



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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OCTOBER 3, 2011**

Regular meeting of the City Council held on Monday, OCTOBER 3, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Delano. Meeting adjourned at 8:45 PM.

ORDERED: That the WELCOME ceremony for our Japanese students from our sister city of Akiruno, Japan, **FILE**; adopted.

ORDERED: That the minutes of the City Council Meeting September 26, 2011, **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Peter Fales on behalf of At & T Wireless PCS LLC, to modify Special Permit 04-100527B to replace four existing panel antennae and the addition of three LTE antennas for Applicant's fourth generation (4G) wireless network along with associated cabling at 53 Brigham St., Order No. 11-1003018, hearing recessed at 8:28 p.m.

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

Absent: Delano

ORDERED: Under authority of MGL, Chapter 44, Section 53A, the City Council hereby **APPROVES** the BayPath Elder Service grant awarded to the Council on Aging in the amount of \$10,000.00 which provides educational, preventive, health, socialization and language programs for underserved Portuguese and Latino seniors; adopted.

Councilor Pope abstained

ORDERED: That the request for Executive Session for October 17, 2011 re: Litigation Strategy in an Employee Matter to be heard when City Council convenes for the meeting, **FILE**; adopted.

ORDERED: That the Communication from the Local Election Districts Review Commission regarding Approval of Marlborough's Re-Precincting, refer to **BACK TO RE-PRECINCTING COMMITTEE**; adopted.

ORDERED: That the Communication from Gilbarco Veeder-Root re: Global Station #2483, 270 West Main St. and 656 Boston Post Rd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Massachusetts Development Finance Agency's preliminary approval to issue a revenue bond on behalf- of the Justice Resource Institute, Inc., **FILE**; adopted.

ORDERED: That **ASSISTANT CITY SOLICITOR PANAGORE-GRIFFIN SUBMIT HER LETTER REQUESTING A MONTH EXTENSION TO NOVEMBER 17, 2011 TO BRONA SIMON, EXECUTIVE DIRECTOR OF THE MASSACHUSETTS HISTORICAL COMMISSION**, pertinent to Communication from Secretary of the Commonwealth, Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln St., and be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**.

ORDERED: That the Communication from the Central Mass. Mosquito Control Project re: Mosquito Control Update, **FILE**; adopted.

Reports of Committees:

Councilor Clancy reported the following out of the Public Services Committee:

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

Order No.11-1003006 - Renewal of Junk Dealers License, Jean Rabelo, Post Rd. Used Auto Parts, 785 Boston Post Road. Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, September 26, 2011 9:40 AM **To:** City Council **Subject:** RE: Pub. Services Comm. I have no issues with the renewal of a Junk Dealer's license for Post Road Auto and Best Buy. **Recommendation of the Public Services Committee is to recommend approval of the Renewal of the Junk Dealers License to Post Road Used Auto Parts, 785 Boston Post Road.**

Order No.11-1003007 - Application of Junk Dealer's License, Best Buy Stores LP, at 601 Donald Lynch Blvd. NOTE: This location differs from the Best Buy Store and is located at the Solomon Pond Mall.*Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, September 26, 2011 9:40 AM **To:** City Council **Subject:** RE: Pub. Services Comm. I have no issues with the renewal of a Junk Dealer's license for Post Road Auto and Best Buy. **Recommendation of the Public Services Committee is to recommend approval of a Junk Dealer's License to Best Buy Stores LP, at 601 Donald Lynch Blvd.**

Order No.11-1003033 - Application of Frederick Kenney, Jr. d/b/a The Carousel, for Junk Dealer’s license at 266 Main Street. **Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, October 03, 2011 9:30 AM **To:** City Council **Subject:** RE: Pub. Services Comm. Karen, I have spoken with Mr. Kenney regarding his application for a junk dealer’s license for 266 Main St. He is intending to sell used children’s clothing, shoes, etc. on consignment, and I have no objection to the issuance of a junk dealer’s license to him for that purpose. He will be utilizing available on street and municipal parking for customers, and his hours of operation will be somewhat limited so I do not have any other concerns. Mark F. Leonard, Chief of Police. **Recommendation of the Public Services Committee is to recommend approval of a Junk Dealer’s License to Frederick Kenney, Jr., d/b/a The Carousel, at 266 Main Street.**

Councilor Ossing reported the following out of the Finance Committee:

Order No. 11-1003026 – Transfer \$34,397.58 from Fringes to Fire Fighter Sick Leave Buy Back. The Finance Committee reviewed the Mayor’s letter dated September 21, 2011 requesting the transfer of \$34,397.58 from Fringes to Fire Fighter Sick leave Buy Back for an employee’s retirement. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

Order No. 11-1003027 – Transfer \$30,000 from Short Term Interest to Legal Services. The Finance Committee reviewed the Mayor’s letter dated September 20, 2011 requesting the transfer of \$30,000 from City short term interest account to Legal Services account for a variety of legal services. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

Suspension of the Rules requested- granted

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, **APPROVED;** 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							

Suspension of the Rules requested- granted

ORDERED: That the Street Acceptance of Boivin Dr., Davis Estates, refer to the **PLANNING BOARD REQUESTING THAT THEIR RECOMMENDATION REGARDING THE ACCEPTANCE OF BOIVIN DR. AND EASEMENTS BE FORWARDED TO THE CITY COUNCIL FOR THE OCTOBER 17, 2011 AGENDA**; adopted.

ORDERED: That the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 99-8280C) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 450 Boston Post Rd., **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: That the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility pertinent to lease Order No. 96-6861 to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 97 Arnold St., **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: That the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 4 Mount Royal Ave., **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: That the Application for Special Permit for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 157 Union St., **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:45 p.m.