



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.**

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
SEPTEMBER 26, 2011**

Regular meeting of the City Council held on Monday, SEPTEMBER 26, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 10:19 PM.

ORDERED: That the minutes of the City Council Meeting September 12, 201, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the 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., Order No. 11-1003004, hearing recessed at 8:11 p.m.; adopted.

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

Councilor Clancy read a communication from the Emergency Manager, Donald Cusson, which is on file with the City Clerk's office.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Marlborough/Northborough Land Realty Trust to construct a development consisting of 5 multi-family residential buildings, with clubhouse, containing a total of 290 units on Rt. 20, Map 78, Lots 12, 14, 38 and 39, Order No. 11-1002986, **MOVED PRIOR TO ITEM #12**; adopted.

ORDERED: That the Fire Department intra-departmental transfer requests in the amount of \$79,329.43 which moves funds from various accounts to OT to fund shift coverage as indicated on the spreadsheet, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS									
DEPT: FIRE					FISCAL YEAR: 2012				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$63,836.36	\$20,000.00	12200001	50130	FIRE CHIEF	\$20,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to a resignation							
\$2,438,988.33	\$40,000.00	12200001	50450	FIREFIGHTER	\$40,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to two retirements							
\$2,438,988.33	\$6,329.43	12200001	50450	FIREFIGHTER	\$6,329.43	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 111F payments being made to Firefighters							
\$193,376.58	\$10,000.00	12200003	51480	EMT	\$10,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 3 employees not enrolling in EMT class							
\$3,000.00	\$3,000.00	12200003	51412	HAZMAT	\$3,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 3 new Firefighters not being hired until January 2012							

ORDERED: That Fire Department transfer request in the amount of \$34,397.58 which moves funds from Fringes to Sick Leave for budgeted expenses associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. #11990006-51500 \$34,397.58

Fringes

TO:

Acct. # 12200003-51920 \$34,397.58

Sick Leave

ORDERED: That the Legal Services transfer request in the amount of \$30,000.00 which moves funds from Short-Term Debt Interest to Legal Services to fund a variety of legal services, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. #17520006-59254 \$30,000.00

Short Term-Debt Interest

TO:

Acct. # 11510004-53110 \$30,000.00

Legal Services

ORDERED: That the FY11 End of Year Close Timeline, **FILE**; adopted.

ORDERED: That, by a two-thirds vote under M.G.L. c. 40, § 15, the City Council of the City of Marlborough, pursuant to a recommendation from the Commissioner of the Department of Public Works that a portion of Granger Boulevard is no longer required for public purposes, hereby authorizes the abandonment of the City's rights, title and interest in a portion of Granger Boulevard as more particularly described on a plan to be recorded herewith and entitled, "Plan of Abandonment of a Portion of Granger Boulevard, Marlborough, MA," prepared for the City of Marlborough Department of Public Works, prepared by Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated July 26, 2011, latest revision dated September 19, 2011, said abandonment to be in the amount of \$1.00 (one dollar), **APPROVED**; adopted.

Yea: 11- Nay: 0

Yea: Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Lander, Ossing, Pope, Vigeant & Levy

ORDERED: That the Communication from the Mayor re: Japanese Exchange Visitors, **FILE**; adopted.

ORDERED: That the appointments/reappointments of Peggy Schwarz Ayres, Rosalind Baker, John Nicholson, Jean Peters, Marylou Vanzini, Rick Lacina, Patty Zilembo, Deb Foster Smith and Danielle Gregoire to the Youth Commission by which each newly appointed and reappointed member will serve a term of three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: WHEREAS, the School Committee of the City of Marlborough has endorsed acceptance of the driveway layout, which includes the sidewalks, at the Jaworek School by the City Council as a public way pursuant to the requirements for approval by the Massachusetts Department of Transportation and the Federal Highway Administration for a program of safety improvements along said driveway layout under the Safe Routes To School Infrastructure Program, and

WHEREAS, in the opinion of the City Council, the common convenience and necessity require that the LAYOUT OF THE ENTRANCE DRIVEWAY AT THE JAWOREK SCHOOL be accepted as a public way

From HOSMER STREET to terminus at the entrance to the Jaworek School building

Title to said layout of the entrance driveway shall remain in the City of Marlborough and control of said layout of the entrance driveway shall remain with the School Committee.

