

1. Minutes of the City Council Meeting, January 25, 2010.
2. 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.
3. Communication from the Mayor re: 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
4. Communication from the Mayor re: 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.
5. Communication from the Mayor re: appointment of Dr. Jay Jahanmir to the Board of Health for a term to expire February 6, 2011.
6. Communication from City Solicitor, Donald Rider re: Clear Wireless, LLC, Special Permit for 157 Union St. in proper form, Order No. 09/10-1002290C.
7. Communication from City Solicitor, Donald Rider re: Clear Wireless, LLC, Special Permit for 2 Mt. Royal Ave. in proper form, Order No. 09/10-1002329C.
8. Communication from City Solicitor, Donald Rider re: Clear Wireless, LLC, Special Permit for 460 Boston Post Rd. East, in proper form, Order No. 09/10-1002330C.
9. Communication from City Solicitor, Donald Rider re: Proposal from Massachusetts Electric Company for a Lease on the Sligo Hill Water Tank.
10. Communication from City Solicitor, Donald Rider re: Transfer of a Portion of Municipal Property at the Westerly Wastewater Treatment Plant from Sewerage Purposes to Telecommunications Leasing and Construction Purposes.
11. Communication from Public Facilities Director, John Ghiloni re: Municipal Space Assessment Study.
12. Communication from the 1st Lt. Charles W. Whitcomb School students re: renaming to 1st Lt. Charles W. Whitcomb Junior High School.
13. Application for Revised Special Permit from Attorney Gadbois, on behalf of Donald Lynch Boulevard Realty Trust, to amend Special Permit to add a sixth rink, Order No. 94-5460B.
14. Application of Igal Ismaili, d/b/a I & P USA, Corp., for Junk Dealer's license at Solomon Pond Mall.
15. Application of Steven Weener, d/b/a Thriftboro, for Junk Dealer's license at 344 Boston Post Rd.
16. Minutes, Planning Board, January 11, 2010.
17. Minutes, MetroWest Regional Transit Authority, November 30, 2009.
18. Minutes, Traffic Commission, December 22, 2009.
19. CLAIMS:
 - Theresa Lawson, 12 Edgewood Dr., Milford, pothole or other road defect claim
 - Nicholas Cardinale, 8 Perolman Dr., other property damage and/or personal injury
 - Brian Guild, 107 Kosmas St., pothole or other road defect claim
 - Renato Alpizard, 135 Stow Rd., residential mailbox claim 2(a)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Wireless Communication Committee

20. **Order No. 09-1002330B - Application for Special Permit from Attorney Hoyt by Clear Wireless, LLC for modification of a wireless communications facility located at 460 Boston Post Rd., East (Countryside Village).** Evidence was heard concerning the addition of new wireless communications equipment on the roof of a building at 460 Boston Post Rd. East. Modification of language presented in the "Finding of Facts and Conditions" was made, discussed and agreed upon by all parties present. **Recommendation of the Wireless Communication Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the February 8, 2010 agenda, 2-0. Councilor Pope was absent.**
21. **Order No. 09-1002290B - Application for Special Permit from Attorney Hoyt by Clear Wireless, LLC for modification of a wireless communications facility located at 157 Union St. (Marlborough Hospital).** Evidence was heard concerning the addition of new wireless communications and modification of existing equipment and penthouse area on the roof of a building at 157 Union St. Modification of language presented in the "Finding of Facts and Conditions" was made, discussed and agreed upon by all parties present. **Recommendation of the Wireless Communication Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the February 8, 2010 agenda, 2-0. Councilor Pope was absent.**
22. **Order No. 09-1002329B - Application for a Special Permit from Attorney Hoyt by Clear Wireless, LLC for modification of a wireless communications facility located at 2 Mt. Royal Ave. Decision to Act extended until: March 31, 2010.** Draft Decision submitted by Atty. Hoyt distributed to all members. Evidence was heard concerning the addition of new wireless communications equipment, 3 panel antennas, 3 back haul antennas and 1 GPS antenna and associated equipment cabinets, on the roof a building at 2 Mt. Royal Ave. It was agreed that the name for the project will be change from Sligo Hill to 2 Mt. Royal Ave. This was done to prevent any confusion in the future, as to its location, due to the fact that there was an already wireless communications facility on the Sligo Hill water tower. A new plan dated 01/19/10 was introduced into the record, which showed a new design for the "sled" support base for the antennas. The change was deemed minor. Modification of the language presented in the "Finding of Facts and Conditions" was made, discussed and agreed upon by all parties present. **Recommendation of the Wireless Communication Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the February 8, 2010 agenda, 3-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
January 25, 2010**

Regular meeting of the City Council held on Monday, January 25, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Seymour, Clancy and Landers. Councilor Juairé was absent. Meeting adjourned at 8:22 p.m.

