

1. Minutes of the City Council Meeting, February 8, 2010.
2. Communication from the Mayor re: intra-departmental transfer requests as follows:
\$4,000.00 from Water Meter Reader to Interim Foreman
\$390.00 from Equipment Operator to Clothing Allowance
\$31,000.00 from Senior Chemist to Water Plant
\$22,000.00 from Equipment Operator to Water Plant
3. Communication from the Mayor re: Item 3 of the February 8, 2010 agenda pertinent to Fire Department Sick Leave Buy Back be referred back to the Mayor, Order No. 10-1002441.
4. Communication from the Mayor re: temporary appointment of Deputy Chief Flynn to the position of Acting Fire Chief effective 5:00 PM on February 19, 2010.
5. Communication from the Mayor re: appointment of Joyce Torelli to the Community Development Authority to a term which expires June 25, 2012 due to the resignation of Camille Duridas.
6. Communication from the Mayor re: Easterly Wastewater Treatment Plant Upgrades.
7. Communication from Councilor Juaire re: resignation as Ward 4 City Councilor effective midnight on Wednesday, June 30, 2010.
8. Communication from Sudbury Companies of Militia & Minute re: Permission to Place a Temporary Sign at Rt. 20 and Hagar Rd.
9. CLAIMS:
 - A. Ryan Hurley, 38 Schofield Dr., residential mailbox claim 2(a)
 - B. Susan Pedro-Nunes, 388 Berlin Rd., residential mailbox claim 2(b)

REPORTS OF COMMITTEES:

10. ORDERED: That an evaluation of the schedules and compensation of election staff and poll workers take place and that the City Clerk provide information pertaining to the training and election functions of the clerks and elections division.Submitted by Councilor Peter Juaire
11. ORDERED: That the Mayor be requested to submit a transfer in the amount of \$10,000.00 for the purpose of an independent review of the events leading to the December 2008 fatality and subsequent report to the Mayor and City Council outlining preventative measures to avoid future serious injury and/or death of our workforce members as well as potential liability associated therewith.Submitted by Councilors Vigeant, Ossing and Pope
12. ORDERED: That the Code of the City of Marlborough be amended to grant transfer station stickers free of charge to Disabled American Veterans.Submitted by Councilors Ferro, Clancy and Juaire

UNFINISHED BUSINESS:

From Finance Committee

13. **Order No. 10-1002421 – Transfers \$18,000.00 from Undesignated Funds to Veterans Benefits.** The Finance Committee reviewed the Mayor’s letter dated January 20, 2010 requesting the transfer of \$18,000.00 from Undesignated Funds to Veterans benefits. **Recommendation of the Finance Committee is to approve 5-0.**

14. **Order No. 10-1002422 – Transfer to Cover Longevity Accounts in the Library and Health Departments.** The Finance Committee reviewed the Mayor’s letter dated January 20, 2010 requesting the transfer of \$1,230.00 from the City Collector’s Sick Leave Buy Back Account to the following:
 - \$640.00 to Library Longevity
 - \$590.00 to Health Department Longevity**Recommendation of the Finance Committee is to approve 5-0.**
15. **Order No. 10-1002423 – Internal Police Department Transfers to Cover Overtime and Sick Leave Buy Back.** The Finance Committee reviewed the mayor’s letter dated January 20, 2010 requesting the internal police department transfers to cover \$119,688.00 for police overtime and \$11,091.00 for police sick leave buy back. **Recommendation of the Finance Committee is to approve 5-0.**
16. **Order No. 10-1002424 – Transfer \$31,381.20 from Fringes to Fire Department Sick Leave Buy Back.** The Finance Committee reviewed the Mayor’s letter dated January 15, 2010 requesting the transfer of \$31,381.20 from the Fringes Account to the Fire Department Sick Leave Buy Back. **Recommendation of the Finance Committee is to approve 5-0.**
17. **Order No. 10-1002425 – Energy Efficiency and Conservation Block Grant for \$178,000.00.** The Finance Committee reviewed the Mayor’s letter dated January 21, 2010 requesting the approval of \$178,000.00 Energy Efficiency and Conservation Block Grant to install a gas fired HVAC system in the DPW building. **Recommendation of the Finance Committee is to approve the grant 5-0.**
18. **Order No. 10-1002426 – Renewable Energy Trust Grant for \$9,086.54.** The Finance Committee reviewed the Mayor’s letter dated January 21, 2010 requesting the approval of \$9,086.54 Renewable Energy Trust Grant for the purchase of two Big Belly Solar Trash Compactors. **Recommendation of the Finance Committee is to table the grant 5-0.** Councilors were requested to contact Mr. Ghiloni to address their questions with the grant.
19. **Order No. 10-1002427 – Commonwealth of Massachusetts Grant for \$2,000.00.** The Finance Committee reviewed the Mayor’s letter dated January 17, 2010 requesting the approval of \$2,000.00 from the Commonwealth of Massachusetts for the operational readiness of the Mass Decontamination Unit. **Recommendation of the Finance Committee is to approve the grant 5-0.**
20. **Order No. 10-1002428 – Commonwealth of Massachusetts Grant for \$5,900.00.** The Finance Committee reviewed the Mayor’s letter dated January 17, 2010 requesting the approval of \$5,900.00 from the Commonwealth of Massachusetts for the funding of the student awareness of fire education programs. **Recommendation of the Finance Committee is to approve the grant 5-0.**

