting the transfer of \$25,000.00 from the Sewer Loan Origination Fee to the Summer Employment Initiative. **Recommendation of the Finance Committee is to approve the transfer 4-0.**
- 26. **Order No. 13-1005369 – Transfer \$6,176.00 to Fund Widows Pension Account.** The Finance Committee reviewed the Mayor's letter dated March 21, 2013 requesting the transfer of \$6,176.00 from the Bond Issue Expense account to the Widows Pension account. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

From Wireless Communications Committee

- 27. **The Wireless Committee met on 4/2/2013 at 6:36 PM to review Council Order No. 12-1005249.**

The request by T-Mobile to Modify an existing Wireless Communications Facility, allowing the replacement of the six (6) GSM TMA'S panel antennas currently located on the facility with six (6) Alpha Sector Air21 B4A/B2P antennas. Also, the addition of one (1) fiber optic (1" O.D.) to the Wireless Communications Facility.

Changes were made to the wording of “The Plan” to correct errors which were noted by the Wireless Committee, specifically the address. The Committee reviewed the Evidence and the Conditions making changes and corrections, where necessary. Ten (10) conditions were reviewed and agreed upon.

**Motion to approve and to send to the City Solicitor to be place in “Proper Legal Form” by Councilor Robey, seconded by the Chair**

**Motion passed: 2- 0**

28. **The Wireless Committee met on 4/2/2013 at 7:08 PM to review Council Order No. 13-1005342**

The request by AT&T Mobility LLC, seeking permission to perform general maintenance to the Existing Wireless Communication Tower. Maintenance to be performed would be the reinforcement of the Tower by adding 1.25 inch thick steel plating to the surface of the Tower, up to the height of 87.5 feet and also the reconfiguring of the subgrade foundation and concrete pads at the base of the Existing WCF Tower.

Discussion of the project was held with the reason for the upgrade, as to increase of its structural integrity. Because of the age of the tower it was deemed necessary. Review of the Evidence and Nine (9) Conditions were agreed upon, with changes of wording for clarity.

**Motion to approve and to send to the City Solicitor to be place in “Proper Legal Form” by Councilor Robey, seconded by the Chair**

**Motion passed: 2- 0**

**From Urban Affairs Committee**

29. **8-27-12 – Order No. 12-1005151 - Application for Special Permit by Atty. Greg Mitrakas on behalf of Logical Partners, LLC for Special Permit to construct a three- Town House Condominium Unit on Map 68, Lot 466, 126 Pleasant Street /REFER TO URBAN AFFAIRS; PUBLIC HEARING: OCTOBER 15, 2012 – Councilor Tunnera abstained  
9-10-12 – Order No. 12-1005151A - Communication from Attorney Greg Mitrakas on behalf of Logical Partners LLC, re: amendment to Application for Special Permit to construct a three-town house condominium unit on Map 68, Lot 466, 126 Pleasant Street, Order No.12-1005151.**

The Chair thanked the petitioners for working with the Committee at some of its concerns regarding the number of bedrooms and sewage connections.

Councilor Delano expressed concerns about the density of the project and stated his concern that the office can be converted to a third bedroom.

The Chair and the Committee discussed the conditions, reading only the conditions that changed from its last meeting.

At the request of the Committee and Councilors, the petitioners changed from three bedrooms to two. Also the units will now be owner occupied per request of the Committee.

President Pope asked for wording in the conditions regarding a back fence – petitioners agreed with her request; President Pope asked for wording in the conditions requiring petitioner to remove the barn on the property within three months of approval of the permit – petitioners agreed with her request.

The Chair asked if the project is approved that petitioners begin to clean up the property as soon as possible, hopefully before the full Council votes on the project.

Councilor Clancy made a motion to approve, the Chair seconded the motion. It passed 4-0 (Councilor Tunnera abstained)

**Councilor Robey made a motion to ask for a suspension of the rules at the 4/8 Council meeting to refer the matter to the City Solicitor to place the proposed special permit decision in proper legal form. Vote passed 4-0.**