

1. Minutes of the City Council Meeting, May 9, 2011.
2. PUBLIC HEARING On the FY12 Municipal Operating Budget as submitted by Mayor Stevens in the amount of \$124,999,703.00 in which this spending plan reflects an overall increase of 3.98% over the approved Fiscal Year 2011 budget.
3. Communication from the Mayor re: CDA transfer request in the amount of \$60,000.00 from following accounts to Community Development Authority needed for Community Development Block Grant funding as follows as the funding source is no longer available:  
\$10,000.00 from Council Investigative Services  
\$40,000.00 from Head Clerk  
\$10,000.00 from Veterans Benefits
4. Communication from the Mayor re: revised transfer request in the amount of \$136,222.84 which will fund the City's two newly ratified agreements with MMEA and the Marlborough Police Patrol Officers Association as well as cost of living adjustments for non-affiliated employees as noted in the attached spreadsheets.
5. Communication from the Mayor re: Various Year End Inter-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets.
6. Communication from the Mayor re: Various Year End Intra-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets.
7. Communication from the Mayor re: Renewal of Parks and Recreation Revolving Fund referencing Order No. 10-1002613.
8. Communication from the Mayor re: Renewal of Sligo Hill Water Tank Revolving Fund referencing Order No. 10-1002588B.
9. Communication from the Mayor re: Renewal of Public Safety Revolving Fund referencing Order No. 10-1002587B.
10. Communication from the Mayor re: Proposed Order Amending Chapter 608, Water, and Chapter 510, Sewer, of the City Code.
11. Communication from the Mayor re: appointment of Patricia Carlson and Cheryl Soucy to the Commission on Disabilities to serve three year terms from date of approval.
12. Communication from City Solicitor Rider re: Special Permit of Verizon Wireless in proper legal form, Order No. 10/11-1002623F.
13. Communication from Attorney Bergeron on behalf of Melanson Development Group, Inc, re: request to extend time limitations to expand the non-conforming use of the existing Walker house and barn located on 93 Framingham Rd, to September 15, 2011, Order No. 11-1002853A.
14. Communication from Attorney Bergeron on behalf of U. S. Wireless re: request to review Application for Wireless Special Permit from Verizon Wireless (Order No. 10/11-1002623F), to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St.

15. Application for Special Permit from St. Mary's of French Hill Development LLC 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.
16. Application for Special Permit from 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.
17. Application for Special Permit from Marlborough Hospital at 157 Union St. to extend prior non-conforming use by constructing a cancer pavilion to be connected to the present main hospital building, and to reconfigure the site parking, which will result in an increase in lot coverage from 47.8% to 48.4% of the site.
18. Application of Thomas Travers d/b/a Village Clocksmith, for Junk Dealer's license at 1015 Boston Post Rd. E. #1.
19. Application of Bernard Novitch d/b/a Collectors Paradise, for renewal of Junk Dealer's license at 771 Boston Post Rd. East.
20. CLAIMS:
  - A. Eleanor Bouvier, 47 Walcott Circle, pothole or other road defect
  - B. John Chatalian, 56 Norwood St., other property damage
  - C. Encompass Insurance Company, on behalf of Edmuth Matthews, 30 East Park Rd., Sterling, MA, other property damage
  - D. Patricia Clark, 194 Broad St., other property damage

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

**From Finance Committee**

21. **Order No. 11-1002872 - Transfer \$1,681.00 from Medical Exams to Part Time Senior Clerk.** The Finance Committee reviewed the Mayor's letter dated April 1, 2011 requesting the transfer of \$1,681.00 from Medical Exams to Part Time Senior Clerk in the Personnel Department. **Recommendation of the Finance Committee is to approve 4-0.**
22. **Order No. 11-1002873 - Transfer \$10,000.00 from Undesignated to Conservation Trust Fund.** The Finance Committee reviewed the Mayor's letter dated April 7, 2011 requesting the transfer of \$10,000 from the Undesignated Fund to the Conservation Trust Fund. **Recommendation of the Finance Committee is to approve 4-0.**
23. **Order No. 11-1002874 - Gift of \$1,400.00 from Butler Family Foundation.** The Finance Committee reviewed the Mayor's letter dated April 1, 2011 requesting the City Council approve the gift of \$1,400.00 from the Butler Family Foundation to maintain the Felton Conservation Land on Elm Street. The gift will be deposited in the Conservation Trust Fund. **Recommendation of the Finance Committee is to thank Ms. Butler for the generous gift and to approve 4-0.**

24. **Order No. 11-1002887 - Bond of \$3,730,000.00 for Design of Easterly Waste Water Treatment Plant.** The Finance Committee reviewed the Mayor's letter dated April 14, 2011 requesting the approval of a \$3,730,000 bond for the design of the Easterly Waste Water Treatment Plant. The Finance Committee identified that there was money remaining in the \$2,000,000 design bond for the Westerly Treatment Plant that was available to potentially reduce the requested bond amount. **Recommendation of the Finance Committee is to report the bond out with no recommendation 4 to 0. The Mayor will submit a revised bond request at the May 9, 2011 City Council meeting reflecting the reduced bond amount for council approval.**
25. **Order No. 11-1002876 - Continuing Disclosure Report for Fiscal Year Ending June 30, 2010.** The Finance Committee reviewed the Comptroller's letter dated March 30, 2011 requesting the transmitting the Continuing Disclosure Report for Fiscal Year Ending June 30, 2011. **Recommendation of the Finance Committee is to accept and place on file the report 4-0.**