From Legislative and Legal Committee

21. **Order No. 09/10-1002396 – Designation of a City Liaison to the Ethics Commission as required under MGL Chapter 268A, Section 29.** The Legislative and Legal Affairs Committee reviewed the Mayor's letter dated February 8, 2010 recommending the change of the designee from the City Solicitor to the Personnel Director. There was considerable discussion regarding the implications of implementing this; specifically it being an unfunded mandate and the costs to municipalities. **Recommendation of the Legislative and Legal Affairs Committee is to authorize President Vigeant to send a letter to the Ethics Commission pertinent to ceasing the implementation of the requirements under the new Ethics Reform as it's an unfundated mandate and the costs to the City would be immeasurable. Further, request that the City will not be designating a liaison to the Ethics Commission at this time, 3-0.**

From City Council

22. **Order No. 09/10-1002329D - Application for Special Permit from Attorney Hoyt by Clear Wireless, LLC for modification of a wireless communications facility located at 2 Mt. Royal Ave. Recommendation of the City Council is to table until February 22, 2010.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
FEBRUARY 8, 2010**

Regular meeting of the City Council held on Monday, February 8, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Juairé, Seymour, Clancy and Landers. Meeting adjourned at 9:15 p.m.

ORDERED: That the minutes of the City Council Meeting January 25, 2010, **FILE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunications Facility onto the existing utility pole at Donald Lynch Blvd., adjacent to the existing power sub-station, all were heard who wish to be heard, hearing recessed at 8:15 p.m., adopted.

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

ORDERED: That the transfer request transfer request in the amount of \$39,292.26 which will move funds for sick leave buy back and vacation expenses associated with an employee's retirement in the Fire Department as follows:

\$13,790.40 from Fringes to Fire Chief account

\$13,137.60 from Fringes to Sick Leave Buy Back account

\$12,364.26 from Interest Ban to Sick Leave Buy Back account,

refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500

\$13,790.40

Fringes

TO:

Acct. # 12200001-50130

\$13,790.40

Fire Chief

FROM:

Acct. # 11990006-51500

\$13,137.60

Fringes

TO:

Acct. # 12200003-51920

\$13,137.60

Sick Leave Buy Back

FROM:

Acct. # 17520006-59254

\$12,364.26

Interest Ban

TO:

Acct. # 12200003-51920

\$12,364.26

Sick Leave Buy Back

1/2

ORDERED: That the transfer request in the amount of \$22,082.00 which moves funds from Fringes to Sick Leave Buy Back account for budgeted expenses associated with an employee's retirement in DPW, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$22,082.00
Fringes

TO:

Acct. # 14001303-51920 \$22,082.00
Sick Leave Buy Back

ORDERED: That the appointment of Dr. Jay Jahanmir to the Board of Health for a term to expire February 6, 2011, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That Agenda #6, Communication from the City Solicitor regarding Special Permit from Clear Wireless, LLC for 157 Union St. in proper form, be moved to Reports of Committees, **APPROVED**; adopted.

ORDERED: That Agenda #7, Communication from the City Solicitor regarding Special Permit from Clear Wireless, LLC for 2 Mount Royal Ave. in proper form, be moved to Reports of Committees, **APPROVED**; adopted.

ORDERED: That Agenda #8, Communication from the City Solicitor regarding Special Permit from Clear Wireless, LLC for 460 Boston Post Rd. East in proper form, be moved to Reports of Committees, **APPROVED**; adopted.