ORDERED: That the minutes of the City Council Meeting January 11, 2009, **FILE**; adopted.

ORDERED: That the transfer request in the amount of \$18,000.00 which moves funds from Undesignated Fund to Veteran's Benefits to meet the increased demand for benefit services, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900 \$18,000.00
Undesignated Fund

TO:

Acct. # 15430006-57710 \$18,000.00
Veteran's Benefits

ORDERED: That the transfer request in the amount of \$1,230.00 which moves funds from Collector's Sick Leave Buy Back to Library and Health department longevity accounts pertinent to deficits associated with longevity payments, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 1140003-51920 \$1,230.00
SLBB

TO:

Acct. # 16100003-51430 \$640.00
Longevity

Acct. # 15120003-51430 \$590.00
Longevity

ORDERED: That the following transfer requests from the Police Chief which are detailed in the transfer, refer to **FINANCE COMMITTEE**; adopted.

10

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:	Police	DATE:	20-Jan-10	FY2010					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,094,228	\$108,208.00	12100001	50420	Police Officers	\$108,208.00	12100003	51310	Regular OT	\$45,776
	Reason:	Will have surplus in this account due to workers comp payments to several officers and one officer on a leave				Overtime due to officer injuries			
\$285,201	\$11,480.00	12100001	50820	Sergeants	\$11,480	12100003	51310	Regular OT	\$45,776
	Reason:	Will have surplus in this account due to workers comp payment to one sergeant				Overtime due to sergeant on injured leave			
\$14,009	\$1,091.00	12100003	51120	Crossing Guards	\$1,091	12100003	51920	Sick Leave Buy Back	-\$11,091
	Reason:	Available due to partially unfilled position				Unanticipated requests for sick leave buy back			
\$6,758	\$3,000.00	12100003	51395	In Service Training	\$3,000.00	12100003	51920	Sick Leave Buy Back	-\$11,091
	Reason:	Will not conduct training as planned				Same as above			
\$2,000	\$1,000.00	12100005	54221	Parking Officer Supplies	\$1,000	12100003	51920	Sick Leave Buy Back	-\$11,091
	Reason:	Parking tickets not needed yet				Same as above			
\$12,812	\$6,000.00	12100006	57380	Conference and Training	\$6,000	12100003	51920	Sick Leave Buy back	-\$11,091
	Reason:	Will not conduct training as planned				Same as above			

ORDERED: That the transfer request in the amount of \$31,381.20 which moves funds from Fringes to Sick Leave Buy Back pertinent to budgeted expenses associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500

\$31,381.20

Fringes

TO:

Acct. # 12200003-51920

\$31,381.20

SLBB

ORDERED: That an Energy Efficiency and Conservation Block Grant in the amount of \$178,000.00 awarded to the City of Marlborough which will be used to replace an inefficient oil fired heating system as outlined in MGL, Chapter 44, Section 53A to be used for purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the MA Renewable Energy Trust Grant in the amount of \$9,086.54 awarded to the City of Marlborough for the purpose of purchasing two Big Belly Solar Trash Compactors as outlined in MGL, Chapter 44, Section 53A to be used for purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