IT IS THEREFORE ORDERED THAT:

The ENTRANCE DRIVEWAY LAYOUT AT THE JAWOREK SCHOOL be accepted as a public way in the City of Marlborough.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Marlborough/Northborough Land Realty Trust to construct a development consisting of 5 multi-family residential buildings, with clubhouse, containing a total of 290 units on Rt. 20, Map 78, Lots 12, 14, 38 and 39, Order No. 11-1002986, hearing recessed at 9:55 p.m.; adopted.

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

ORDERED: That the following notification from the City Clerk re: 2011 Preliminary Municipal Election Call, **FILE**; adopted.

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **PRELIMINARY MUNICIPAL ELECTION** will be held in the polling locations as noted below on **OCTOBER 4, 2011** as follows: Office of Mayor.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD THREE: Prec. 1	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd.
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.
WARD FIVE: Prec. 1	Senior Center, 250 Main St.
WARD FIVE: Prec. 2	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD SIX: Prec. 1 and 2	1LT Charles W. Whitcomb School, 25 Union St., Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the Application of Frederick Kenney, Jr. d/b/a The Carousel, for Junk Dealer's license at 266 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, August 1, 2011, **FILE**; adopted.

Reports of Committees:

Councilor Clancy reported the following out of the Wireless Communication Committee:

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 the Wireless Communication Committee is to approve the application, pending the verification of ownership of the building, motion made by Councilor Pope and seconded by the Chair 3-0.**

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 the Wireless Communication Committee is to approve the application, pending the address correction, motion made by Councilor Pope and seconded by the Chair 3-0.**

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 the Wireless Communication Committee is to approve the application, motion made by Councilor Pope and seconded by the Chair 3-0.**

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 the Wireless Communication Committee is to approve the application, motion made by Councilor Pope and seconded by the Chair 3-0.**

ORDERED: That the 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 as detailed in the spreadsheets below, refer to **BACK TO THE MAYOR**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT: PUBLIC WORKS					FISCAL YEAR: 2012				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001501	50680	General Foreman, FP&C	\$71,806.20
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001401	50692	Supt. Of Automotive Maint.	\$71,806.19
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001301	50660	General Foreman, Streets	\$71,806.20
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,835.84	11990006	57820	Reserve for Salaries & Ben.	\$2,835.84	61090001	50680	General Foreman, W&S	\$69,909.16
	Reason:	Funding required for Engineers MOA							
\$516,499	\$3,599.00	11990006	57820	Reserve for Salaries & Ben.	\$3,599.00	14001101	50660	Asst. City Engineer	\$70,036.16
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT: PUBLIC WORKS					FISCAL YEAR: 2012				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$2,742.97	11990006	57820	Reserve for Salaries and Ben.	\$2,742.97	60085001	50910	Chief Plant Operator	\$66,426.48
	Reason:	Funding required for Engineers MOA							
\$516,499	\$1,835.87	11990006	57820	Reserve for Salaries and Ben.	\$1,835.87	60080001	50580	Assistant Chemist	\$88,135.04
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,493.76	11990006	57820	Reserve for Salaries and Ben.	\$2,493.76	14001101	50108	GIS Administrator	\$60,392.36
	Reason:	Funding required for Engineers MOA							
\$516,499	\$6,882.09	11990006	57820	Reserve for Salaries and Ben.	\$6,882.09	14001101	50710	Junior Civil Engineer	\$167,580.75
	Reason:	Funding required for Engineers MOA							
\$516,499	\$3,734.95	11990006	57820	Reserve for Salaries and Ben.	\$3,734.95	14001101	50700	Senior Engineering Aide	\$90,976.72
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$8,897.92	11990006	57820	Reserve for Salaries & Ben.	\$8,897.92	60081001	50850	Treatment Plant Operators	\$215,482.24	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$6,673.44	11990006	57820	Reserve for Salaries & Ben.	\$6,673.44	60085001	50850	Treatment Plant Operators	\$161,612.52	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 89.24	11990006	57820	Reserve for Salaries & Ben.	\$ 89.24	14001503	51430	Longevity, FP&C	\$25,287.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 31.12	11990006	57820	Reserve for Salaries & Ben.	\$ 31.12	14001403	51430	Longevity, Fleet	\$1,556.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 83.25	11990006	57820	Reserve for Salaries & Ben.	\$ 83.25	14001303	51430	Longevity, Streets	\$45,592.00	
	Reason:	Funding required for Engineers MOA								