ORDERED: That the Proposal from Massachusetts Electric Company for a Lease on Sligo Hill Water Tank, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Transfer of a Portion of Municipal Property at the Westerly Wastewater Treatment Plant from Sewerage Purposes to Telecommunications Leasing and Construction Purposes, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Municipal Space Assessment Study, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Communication from the 1st Lt. Charles W. Whitcomb School students re: renaming to 1st Lt. Charles W. Whitcomb Junior High School, refer to **SCHOOL COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MARCH 8, 2010** as date for a **PUBLIC HEARING** on the Application for Special Permit from New England Sports Management Corporation to amend Special Permit #94-5460B to add a sixth rink, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the application for Junk Dealer's License for Igal Ismaili, d/b/a I & P USA Corporation for the Solomon Pond Mall, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the application for Junk Dealer's License for Steven Weener, d/b/a Thriftboro for 344 Boston Post Rd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the minutes, Planning Board, January 11, 2010, **FILE**; adopted.

ORDERED: That the minutes, MetroWest Regional Transit Authority, November 30, 2009, **FILE**; adopted.

ORDERED: That the minutes, Traffic Commission, December 22, 2009, **FILE**; adopted.

13

ORDERED: That the following CLAIMS, be and is herewith refer to the **LEGAL DEPARTMENT**; adopted.

- A. Theresa Lawson, 12 Edgewood Dr., Milford, pothole or other road defect claim
- B. Nicholas Cardinale, 8 Perolman Dr., other property damage and/or personal injury
- C. Brian Guild, 107 Kosmas St., pothole or other road defect claim
- D. Renato Alpizar, 135 Stow Rd., residential mailbox claim 2(a)

Reports of Committees:

Councilor Ossing reported the following out of Finance Committee:

Order No. 10-1002421 – Transfers \$18,000.00 from Undesignated Funds to Veterans Benefits: The Finance Committee reviewed the Mayor's letter dated January 20, 2010 requesting the transfer of \$18,000.00 from Undesignated Funds to Veterans benefits. **Recommendation of the Finance Committee is to approve 5-0.**

Order No. 10-1002422 – Transfer to Cover Longevity Accounts in the Library and Health Departments: The Finance Committee reviewed the Mayor's letter dated January 20, 2010 requesting the transfer of \$1,230.00 from the City Collector's Sick Leave Buy Back Account to the following:

- \$640.00 to Library Longevity
- \$590.00 to Health Department Longevity

Recommendation of the Finance Committee is to approve 5-0.

Order No. 10-1002423 – Internal Police Department Transfers to Cover Overtime and Sick Leave Buy Back: The Finance Committee reviewed the mayor's letter dated January 20, 2010 requesting the internal police department transfers to cover \$119,688.00 for police overtime and \$11,091.00 for police sick leave buy back. **Recommendation of the Finance Committee is to approve 5-0.**

Order No. 10-1002424 – Transfer \$31,381.20 from Fringes to Fire Department Sick Leave Buy Back: The Finance Committee reviewed the Mayor's letter dated January 15, 2010 requesting the transfer of \$31,381.20 from the Fringes Account to the Fire Department Sick Leave Buy Back. **Recommendation of the Finance Committee is to approve 5-0.**

Order No. 10-1002425 – Energy Efficiency and Conservation Block Grant for \$178,000.00: The Finance Committee reviewed the Mayor's letter dated January 21, 2010 requesting the approval of \$178,000.00 Energy Efficiency and Conservation Block Grant to install a gas fired HVAC system in the DPW building. **Recommendation of the Finance Committee is to approve the grant 5-0.**

Order No. 10-1002426 – Renewable Energy Trust Grant for \$9,086.54: The Finance Committee reviewed the Mayor's letter dated January 21, 2010 requesting the approval of \$9,086.54 Renewable Energy Trust Grant for the purchase of two Big Belly Solar Trash Compactors. **Recommendation of the Finance Committee is to table the grant 5-0.** Councilors were requested to contact Mr. Ghiloni to address their questions with the grant.

14

Order No. 10-1002427 – Commonwealth of Massachusetts Grant for \$2,000.00: The Finance Committee reviewed the Mayor’s letter dated January 17, 2010 requesting the approval of \$2,000.00 from the Commonwealth of Massachusetts for the operational readiness of the Mass Decontamination Unit. **Recommendation of the Finance Committee is to approve the grant 5-0.**

Order No. 10-1002428 – Commonwealth of Massachusetts Grant for \$5,900.00: The Finance Committee reviewed the Mayor’s letter dated January 17, 2010 requesting the approval of \$5,900.00 from the Commonwealth of Massachusetts for the funding of the student awareness of fire education programs. **Recommendation of the Finance Committee is to approve the grant 5-0.**

