



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
OCTOBER 17, 2011**

Regular meeting of the City Council held on Monday, OCTOBER 17, 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 8:45 PM.

Suspension of the Rules requested-granted

ORDERED: It is moved, in conformance with the provisions of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the City Council conduct an executive session for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City and other defendants, and the chair hereby declares that an open meeting may have that effect. It is further moved and stated that the City Council will re-convene in open session after the executive session, **APPROVED** and returned to open meeting at 8:12 PM.

Yea: 11- Nay: 0

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

ORDERED: That the minutes of the City Council Meeting October 3 2011, **FILE**; adopted.

ORDERED: That the minutes of the City Council Meeting September 26, 2011, **FILE**; adopted.

ORDERED: That the Marlborough Economic Development Corporation (MEDC) transfer request in the amount of \$150,000.00 which moves funds from Economic Development Special Revenue to MEDC funding as Bill H1452-An Act Establishing a Business and Economic Development Special Revenue Fund is now law, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL, Chapter 44, Section 53A, the City Council **APPROVES** the formula grant awarded to the Council on Aging in the amount of \$41,894.00 based on the 2010 federal census for seniors over sixty; adopted.

ORDERED: That the Sustainability Action Plan 2011, **FILE**; adopted.

Wed address is: http://www.marlbrough-ma.gov/Gen/MarlboroughMA_ConCommisn/SustainAP

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

That the City Clerk be and is herewith directed to have proper notices issued notifying the **VOTERS** of the City of Marlborough that the **MUNICIPAL ELECTION** will be held in the polling locations as noted below on **NOVEMBER 1, 2011** as follows:

Office of Mayor, Four Councilors At-Large, Ward Councilors, Three School Committee members and Assabet Valley Regional Vocational School Committee member.

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., Gym |
| 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 Communication from Brona Simon, Executive Director of the Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln St., **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the That the Application for Taxi and Livery license, Yan Chun Zhang d/b/a Japan Car Service for Livery License at 197 Boston Post Rd. West., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Traffic Commission, August 30, 2011, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**.

A. Ernest Amidon Jr., 81 Oakcrest Ave., other property damage

Reports of Committees:

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

Order No.#11-1003042 - That Asst. City Solicitor Panagore-Griffin submit her draft letter requesting a month extension to November 17, 2011 to Brona Simon, Executive Director of the Massachusetts Historical Commission, pertinent to September 27, 2011 Communication from Secretary of the Commonwealth, Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln Street. Seeking comment from the City Council and the Marlborough Historical Commission regarding alternatives to demolition that may be available to the property owner and the adequacy of the exploration and consideration of those alternatives. The Committee reviewed the letter from Brona Simon, Executive Director of the Massachusetts Historical Commission (MHC) dated September 27, 2011 requesting feedback from the City Council regarding the proposed demolition of the Armory Building, and the letter dated October 3, 2011 from Ms. Simon extending the deadline for response until November 14, 2011. A letter from Lewis Clark was read into the record in support of the preservation of the Armory. Building Commissioner Steve Reid provided a report to the Committee entitled "Analysis of the Old Armory Building" on the allowable uses of the property and the options available to the developer. Pam Wilderman, Code Enforcement Officer, informed the Committee of her efforts responding to a variety of issues that have arisen at the property. **Recommendation of the legislative and Legal Affairs committee is to authorize 2-0 the Assistant City Solicitor to draft a letter to Ms. Simon, for approval of the City Council, noting the following:**

- **The Marlborough Economic Development Corporation is not an entity of the City Council.**
- **The developer can submit a Special Permit request for the same project as previously proposed or a new project.**
- **The developer can attempt to sell the property based on fair market value.**
- **The City Council believes that there are reasonable alternatives available to the developer, and therefore does not support the demolition of the property.**
- **The owners have failed to maintain the property and have created blight for the neighborhood.**
- **Demolition of the Armory is not in the best interest of the developer as the destruction of the building eliminates any possibility for tax credits related to historical preservation and eliminates the City Council's and the developer's flexibility for approval of a project as it relates to non-conforming uses of the property.**
- **Included with the letter shall be copies of the report provided by Mr. Reid and copies of pictures provided Ms. Wilderman depicting an example of the blight at the property.**

Order No. 11-1003031 - Communication from Asst. Solicitor Panagore Griffin with Order of Acceptance for Jaworek School Driveway Layout as a public way pursuant to state and federal requirements of the Safe Routes to School Infrastructure Program. The Committee reviewed the letter dated September 22, 2011 from Assistant City Solicitor Cynthia Panagore-Griffin. **Recommendation of the Legislative and Legal Affairs Committee is to approve 2-0.**