- ORDERED: That the FY10 Mass Decontamination Unit Grant in the amount of \$2,000.00 awarded to the Fire Department which will facilitate the field deployment, training and operational readiness of a mobile Mass Decontamination Unit as outlined in MGL, Chapter 44, Section 53A to be used for purposes outlined, refer to **FINANCE COMMITTEE**; adopted.
- ORDERED: That the FY2010 Student Awareness Fire Education Grant (S.A.F.E.) in the amount of \$5,900.00 awarded to the Fire Department which provides student awareness of fire education programs as outlined in MGL, Chapter 44, Section 53A to be used for purposes outlined, refer to **FINANCE COMMITTEE**; adopted.
- ORDERED: That the appointment of Mr. Ricky Plummer to the position of Fire Chief, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the reappointment of Police Chief Leonard as Keeper of the Lock for a term of one year expiring the 1st Monday of February, 2011, **APPROVED**; adopted.
- ORDERED: That the reappointments of Barbara Fenby and Edward Coveney as members of the Planning Board for a term of five years expiring the 1st Monday in February, 2015, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the reappointment of Anthony Arruda to the Board of Assessors for a term of three years expiring February 4, 2013, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the appointment of Robyn Ripley and reappointments of Nena Bloomquist and Susan Laufer to the Library Board of Trustees for terms of three years expiring February 4, 2013, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the appointments of Christine Seymour and Penny Aber-Kahn to the City Scholarship Committee for a term of three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.
- Councilors Vigeant and Seymour abstained.**
- ORDERED: That the communication from the Mayor re: Council Order 09-1002406; Determination on Plowing Sidewalks Adjacent to City Property, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.
- ORDERED: That the communication from the Mayor re: Invitation to Join the Sustainability Action Plan Taskforce, **FILE**; adopted.
- ORDERED: That the minutes, Planning Board, December 21, 2009, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Lorna Rousseau, 140 Donahue Dr., residential mailbox claim (2a)
 - B. Coleen Logomasini, 141 Raymond Rd., residential mailbox claim (2a)
 - C. Karen Campbell, 324 Williams St., residential mailbox claim (2a)

Reports of Committees:

Councilor Clancy reported the following out of Wireless Communications Committee:

Order No. 09-1002330B - Application for Special Permit from Attorney Hoyt by Clear Wireless, LLC for modification of a wireless communications facility located at 460 Boston Post Rd., East (Countryside Village). Evidence was heard concerning the addition of new wireless communications equipment on the roof of a building at 460 Boston Post Rd. East. Modification of language presented in the "Finding of Facts and Conditions" was made, discussed and agreed upon by all parties present.

Recommendation of the Wireless Communication Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the February 8, 2010 agenda, 2-0. Councilor Pope was absent.

Order No. 09-1002290B - Application for Special Permit from Attorney Hoyt by Clear Wireless, LLC for modification of a wireless communications facility located at 157 Union St. (Marlborough Hospital). Evidence was heard concerning the addition of new wireless communications and modification of existing equipment and penthouse area on the roof of a building at 157 Union St. Modification of language presented in the "Finding of Facts and Conditions" was made, discussed and agreed upon by all parties present.

Recommendation of the Wireless Communication Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the February 8, 2010 agenda, 2-0. Councilor Pope was absent.

Order No. 09-1002329B - Application for a Special Permit from Attorney Hoyt by Clear Wireless, LLC for modification of a wireless communications facility located at 2 Mt. Royal Ave. Decision to Act extended until: March 31, 2010. Draft Decision submitted by Atty. Hoyt distributed to all members. Evidence was heard concerning the addition of new wireless communications equipment, 3 panel antennas, 3 back haul antennas and 1 GPS antenna and associated equipment cabinets, on the roof a building at 2 Mt. Royal Ave. It was agreed that the name for the project will be change from Sligo Hill to 2 Mt. Royal Ave. This was done to prevent any confusion in the future, as to its location, due to the fact that there was an already wireless communications facility on the Sligo Hill water tower. A new plan dated 01/19/10 was introduced into the record, which showed a new design for the "sled" support base for the antennas. The change was deemed minor. Modification of the language presented in the "Finding of Facts and Conditions" was made, discussed and agreed upon by all parties present.

Recommendation of the Wireless Communication Committee is to recommend approval of the project, and under Suspension of the Rules, to refer to City Solicitor to be put in proper form, as amended, and place item on the February 8, 2010 agenda, 3-0.

Suspension of Rules requested-granted

ORDERED: That the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communication facility located at 460 Boston Post Rd. East, refer to **CITY SOLICITOR TO BE PUT IN PROPER FORM, AS AMENDED, FOR FEBRUARY 8, 2010 CITY COUNCIL MEETING**; adopted.

Suspension of Rules requested-granted

ORDERED: That the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communications facility located at 157 Union St., refer to **CITY SOLICITOR TO BE PUT IN PROPER FORM, AS AMENDED, FOR FEBRUARY 8, 2010 CITY COUNCIL MEETING**; adopted.

Suspension of Rules requested-granted

ORDERED: That the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communication facility located at 2 Mount Royal Ave., refer to **CITY SOLICITOR TO BE PUT IN PROPER FORM, AS AMENDED, FOR FEBRUARY 8, 2010 CITY COUNCIL MEETING**; adopted.