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

Order No. 09-1002396 – Designation of a City Liaison to the Ethics Commission as required under MGL Chapter 268A, Section 29. The Legislative and Legal Affairs Committee reviewed the Mayor’s letter dated February 8, 2010 recommending the change of the designee from the City Solicitor to the Personnel Director. There was considerable discussion regarding the implications of implementing this; specifically it being an unfunded mandate and the costs to municipalities. **Recommendation of the Legislative and Legal Affairs Committee is to authorize President Vigeant to send a letter to the Ethics Commission pertinent to ceasing the implementation of the requirements under the new Ethics Reform as it’s an unfunded mandate and the costs to the City would be immeasurable. Further, request that the City will not be designating a liaison to the Ethics Commission at this time, 3-0.**

ORDERED: The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to CLEAR WIRELESS, LLC, having a usual place of business at 5808 Lake Washington Blvd., NE, Suite 300, Kirkland, WA 98033, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is CLEAR WIRELESS, LLC, which has a business address of 5808 Lake Washington Blvd., NE, Suite 300, Kirkland, WA 98033 (hereinafter “Applicant”).
2. Through its Application for a Special Permit, the Applicant seeks permission to allow co-location of three (3) panel antennas and two (2) “back-haul” dish antennas in three (3) flues onto an existing rooftop, as well as the placement of one (1) associated cabinet, one (1) GPS antenna, and associated coax cables and cable trays (hereinafter “Proposed WCD Project”), substantially as depicted on a set of plans entitled “Countryside Apartments MA-BOS7333c” by Morrison Hershfield and dated 11/30/09 provided as supplemental material to the Special Permit Application (hereinafter “Plans”).

15

3. The location of the Proposed WCD Project is 460 Boston Post Road East. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 73, Block 31 ("the Site"). The owner of record for the Site is Trinity Countryside Limited Partnership.
4. The Applicant is a lessee of the owner for purposes of this Special Permit Application.
5. The Site is zoned B (Business). Wireless communication devices are allowed by grant of Special Permit in B (Business) Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 200-25 and Article VIII, Section 200-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on October 26, 2009, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Pursuant to Mass. Gen. Laws c. 40A, § 9, the time limit for the City Council to take final action on the Application was extended, by written agreement with the Applicant, to March 31, 2010 at 5 p.m.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Applicant's Special Permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, applicable to the proposed Wireless Communications Device.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

/4

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this Approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant its Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 12:**
- 1) The Proposed WCD Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process, and in compliance with the Conditions of the Grant of Special Permit as well as with the conditions set forth in Chapter 200-25F of the Marlborough Zoning Ordinance.
 - 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 - 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
 - 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
 - 5) Applicant shall minimize the visual impacts of the Proposed WCD Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application for Special Permit.

17

- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The temporary generator shall be affixed to the roof in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City Code.
- 8) No operation of this WCD shall commence until the Applicant has received written approval from the Building Inspector that all the above conditions have been satisfied.
- 9) Applicant shall be subject to site plan review if applicable.
- 10) In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.
- 11) If the use of a crane, or of a similar lifting device that would project above the existing roof line of the building at the Site, is or will be needed when installing or when repairing the antennas permitted by this Special Permit, Applicant shall provide to the operators of the Marlborough Airport written notification of said use two business days in advance thereof.

18

12) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Commissioner for the Proposed WCD Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCD Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCD Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council i) shall provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCD Project; ii) shall include a professional opinion by a third party certifying that the Proposed WCD Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 200-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCD Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCD Project that may increase the actual output of radio frequency energy emitted by the Proposed WCD Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter i) shall state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCD Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

Yea: 11- Nay: 0

Yea: Delano, Ferro, Elder, Juair, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, Levy

ORDERED: The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to CLEAR WIRELESS, LLC, having a usual place of business at 5808 Lake Washington Blvd., NE, Suite 300, Kirkland, WA 98033, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is CLEAR WIRELESS, LLC, which has a business address of 5808 Lake Washington Blvd., NE, Suite 300, Kirkland, WA 98033 (hereinafter "Applicant").

19

2. Through its Application for a Special Permit, the Applicant seeks permission to allow the one-for-one swap of three (3) panel antennas, and the addition of two (2) "back-haul" dish antennas which will be replacing two (2) panel antennas, inside the existing faux penthouse on the existing rooftop, as well as the placement of one (1) associated cabinet, one (1) GPS antenna on and within the existing equipment shelter, and associated coax cables and cable trays (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "Marlborough Hospital MA-BOS5752-A / MA0912-B" by Bay State Design, Inc. and dated 11/30/09 provided as supplemental material to the Special Permit Application (hereinafter "Plans").
3. The location of the Proposed WCD Project is 157 Union Street, known as the Marlborough Hospital. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 43, Block 56 ("the Site"). The owner of record for the Site is Marlborough Hospital.
4. The Applicant is a sub-lessee of the owner for purposes of this Special Permit Application.
5. The Site is zoned A-3 (Residence). Wireless communication devices are allowed by grant of Special Permit in A-3 (Residence) Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 200-25 and Article VIII, Section 200-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on September 28, 2009, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Pursuant to Mass. Gen. Laws c. 40A, § 9, the time limit for the City Council to take final action on the Application was extended, by written agreement with the Applicant, to March 31, 2010 at 5 p.m.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59.