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

Order No. 11-1002954D - The Wireless Committee met on 10/11/2011 at 6:10 PM and took up Council Order No. 11-1002954D. The request by AT&T Wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 2.5" flex conduit connecting the antennae to the existing equipment shelter. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present Atty. Michael Dolan and Stephen Longton. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order Number 03-100112B. This would add wording that would impose new regulations covering the proposed additions to the Site. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**

Order No. 11-1003004A - The Wireless Committee met on 10/11/2011 at 6:55 PM and took up Council Order No. 11-1003004A. Modification of Special Permit 99-8311B. The Project will consist of installing three additional wireless communication antennae and appurtenant cabling and equipment inside and existing stealth flagpole located at 175 Maple St. The diameter of the existing flagpole will be increased from 22" to 28.5". The antennae will be located at a centerline height of 134' and would be completely concealed from view. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton Discussion of the changes to the preexisting facility was undertaken by all present and it was determined that the proposal is a modification to the original Special Permit granted under the Order Number 99-8311B. Concern for the possible interference with the communication system located at the Main Fire Station, which is located on the next property on

Maple St. was discussed and the applicant stated that they would work with Mr. Cusson to prevent anything from occurring. Also discussion about the size of the American Flag which is flown at the facility and the prevention from it being flown when it was in need of replacement was heard. The Applicant stated that it was the responsibility of AT&T to fly a flag of proper size commensurate with the size of the pole and to change the flag, when it is beginning to deteriorate. Wording would be added to the new Special Permit Conditions that were not present in 1999. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**

Order No. 11-1003018A - The Wireless Committee met on 10/11/2011 at 6:45 PM and took up Council Order No. 11-1003018A. Modification of Special Permit 04-100527B to replace existing four roof top panel antennas and the addition of three new LTE panel antennas for a total count of seven. The proposed antennas will still remain hidden from view and will be concealed within five separate flue pipes with a diameter of twenty eight inches each. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Discussion of the changes to the preexisting facility was undertaken by all present and it was determined that the proposal is a modification to the original Special Permit granted under the Order Number 08/09-1002083B. No other wireless carriers are now presently on the roof and the flue pipes were to mimic ventilation tubes. Wording would be added to the new Special Permit Conditions that were not present in 2004. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**

Order No. 11-1002956D - The Wireless Committee met on 10/11/2011 at 6:25 PM and took up Council Order No. 11-1002956D. The request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 3" flex conduit connecting the antennae to the existing equipment shelter. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order Number 08/09-1002083B. This would add wording that would impose new regulations covering the proposed additions to the Site. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**

Councilor Clancy, Chairman of the Public Services Committee, orally reported that Order No. 11-1003040, Communication from Veeder-Root regarding Fuel Storage Licenses for Global Station #2483, 270 West Main St. and 656 Boston Post Rd. require no further action from the Committee; therefore can be filed.

Suspension of the Rules requested- granted

ORDERED: WHEREAS for over thirty years the City of Marlborough has been represented on Beacon Hill by a single State Representative and a single State Senator and

WHEREAS that political unity has allowed for effective representation of the entire city's interests on Beacon Hill, and

WHEREAS the population of the City of Marlborough according to the 2010 decennial census is well below the target population for a State Representative District, easily allowing for the continued unity of the City of Marlborough in a single State Representative District.

BE IT RESOLVED that the City Council of the City of Marlborough supports the continued unity of the entire City of Marlborough within a single State Representative District and

BE IT FURTHER RESOLVED that the City Council of the City of Marlborough supports the continued unity of the City of Marlborough within a single State Senate District.

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

Councilor Levy abstained

Suspension of the Rules requested-granted

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 TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING.**; adopted.

Suspension of the Rules requested- granted

ORDERED: That 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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; adopted.

Suspension of the Rules requested- granted

ORDERED: That 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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; adopted.

Suspension of the Rules requested-granted

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 TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; adopted.