ORDERED: That, notwithstanding MGL Chapter 54 Section 76B, any person asserting a right to vote within the City of Marlborough in any municipal, state or federal election shall be requested to present suitable written identification to the City Clerk or other duly appointed election official prior to receiving a ballot, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:22 p.m.; adopted.



IN CITY COUNCIL

2

JANUARY 11, 2010

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, FEBRUARY 8, 2010** as date for a **PUBLIC HEARING** on the Application for Wireless Special Permit 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, be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 10-1002416



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 31
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

February 4, 2010

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

RE: Transfer Request Fire – Sick Leave Buy Back

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the total amount of \$39,292.26. The transfer will move funds for sick leave buy back and vacation expenses associated with an employee's retirement.

Transfer in the amount of \$13,790.40 moving funds from account number 11990006-51500 (Fringes) to account number 12200001-50130 (Fire Chief)

Transfer in the amount of \$13,137.60 moving funds from account number 11990006-51500 (Fringes) to account number 12200003-51920 (Sick Leave Buy Back)

Transfer in the amount of \$12,364.26 moving funds from account number 17520006-59254 (Interest Ban) to account number 12200003-51920 (Sick Leave Buy Back)

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

32

TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
General Government							
\$ 154,750.95	\$ 13,790.40	11990006	51500 Fringes	\$ 13,790.40	12200001	50130 Fire Chief	\$ 36,983.72
	\$ 13,137.60	11990006	51500 Fringes	\$ 13,137.60	12200003	51920 Sick Leave BB	\$ -
\$ 378,123.00	\$ 12,364.26	17520006	59254 Interest Ban	\$ 12,364.26	12200003	51920 Sick Leave BB	\$ -
				\$ 39,292.26			

Reason: To fund benefits associated with employees retirement.



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

February 4, 2010

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

RE: Transfer Request DPW – Sick Leave Buy Back

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$22,082.00 moving funds from account number 11990006-51500 (Fringes) to account number 14001303-51920 (Sick Leave Buy Back). The transfer will move funds for budgeted expenses associated with an employee's retirement.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

42

TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			General Government			DPW Streets	
\$ 154,750.95	\$ 22,082.00	11990006	51500 Fringes	\$ 22,082.00	14001303	51920 Sick Leave BB	\$ 8,186.23
				\$ 22,082.00			

Reason: To fund benefits associated with employees retirement.



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

February 4, 2010

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

RE: Appointment – Board of Health

Honorable President Vigeant and Councilors:

I am submitting for your approval the name of Dr. Jay Jahanmir for appointment to the Board of Health. Dr. Jahanmir was recommended to the post by John Polanowicz, President and CEO of Marlborough Hospital. Dr. Jahanmir recently served as head of the Hospitalist Program at the Marlborough Hospital and is currently a Hospitalist for the UMass Memorial Medical Center. Upon approval, Dr. Jahanmir will serve out the remaining term of Dr. Kevin Cozzi who has relocated. The term expires Feb. 6, 2011.

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

Sincerely,

Nancy E. Stevens
Mayor

JAY JAHANMIR
158 Kelleher Street
Marlborough, MA 01752
Home Telephone (508) 305-2770
Mobile Telephone (774) 249-3805
E-mail *jjahanmir@yahoo.com*

PROFESSIONAL EXPERIENCE

UMass Memorial Medical Center, Worcester, MA

Hospitalist- 5/05 to present

Associate Chief, Hospital Medicine- 1/08 to present

Director, Hospital Medicine, Marlborough Hospital-1/08-10/09

Director, Hospital Medicine University Campus-1/08-present

Nephrologist- 9/08 to present

University of Massachusetts School of Medicine, Worcester, MA

Assistant Professor- 5/05 to present

Assistant Clerkship Director- 12/07-7/09

EMCARE, Marlborough Hospital- 4/06-12/07

Hospitalist

Crystal Run Healthcare, Middletown, NY- 7/04-5/05:

Hospitalist

Jordan Hospital, Plymouth, MA- 8/03-6/04:

Hospitalist (moonlighting during fellowship)

OTHER PROFESSIONAL ACTIVITIES

Marlborough Hospital-

Chair of MSQA

Member of Medical Executive Committee and ED Flow Committee

UMass Memorial Medical Center-

Committee Membership: Critical Care Operations, Glycemic Control, Anticoagulation, Sepsis, Residency Evaluation.