1/10

11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Applicant's Special Permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, applicable to the proposed Wireless Communications Device.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this Approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant its Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 11:**
 - 1) The Proposed WCD Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process, and in compliance with the Conditions of the Grant of Special Permit as well as with the conditions set forth in Chapter 200-25F of the Marlborough Zoning Ordinance.
 - 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

- 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
- 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCD Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application for Special Permit.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The temporary generator shall be affixed to the roof in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City Code.
- 8) No operation of this WCD shall commence until the Applicant has received written approval from the Building Inspector that all the above conditions have been satisfied.
- 9) Applicant shall be subject to site plan review if applicable.

/ 12

- 10) In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.
- 11) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Commissioner for the Proposed WCD Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCD Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCD Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council i) shall provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCD Project; ii) shall include a professional opinion by a third party certifying that the Proposed WCD Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 200-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCD Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCD Project that may increase the actual output of radio frequency energy emitted by the Proposed WCD Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter i) shall state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCD Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

Yea: 10- Nay: 0

**Yea: Delano, Ferro, Elder, Juairé, Clancy, Landers, Ossing, Pope, Vigeant, Levy
Councilor Seymour abstained**

1/13

ORDERED: That the application for Special Permit from Attorney Hoyt by Clear Wireless, LLC for modification of a wireless communications facility located at 2 Mt. Royal Ave, **TABLED UNTIL FEBRUARY 22, 2010**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:15 p.m.; adopted.



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

February 13, 2010

Arthur G. Vigeant, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

RE: Transfer Requests - Department of Public Works

Honorable President Vigeant and Councilors:

I am submitting herewith the following intra-department transfer requests:

Transfer in the amount of \$4,000.00 from account number 61090001-50460 (Water Meter Reader) to account number 61090003-51470 (Interim Foreman)

Transfer in the amount of \$390.00 from account number 61090001-50740 (Equipment Operator) to account number 61090003-51940 (Clothing Allowance)

Transfer in the amount of \$31,000.00 from account number 60080001-50890 (Senior Chemist) to account number 61090006-52322 (Water Plant)

Transfer in the amount of \$22,000.00 from account number 61090001-50740 (Equipment Operator) to account number 61090006-52322 (Water Plant)

Transfer details are attached for your review.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

22

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR: 2010

Available Balance Amount Org Code Object Account Description: Amount Org Code Object Account Description: Available Balance

FROM ACCOUNT:

TO ACCOUNT:

\$30,707 \$4,000.00 61090001 50460 Water Meter Reader \$4,000.00 61090003 51470 Interm Foreman \$3,129

Reason: Funds available due to Workman's Comp Injury

Funds needed to cover GF resignation and lack of foremen

\$257,017 \$390.00 61090001 50740 Equipment Operator \$390 61090003 51940 Clothing Allowance \$2,580

Reason: Funds available due to Workman's Comp Injury

Shortage was caused by new hires in Water & Sewer Division who are eligible for Clothing Allowance with 60 days of hire.

\$58,882 \$31,000.00 60080001 50890 Sr. Chemist \$31,000 61090006 52322 Water - Plant \$11,215

Reason: Monies available due to retirement

Monies needed to produce excess water to reduce demand on MWRA water purchase at a substantially higher cost.

\$257,017 \$22,000.00 61090001 50740 Equipment Operator \$22,000 61090006 52322 Water - Plant \$11,215

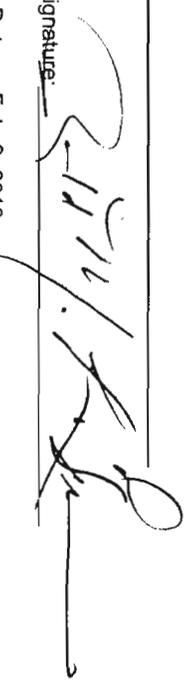
Reason: Funds available due to Workman's Comp Injury

Monies needed to produce excess water to reduce demand on MWRA water purchase at a substantially higher cost.

Reason:

Department Head signature:

Date: Feb. 9, 2010





City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Nancy E. Stevens*³
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

February 18, 2010

Arthur G. Vigeant, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Council Order 10-1002441 Fire Dept. Sick Leave Buy Back

Honorable President Vigeant and Councilors:

With respect to item 3 of the February 8, 2010 agenda, it has come to my attention that a recalculation adjustment may be necessary. Although this item was referred to the Finance Committee, I respectfully request that Council Order #10-1002441 be referred back to me.