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$ 160.59	11990006	57820	Reserve for Salaries & Ben.	\$ 160.59	14001103	51430	Longevity, Engineering	\$6,417.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 183.78	11990006	57820	Reserve for Salaries & Ben.	\$ 183.78	60085003	51430	Longevity, West Plant	\$11,961.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 164.35	11990006	57820	Reserve for Salaries & Ben.	\$ 164.35	60081003	51430	Longevity, East Plant	\$8,769.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 93.24	11990006	57820	Reserve for Salaries & Ben.	\$ 93.24	14001003	51920	SLBB, Administration	\$11,456.14	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$3,977.94	11990006	57820	Reserve for Salaries & Ben.	\$ 3,977.94	14001103	51920	SLBB, Engineering	\$10,090.00	

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
	DEPT:	PUBLIC WORKS					FISCAL YEAR:	2012		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$ 150.57	11990006	57820	Reserve for Salaries & Ben.	\$ 150.57	14001503	51920	SLBB, FP&C	\$516,499.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 150.57	11990006	57820	Reserve for Salaries & Ben.	\$ 150.57	14001403	51920	SLBB, Fleet	\$2,992.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 148.26	11990006	57820	Reserve for Salaries & Ben.	\$ 148.26	14001303	51920	SLBB, Streets	\$33,763.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 252.26	11990006	57820	Reserve for Salaries & Ben.	\$ 252.26	60085003	51920	SLBB, West Plant	\$5,013.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$ 256.92	11990006	57820	Reserve for Salaries & Ben.	\$ 256.92	60081003	51920	SLBB, East Plant	\$5,515.00	
	Reason:	Funding required for Engineers MOA								

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
	DEPT:	PUBLIC WORKS					FISCAL YEAR:	2012		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$2,700.00	11990006	57820	Reserve for Salaries & Ben.	\$2,700.00	14001103	51440	Educational Inc. Engineering	\$10,700.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$700	11990006	57820	Reserve for Salaries & Ben.	\$700	14001003	51440	Educational Inc. Admin. New Account Number	\$0.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$1,000	11990006	57820	Reserve for Salaries & Ben.	\$1,000	60085003	51440	Educational Inc. West Plant	\$4,600.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$2,700.00	11990006	57820	Reserve for Salaries & Ben.	\$2,700.00	60080003	51440	Educational Inc. Sewer Serv.	\$4,500.00	
	Reason:	Funding required for Engineers MOA								
\$516,499	\$1,609.04	11990006	57820	Reserve for Salaries & Ben.	\$1,609.04	14001003	51430	Longevity, Administration	\$14,160.28	
	Reason:	Funding required for Engineers MOA								

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$ 38.63	11990006	57820	Reserve for Salaries & Ben.	\$ 38.63	60080003	51310	Overtime, Sewer Service	\$2,654.75	
Reason:		Funding for Engineers MOA								
\$516,499	\$ 146.11	11990006	57820	Reserve for Salaries & Ben.	\$ 146.11	14001103	51310	Overtime, Engineering	\$1,500.00	
Reason:		Funding for Engineers MOA								
\$516,499	\$ 569.17	11990006	57820	Reserve for Salaries & Ben.	\$ 569.17	60081003	51310	Overtime, East Plant	\$20,740.25	
Reason:		Funding for Engineers MOA								
\$516,499	\$ 701.88	11990006	57820	Reserve for Salaries & Ben.	\$ 701.88	60085003	51310	Overtime, West Plant	\$20,605.82	
Reason:		Funding for Engineers MOA								