Teaching Attending Firm Chief

Director CME Activity for Hospital Medicine Department

CURRENT EDUCATIONAL ACTIVITY

University of Massachusetts, Isenberg School of Business, 9/2009 to present
MBA Program, expected completion date: June 2010.

MEDICAL EDUCATION

Boston University Medical Center, Boston, MA, 7/2002 to 6/2004
Nephrology Fellowship

SUNY-Upstate Medical University, Syracuse, NY, 7/1999 to 6/2002
Internal Medicine Residency

St. George's University School of Medicine, 8/1995-5/1999
Doctor of Medicine

OTHER EXPERIENCE

Wyko Corporation, Tucson, AZ-9/90 to 7/94
Senior Research Scientist

University of Arizona, Tucson, AZ- 9/91 to 9/92
Visiting Professor- Optical Sciences Center

California Institute of Technology, Pasadena, CA- 3/89-9/90
Visiting Associate Professor- Chemistry Department

Quanscan, Inc., Pasadena, CA- 7/87 to 7/90
Senior Scientist

California Polytechnic University, Pomona, CA- 9/89 to 9/90
Lecturer- Department of Physics and Mathematics

Aerojet Electrosystems Co., Azusa, CA- 6/84 to 7/87
Senior Member of Technical Staff

Cornell University, Ithaca, NY- 6/81 to 5/84
Graduate Research and Teaching Assistant

OTHER EDUCATION

University of Arizona, non-degree, 1992-1994

Graduate courses in biology, biochemistry and immunology

Cornell University, Ph.D., 1988

Major: Applied and Engineering Physics

Cornell University, M.S., 1983

Major: Applied Physics

Cornell University, M.Eng., 1981

Major: Engineering Physics

University of Washington, B.A., 1978

Major: Mathematics

PROFESSIONAL AFFILIATION

Society of Hospital Medicine, American College of Physicians, American Society of Nephrology

BOARD CERTIFICATION

Internal Medicine and Nephrology

MEDICAL LICENSE

Licensed in New York and Massachusetts

A list of publications and patents is available on request.



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

February 4, 2010

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

RE: Order No. 09-100-2290
Special Permit Application
Clear Wireless, LLC
157 Union Street (Marlborough Hospital)

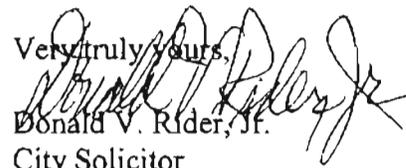
Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the special permit application submitted by Clear Wireless, LLC for 157 Union Street (Marlborough Hospital). The application is for a 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 an existing faux penthouse on an existing rooftop, as well as the placement upon that rooftop of one (1) associated cabinet, one (1) GPS antenna on and within the existing equipment shelter, and associated coax cables and cable trays.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

PLEASE NOTE: I have emailed and left voicemail messages with the applicant's counsel and his secretary seeking his confirmation of the revisions made to the proposed decision by the Wireless Communications Committee and me. However, I have not heard from him as of late this afternoon. I suggest giving him until 3 pm this coming Monday. I will advise Chairman Clancy in advance of the Council meeting Monday evening.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: James Hoyt, Esquire

62

**DECISION ON A SPECIAL PERMIT
CLEAR WIRELESS, LLC
CITY COUNCIL ORDER NO. 09-100-2290**

Re: 157 Union Street (Marlborough Hospital)

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 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.
- 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.

64

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.
- 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

66

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.



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

February 4, 2010

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

RE: Order No. 09-100-2329
Special Permit Application
Clear Wireless, LLC
2 Mount Royal Avenue

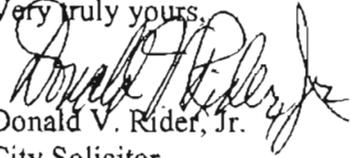
Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the special permit application submitted by Clear Wireless, LLC for 2 Mount Royal Avenue. The application is for allow the installation of three (3) panel antennas and three (3) "back-haul" dish antennas inside faux flues on an existing rooftop, as well as the placement upon that rooftop of one (1) associated cabinet, one (1) GPS antenna and associated coax cables and cable trays.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

PLEASE NOTE: I have emailed and left voicemail messages with the applicant's counsel and his secretary seeking his confirmation of the revisions made to the proposed decision by the Wireless Communications Committee and me. However, I have not heard from him as of late this afternoon. I suggest giving him until 3 pm this coming Monday. I will advise Chairman Clancy in advance of the Council meeting Monday evening.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: James Hoyt, Esquire