As always, feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens 4
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

FEB 18

February 16, 2010

Arthur G. Vigeant, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

RE: Temporary Appointment to Fire Chief
Under M.G.L. c. 41, § 61A

Honorable President Vigeant and Councilors:

This letter serves to inform you that in accordance with the authority vested in me under M.G.L. c. 41, § 61A, I have appointed Deputy Chief Fred Flynn to the position of Acting Fire Chief effective 5:00 p.m. on February 19, 2010. Under this appointment, Deputy Flynn will serve in the capacity of Fire Chief for a period of up to 60 days.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor



FEB 18

City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

February 13, 2010

Arthur G. Vigeant, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Appointment – Community Development Authority

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Joyce Torelli to the Community Development Authority. Ms. Torelli will fill the vacancy in the realtor's seat created by the resignation of Camille Duridas.

Ms. Torelli's 20 years of experience in the real estate field will be a valuable asset to the committee. A letter detailing her qualifications is attached for your review. Upon approval, Ms. Torelli will serve Ms. Duridas's remaining term, which expires June 25, 2012.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

**Prudential Prime Properties**

2 South Bolton Street, Ext.
Marlborough, MA 01752
Ofc 508 624-6470 Fax 508 624-4096
www.prudentialprime.net

February 11, 2010

Mayor Nancy Stevens
and the CDA of Marlborough, MA

Re: The CDA – Position for the Realtor's seat

Dear Mayor Stevens and the CDA,

I understand that you are looking to fill the position for the realtor's seat on the CDA, last filled by my Office Manager "Camille Duridas" of Prudential Prime Properties. I assisted her on a couple of concerns she had worked on while part of the CDA, which has resulted and stimulated my own interest to come on board.

I hope to bring my knowledge and experience of 20 years in the field of real estate which has encompassed the following:

- facilitated real estate and relocation needs for corporation's employees and new hires, including overseeing buy-outs and amended value packages
- assisted hundreds of homeowners and homebuyers in the home sale and home purchase process
- one of the few realtors in the area to hold the designation of "ASR" (Accredited Seller Representative) which is specific to exceeding the expectations of homeowner's home sale process, and other real estate designations as well (CBR, SRES)
- instructed new realtors
- hosted seminars on real estate
- front and back end of assisting in short sales and foreclosures
- currently function as a host and a producer of the local cable show "Real Estate Related" to provide the viewing public valuable "real estate related" information. This show is viewed in a few abutting towns as well
- top producer for the Marlborough office of Prudential Prime Properties 2004-2008
- recognized for being in the top 25 percentile in Massachusetts with a former employer

It is my hope to assist the CDA in whatever capacity my real estate experience will lend itself, and I have no misgivings in saying, "if I don't have the answer, I will know how and where to find it". Perseverance is a must!

I will look forward to hearing from you.

My best,

A handwritten signature in cursive script that reads "Joyce Torelli".

Joyce Torelli, Realtor Consultant
ASR, CBR, SRES 508-380-5229



RECEIVED
FEB 18 2010

City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

February 18, 2010

Arthur G. Vigeant, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Easterly Wastewater Treatment Plant Upgrades

Honorable President Vigeant and Councilors:

During the February 8th Treatment Plant update meeting, I shared the content of a December letter detailing EPA Administrative Orders for the Easterly Wastewater Treatment Plant. These orders required the City to begin the planning stages of the federally mandated upgrades to the Easterly plant by February 1, 2010. To meet this deadline, I authorized the Department of Public Works to begin negotiating a scope of services contract with the City's engineering firm, Camp, Dresser and McKee (CDM).

The original FY2007 bond authorization currently has a balance of \$710,368.00. Subsequent to our meeting, we received authorization to charge two invoices for CDM to the MORE Grant. For your information, an updated Detailed Status of Accounts is attached.