Suspension of the Rules requested- granted

ORDERED: That the DPW Engineer's transfer request to fund the new ratified agreement between the City of Marlborough and the DPW Engineer's Union, refer to **FINANCE COMMITTEE**; 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 | \$ 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 | \$3,977.94 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$ 461.93 | 14001103 | 51920 | SLBB, Engineering | \$10,090.00 | |
| | 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 | \$8,897.92 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$8,897.92 | 60081001 | 50850 | Treatment Plant Operators | \$166,101.47 | |
| | 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 | \$124,576.90 | |
| | 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 | \$2,742.97 | 11990006 | 57820 | Reserve for Salaries and Ben. | \$2,742.97 | 60085001 | 50910 | Chief Plant Operator | \$51,203.80 | |
| | 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 | \$77,946.39 | |
| | 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 | \$46,552.60 | |
| | 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 | \$134,021.90 | |
| | 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 | \$70,128.20 | |
| | 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 | \$2,965.11 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$2,965.11 | 14001501 | 50680 | General Foreman, FP&C | \$55,350.75 | |
| | 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. | \$55,350.91 | |
| | 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 | \$55,350.74 | |
| | 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 | \$54,086.10 | |
| | 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 | \$54,213.10 | |
| | 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 | \$ 150.57 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$ 150.57 | 14001503 | 51920 | SLBB, FP&C | \$13,615.00 |
| 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 | \$1,000 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$1,000 | 60085003 | 51440 | Educational Inc. West Plant | \$4,600.00 |

| 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 | \$ 38.63 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$ 38.63 | 60080003 | 51310 | Overtime, Sewer Service | \$2,469.50 |
| Reason: | | Funding for Engineers MOA | | | | | | | |
| \$516,499 | \$ 146.11 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$ 146.11 | 14001103 | 51310 | Overtime, Engineering | \$1,175.54 |
| Reason: | | Funding for Engineers MOA | | | | | | | |
| \$516,499 | \$ 569.17 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$ 569.17 | 60081003 | 51310 | Overtime, East Plant | \$16,674.22 |
| Reason: | | Funding for Engineers MOA | | | | | | | |
| \$516,499 | \$ 701.88 | 11990006 | 57820 | Reserve for Salaries & Ben. | \$ 701.88 | 60085003 | 51310 | Overtime, West Plant | \$15,888.57 |
| 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 | \$124,577 |
| Reason: Reorganization of West Plant/MOA | | | | | Reorganization of West Plant/MOA | | | | |
| \$77,946 | \$48,584 | 60080001 | 50580 | Assistant Chemist | \$48,584 | 60085001 | 50850 | Treatment Plant Operator | \$124,577 |
| Reason: Reorganization of West Plant/MOA | | | | | Reorganization of West Plant/MOA | | | | |

Suspension of the Rules requested- granted

ORDERED: That the Communication from the Planning Board to recommend favorable recommendation to the City council to accept the subdivision known as Davis Estates, Boivin Dr., **FILE**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that BOIVIN DRIVE be accepted as a public way

From BOIVIN DRIVE To Terminus and the associated easements, with the exception of the drainage easements on Lots 6, 8, and 9, be accepted as municipal easements as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled “Acceptance Plan of Boivin Drive and Easements in Marlborough MA, Scale: 40 Feet to an Inch, Date: October 30, 2009, Revised through December 3, 2010, Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757,” recorded herewith in the Middlesex South Registry Of Deeds at Plan Book ____ as Plan ____ Of ____; Title to the roadway known as BOIVIN DRIVE and title to all of the easements, including sight and drainage easements, as shown on said plan has been granted to the City of Marlborough in Quitclaim Deeds from Scott M. McCabe and Kelli-Ann McCabe, Mark A. Cappadona and Traci Vanzini Cappadona as Trustees of J.O.L. Realty Trust, John G. Iannone and Stephanie G. Iannone, and Robert Valchuis to be recorded herewith at the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

BOIVIN DRIVE be accepted as a public way, and its associated easements, with the exception of the drainage easements on Lots 6, 8, and 9, be accepted as municipal easements in the City of Marlborough.

Yea: 11- Nay: 0

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

ORDERED: That the Mayor be requested to investigate the feasibility of leasing with an option to purchase the building commonly referred to as the West Meeting House on Pleasant Street as the site for a new Senior Center, refer to the **MAYOR**; adopted.

ORDERED: That the Application of Jean Rabelo, Post Rd. Used Auto Parts, for renewal of Junk Dealer's license at 785 Boston Post Road, **APPROVED**; adopted.

ORDERED: That the Application of Best Buy Stores, LP for Junk Dealer's license at 601 Donald Lynch Blvd., **APPROVED**; adopted.

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

ORDERED: That the 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, **APPROVED**; 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, **APPROVED**; adopted.

FROM:

Acct. #17520006-59254 \$30,000.00

Short Term-Debt Interest

TO:

Acct. # 11510004-53110 \$30,000.00

Legal Services

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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; 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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; 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, **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; 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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; adopted.

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