**From Public Services Committee**

26. **Order No. 11-1002878 - Application of Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery for Junk Dealer's license, 149 Main Street.** Police Chief Leonard to submit recommendation. **Recommendation of the Public Services Committee to approve 2-0. Police Chief to submit recommendation for the May 23 agenda.**
27. **Order No. 11-1002877 - Application of Best Buy Stores, LP for renewal of Junk Dealer's license at 769 Donald Lynch Blvd.** Police Chief Leonard without objection to RENEWAL. **Recommendation of the Public Services Committee to approve 2-0.**
28. **Order No. 11-1002889 - Application of Tony Bitar, d/b/a Hannoush Jewelers for Junk Dealer's License at 601 Donald Lynch Blvd.** Police Chief Leonard without objection to RENEWAL. **Recommendation of the Public Services Committee to approve 2-0.**
29. **Order No. 11-1002733 - Petition from Massachusetts Electric and Verizon New England to install stub pole 17-34 and remove pole on Church Street.** Public Hearing: November 22, 2010. City Engineer Recommendation: The pole should be placed within the city layout. The back of the sidewalk is the edge of the public property (i.e. city layout). No disturbance should be made on private property without permission from private property owner. Also, 48 inches shall be maintained from the front of the proposed pole to the back of the curbing on Church Street. **Recommendation of the Public Services Committee to approve subject to City Engineer Recommendation noted above 2-0.**

30. **Order No. 11-1002748 - Communication from Attorney Norris re: Easement Agreement of Ronald L. & Adelle R. Blum for property on Shorter Street, with proposed vote for the City Council to approve the acceptance of the Easement originally recorded in 2003 without the required vote of the City Council.** The Planning Board has requested that the Public Services Committee vote to deny the acceptance of the easement as stated in their February 17, 2011 correspondence and to report out to the full City Council **OR** inform the Planning Board in writing that it is the intention of the Public Services Committee to let the Order expire without action at the end of this legislative session. **Recommendation of the Public Services Committee is to table in Committee to let the order expire without action at the end of this legislative session 2-0.**

**From Wireless Communications Committee**

31. **Order No. 10/11-1002623F - Request by Verizon Wireless to permit, construct and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St. (Kane Self Storage).** The City Council's Wireless Communications Committee conducted further review of the proposed Wireless Communications Facility at 800 Bolton St. (Kane Self Storage). Previous meetings were held on 10/5/2010 and 11/29/2010. At the previous meeting on 11/29/2010 a request to relocate the WCF to another area on the Site to lessen the visible impact was discussed. Due to the request the Applicant presented the new location, which was now to be 303' from the residential office and 237' from the closest abutting property. The height of the tower was reduced to 120' and was to have flush mounted antennae. The WCF was to include a fenced compound area enclosing the Applicant's monopole, diesel-fueled generator, two HVAC units, electric and telephone equipment and accessories. The Applicant was to store its cell site equipment inside a 10 X 20 foot portion of an existing self storage building. An area for parking vehicles was shown on the outside of the fenced compound. Electric and telephone utilities are to be run underground from Bolton St. to the Applicant's WCF. Written permission issued by the Assabet Valley Regional School Committee was introduced as evidence due to the WCF proximity to the abutting Assabet School's property. A written opinion by Jeffery Benway, Professional Engineer at SFC Engineering, that the proposed relocation of the WCF will not increase the visibility from the Assabet School and would reduce the visual impact from Bolton St. and from the adjoining property to the north. An Environmental Noise Impact Evaluation, dated 4/4/2011 and updated for the WCF, concluded that the sound levels generated from the facility will not be noticed by the neighboring properties. A Site specific Cellular Telecommunications Analysis prepared by William Pastuszek Jr., a licensed appraiser, provided a detailed analysis of the site and other similar WCF sites, providing a professional opinion that the WCF site would not have any adverse effect upon the property values of residential real estate located near the WCF facility. A detailed review of the "Findings of Facts and Rulings" was conducted by the Wireless Communications Committee. Changes were made to the wording of the "Evidence" with addition and deletion of terminology which were agreed to by the Applicant. A total of 22 "Conditions" were reviewed with clarifications and elimination of certain terms being noted with agreement by the Applicant. **Recommendation of the Wireless Communications Committee is to approve the application and under Suspension of the Rules, to send the document to the City Solicitor to be place in "proper form" at the next regularly schedule City Council meeting 3-0.**

**From City Council**

32. **Order No. 11-1002900** - Communication from the Mayor with proposed redrawn precinct map as proposed by Secretary of State Galvin's office. Council President Vigeant announced establishment of City Council Reapportioning Committee to include Councilor Clancy as the Chair, and Councilors Pope and Ferro. **Recommendation of the City Council is to report back to the full Council at the May 23, 2011 City Council meeting.**
  
33. **Order No. 11-1002887A - Reduction in Pending Bond Authorization for Easterly Wastewater Treatment Plant from \$3,730,000.00 to \$3,458,000.00. Recommendation of the City Council is to table until May 23, 2011.**