Given the available balance in the original bond authorization, I am pleased to inform you that we currently require no additional appropriation to begin the planning for the East Plant. To date, our efforts have secured over \$14,000,000.00 in grants providing considerable ratepayer savings on these mandated upgrades.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

62

**DETAILED STATUS OF ACCOUNTS
FOR
WESTERLY WASTEWATER TREATMENT PLANT UPGRADES**

February 10, 2010

63

FY-07 SEWER CAPITAL BOND AUTHORIZATION

WEST WWTP

Account: 30542306-55980

\$2,000,000.00

Appropriated August 28, 2006

CDM

PRELIMINARY DESIGN

Task Order No. 1

**Contract Value
\$395,000**

Invoice	Period	Account	PO	Amount
#1	4/13/07-6-16-07	30542306-55980	20072864	\$8,122.24
#2	6/17/07-7/14/07	30542306-55980	20072864	\$16,557.89
#3	7/15/2007-8/11/07	30542306-55980	20072864	\$45,285.61
#4	8/12/07-9/15/07	30542306-55980	20072864	\$35,850.91
#5	9/16/07-10/13/07	30542306-55980	20072864	\$23,336.21
#6	10/14/07-11/10/07	30542306-55980	20072864	\$2,878.68
#7	11/11/07-12/15/07	30542306-55980	20072864	\$43,450.62
#8	12/16/07-1/19/08	30542306-55980	20072864	\$72,196.63
#9	1/20/08-3/1/08	30542306-55980	20072864	\$88,169.46
Final	3/3/08-5/17/08	30542306-55980	20072864	\$59,147.94
Final	3/3/08-5/17/08	30542306-55980	20082747	

Expenditures to date: \$394,996.19

CDM

FINAL DESIGN (THROUGH 30%)

Task Order No. 2

**Contract Value
\$800,000**

Invoice	Period	Account	PO	Amount
#1	Inception-6/7/08	30542306-55980	20090490	\$221,130.97
#2	6/8/08-7/5/08	30542306-55980	20090490	\$83,323.31
#3	7/6/08-8/2/08	30542306-55980	20090490	\$147,386.71
#4	8/3/08-9/6/08	30542306-55980	20090490	\$182,235.95
#5	9/7/08-10/18/08	30542306-55980	20090490	\$165,920.21

Expenditures to date: \$799,997.15

Woodard & Curran, Inc.

OWNER'S PROJECT MANAGER (OPM) SERVICES

(Note: Some invoices for this contract paid from MORE Grant)

**Contract Value
\$360,000**

Invoice	Period	Account	PO	Amount
#64519	Period ending 8/8/08	30542306-55980	20091133	\$41,631.33
#65157	Period ending 9/12/08	30542306-55980	20091133	\$35,822.68
#65890	Period ending 10/10/08	30542306-55980	20091133	\$17,184.00

Expenditures to Date: \$94,638.01

**FY-07 CAPITAL BOND
ACCOUNT EXPENDITURE SUMMARY**

VENDOR	AMOUNT	BALANCE
		\$ 2,000,000.00
CDM, PRELIMINARY DESIGN, T.O. #1	\$394,996.19	\$ 1,605,003.81
CDM, FINAL DESIGN, T.O.#2	\$799,997.15	\$ 805,006.66
Woodard & Curran, Inc., OPM Services	\$94,638.01	\$ 710,368.65

64

MORE GRANT

MORE GRANT
Received November 2008

Account: 25543801-53875

\$10,000,000.00

CDM

FINAL DESIGN (THROUGH 100%)

Task Order No. 3

Contract Value
\$1,995,000

Invoice	Period	Account	PO	Amount
#6	9/7/08-10/18/08	34542306-55980	Re-allocated from	\$114,322.87
#7	10/19/08-11/15/08	34542306-55980	MORE Grant	\$130,414.03
#8	11/16/08-12/20/08	25543801-53875	20091952	\$123,462.27
#9	12/21/08-1/24/09	25543801-53875	20091952	\$166,655.04
#10	1/25/09-3/28/09	25543801-53875	20091952	\$623,694.39
#11	3/29/09-4/25/09	25543801-53875	20091952	\$238,228.81
#12	4/26/09-5/23/09	25543801-53875	20091952	\$303,416.30
#13	5/24/09-6/27/09	25543801-53875	20091952	\$294,805.00

Expenditures to date: \$1,994,998.71

CDM

CONSTRUCTION SERVICES

Task Order No. 4

Contract Value
\$4,275,142

Invoice	Period	Account	PO	Amount
#1	Period Ending 11/24/09	25543801-53875	20091952	\$249,481.29
#2	Period Ending 12/26/09	25543801-53875	20091952	\$22,586.30
#3	Period Ending 1/30/10	25543801-53875	20091952	\$26,528.92

Expenditures to date: \$298,596.51

Woodard & Curran, Inc.