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$66,891	\$60,263	60080001	50890	Senior Treatment Chemist	\$60,263	60080001	50570	Chemist	\$0	
Reason:		Reorganization of West Plant/MOA				Reorganization of West Plant/MOA				
\$66,891	\$6,628	60080001	50890	Senior Treatment Chemist	\$6,628	60085001	50850	Treatment Plant Operator	\$161,812	
Reason:		Reorganization of West Plant/MOA				Reorganization of West Plant/MOA				
\$88,135	\$48,584	60080001	50580	Assistant Chemist	\$48,584	60085001	50850	Treatment Plant Operator	\$161,812	
Reason:		Reorganization of West Plant/MOA				Reorganization of West Plant/MOA				

ORDERED: That the Fire Transfer Department request in the amounts of \$7,547.42 which moves funds from Firefighter to OT and \$29,638.80 which moves funds from Firefighter to OT, **APPROVED**; adopted.

FROM:

Acct. #12200001-50450 \$7,547.42

Firefighter

Acct. #12200001-50450 \$29,638.80

Firefighter

TO:

Acct. # 12200003-51300 \$7,547.42

OT

Acct. # 12200003-51300 \$29,638.80

OT

ORDERED: That the following Fire Department transfer request 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, **DENIED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Short Term Debt Interest			FISCAL YEAR:	Fire			
		FROM ACCOUNT:				TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$112,500	\$60,000.00	17520006	59254	Short Term debt Interest	\$60,000.00	12200003	51300	OT	\$17,482
	Reason:								
\$54,000	\$20,000.00	60075206	59050	Short Term debt Interest	\$20,000	12200003	51300	OT	\$17,482
	Reason:								
\$40,500	\$20,000.00	61075206	59080	Short Term debt Interest	\$20,000	12200003	51300	OT	\$17,482
	Reason:								
				Total	\$100,000.00				
	Reason:	To fund the Fire Departments budgeted overtime line item at approximately the eight year expenditure rate							

ORDERED: That the State 911 Department Support and Incentive Grant awarded to the Police Department in the amount of \$95,091.00 to reimburse salary and overtime costs in the 911 Dispatch Center, to be used for purposes outlined in MGL, Chapter 44, Section 53A, **APPROVED**; adopted.

ORDERED: That 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., refer **BACK TO WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

**DECISION ON A SPECIAL PERMIT
AT & T
NEW CINGULAR WIRELESS PCS, LLC
CITY COUNCIL ORDER NO. 11-1002955 (x97-6754F)**

Re: 75 Donald Lynch Blvd.

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to New Cingular Wireless PCS, LLC, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. Through its Application for a Special Permit (hereinafter "Application"), the Applicant seeks permission to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna on the existing ice bridge; six(6) Radiohead units; one (1) LTE cabinet and one (1) LTE power plant in the existing equipment area; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment area (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Marlborough 290/495 (MA-3296), 75 Donald Lynch Boulevard, Marlborough, MA" by Pro Terra Design Group, LLC and dated 5/2/11, a copy of which were provided as Exhibit 11 to the Special Permit Application (hereinafter "Plans").
3. The location of the Proposed WCF Project is 75 Donald Lynch Blvd., Marlborough, MA. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 13, Lot 2 (hereinafter "Site"). The owner of record for the Site is Albert Bombard.
4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The Site is zoned Limited Industrial (LI). Wireless communication devices are allowed by grant of Special Permit in Limited Industrial (LI) Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 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 Building Inspector, on behalf of 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 opened a public hearing on the Proposed WCF Project on August 1, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Said hearing was continued to and closed on August 29, 2011.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.

11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**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 WCF Project and the Proposed WCF 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 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF 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 a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 11:**
 - 1) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
 - 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of the 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 WCF 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 WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 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 Special 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 WCF referenced in this Special 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 WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in the operation of the facility shall be disposed of off-site at the expense of the Applicant.
- 8) No operation of the Proposed WCF Project shall commence until the Applicant has received written approval from the Building Inspector that all the conditions herein have been satisfied.
- 9) Applicant's Proposed WCF Project shall be subject to site plan review, if applicable.
- 10) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District 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, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. 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 Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF 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 WCF 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 shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF 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 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF 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 shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF 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 qualified 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, Tunnera, Seymour, Clancy, Landers, Ossing, Vigeant, Pope, & Levy

ORDERED: That 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., refer **BACK TO WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:19 p.m.