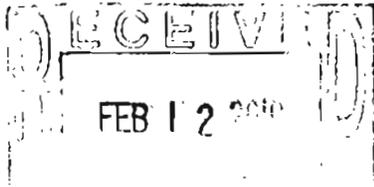
OWNER'S PROJECT MANAGER (OPM) SERVICES

(Note: Some invoices for this contract paid from FY-07 SEWER)

Contract Value
\$360,000

Invoice	Period	Account	PO	Amount
#66936	Period ending 12/12/08	25543801-53875	20092170	\$4,103.87
#67334	Period ending 1/9/09	25543801-53875	20092170	\$2,476.08
#68463	Period ending 3/13/09	25543801-53875	20092170	\$9,135.16
#69402	Period ending 5/1/09	25543801-53875	20092170	\$11,337.90
#69824	Period ending 5/29/09	25543801-53875	20092170	\$4,989.86
#70464	Period ending 6/30/09	25543801-53875	20092170	\$2,286.90
#71088	Period ending 7/31/2009	25543801-53875	20092170	\$13,786.66
#71548	Period ending 8/28/2009	25543801-53875	20092170	\$2,265.00
#72173	Period ending 9/25/09	25543801-53875	20092170	\$3,817.17
#72788	Period ending 10/30/09	25543801-53875	20092170	\$8,139.96
#73357	Period ending 11/27/09	25543801-53875	20092170	\$809.00
#74112	Period ending 1/1/10	25543801-53875	20092170	\$2,440.19
#74561	Period ending 1/19/2010	25543801-53875	20092170	\$6,500.80

Expenditures to date: \$72,088.55



7

Peter Juaire
Ward Four City Councilor
140 Main Street
Marlborough, MA 01752
Office: 508-460-3711

February 12, 2010

Lisa M. Thomas, City Clerk
City Hall
140 Main Street
Marlborough, MA 01752

RE: Resignation from the Office of Ward 4 City Councilor

Dear Madam Clerk:

It is with heavy heart and mixed emotion that I announce my resignation from the office of Ward 4 City Councilor, effective at midnight on Wednesday, June 30, 2010.

My wife and I have accepted an offer from my mother-in-law to take over her business in Florida. For the past 33 years, my mother-in-law has owned and operated an assisted living facility where she has been responsible for the caring of 15 developmentally disabled adult residents, most of whom have resided with her the entire time. My mother-in-law's main concern has been for the residents and what would happen to them if something should happen to her. My wife and I have decided to move to Florida to take over the business so that these residents can stay together, as a family, and my 72 year old mother-in-law can now retire in peace.

I respectfully ask that the City Council issue a call for a Special Election to take place sometime after my effective resignation date. In addition, if for some reason I am elected through this process, I will not accept the nomination nor serve at that time, since I will be moving to Florida.

My staying in office through June 30, 2010 will give my constituents a voice in the upcoming budget for FY2011. It will also give me the opportunity to represent my ward in the upcoming Urban Affairs meeting with the request for an additional rink at New England Sports Center.

In closing, I would like to thank all the voters of Ward 4, especially the ones who have supported me over these terms that I have served. I have always given 100% to this position and am grateful for the opportunity to have served as City Councilor for Ward 4.

Sincerely,

Peter J. Juaire

FEB 10



8

Sudbury Companies of Militia & Minute
P.O. Box 187
Sudbury, MA 01776

February 9, 2010

Lisa M. Thomas
Marlborough City Hall
140 Main Street
Marlborough, MA 01752

RE: Permission to Place a Temporary Sign at Rte. 20 and Hagar Road

Dear Madam:

As a representative of the Sudbury Companies of Militia & Minute, I am requesting permission to place a temporary sign on City of Marlborough property at the corner on Route 20 and Hagar Road at the Wayside Inn Road turn lane, from September 11, 2007 and ending September 26, 2010.

The Sudbury Companies of Militia & Minute respectfully requests the placement of the sign to advertise and provide directions to our annual Colonial Faire & Muster of Fyfes and Drums, held at the Wayside Inn in Sudbury, MA. This sign helps to reduce traffic and congestion on the day of the Faire by directing visitors onto the Wayside Inn turn lane off Route 20.

The Colonial Faire & Muster of Fyfes and Drums, hosted by the Sudbury Companies of Militia & Minute, a 501(c)(3) non-profit organization, celebrates and honors our area's colonial heritage and patriotic past with over two dozen fife and drum companies, living history demonstrations, reenactments, children's games, and crafts. The Sudbury Companies consist of living historians, many of whom live in Marlborough, that honor our country's early struggle for liberty and freedom. All residents of the Marlborough community are welcome to attend this exciting and educational event. Event flyers will be distributed to the Marlborough Public Schools.

Should you require additional information, I may be contacted at 781-848-4214. We thank the Marlborough City Council for its past support and look forward to continued support.

On behalf of the Sudbury Companies of Militia & Minute,

A handwritten signature in cursive script that reads "Matthew Mees".

Matthew Mees
Faire Chairperson
328 Middle Street
Braintree, MA 02184
(781)848-4214
emxmees@juno.com