72

**DECISION ON A SPECIAL PERMIT
CLEAR WIRELESS, LLC
CITY COUNCIL ORDER NO. 09-100-2329**

Re: 2 Mount Royal Avenue

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 the installation of three (3) panel antennas and three (3) "back-haul" dish antennas inside faux flues on the 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 "MA-BOS5412-A" by Bay State Design, Inc. and dated 1/19/10 provided as supplemental material to the Special Permit Application (hereinafter "Plans").
3. The location of the Proposed WCD Project is 2 Mount Royal Ave. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 79, Block 33 ("the Site"). The owner of record for the site is Mount Royal Associates II Limited Partnership, c/o Haynes Management, Inc.
4. The Applicant is a lessee of the owner for purposes of this Special Permit Application.
5. The Site is zoned Business. Wireless communication devices are allowed by grant of Special Permit in 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.

73

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**

- 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,

74

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

15

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) 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

76

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.



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

81
DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

February 4, 2010

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

RE: Order No. 09-100-2330
Special Permit Application
Clear Wireless, LLC
460 Boston Post Road East (Countryside Village)

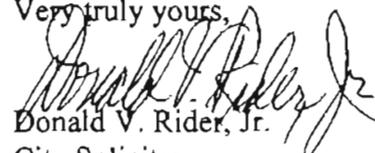
Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the special permit application submitted by Clear Wireless, LLC for co-location at 460 Boston Post Road East (Countryside Village). The application is for 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 upon that rooftop of one (1) associated cabinet, one (1) GPS antenna, and associated coax cables and cable trays.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

PLEASE NOTE: I have emailed and left voicemail messages with the applicant's counsel and his secretary seeking his confirmation of the revisions made to the proposed decision by the Wireless Communications Committee and me. However, I have not heard from him as of late this afternoon. I suggest giving him until 3 pm this coming Monday. I will advise Chairman Clancy in advance of the Council meeting Monday evening.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: James Hoyt, Esquire

82

**DECISION ON A SPECIAL PERMIT
CLEAR WIRELESS, LLC
CITY COUNCIL ORDER NO. 09-100-2330**

Re: 460 Boston Post Road East (Countryside Village)

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").
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.

83

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**

- 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,

84

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.
- 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

85

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.
- 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

86

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.



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Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
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ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

February 3, 2010

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

RE: Proposal from Massachusetts Electric Company for a Lease on the Sligo Hill Water Tank

Dear President Vigeant and Members:

Enclosed you will find a letter to you from Chief Procurement Officer Beverly J. Sleeper seeking your approval to issue a Notice of Award to Massachusetts Electric Company ("MEC") regarding a prospective lease the value of which would be \$714,331.33 over a maximum 15-year term. MEC seeks permission to place private point-to-point communications equipment on Sligo Hill for its own internal business use.

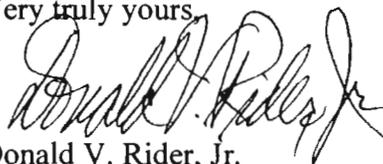
Under the authority of Order No. 96-6861A, an RFP was issued and MEC was the sole respondent. Order No. 96-6861A, adopted in December 1996, declared under M.G.L. c. 30B that Sligo Hill was "available for disposition only by lease to companies and others for the installation and maintenance of telecommunications antennae and related equipment, including maintenance buildings." This Order was approved at the same time as the Council approved a revolving fund for the Public Facilities Department, thereby creating an opportunity for that Department, without increasing its budget, to directly utilize income from Sligo Hill water tower leases for the maintenance of that tower and adjacent municipal property. Order No. 96-6861A is not affected by the Wireless Communications Facilities ("WCF") Ordinance, which was only subsequently enacted by the Council in August 1997. Moreover, the WCF Ordinance by its own terms pertains only to commercial telecommunications carriers who provide telecommunications services to the public, whereas, as noted above, MEC seeks permission to place private point-to-point communications equipment on Sligo Hill for its own internal business use. Thus, the WCF Ordinance is not triggered if the Council were to approve the Notice of Award to MEC. Further, the Building Commissioner has determined that the proposed private point-to-point communications equipment would be integral to MEC's as-of-right use allowed under the City's zoning table of uses, which provides that public utilities are allowed as of right in every zoning district, including the Residential A-3 zoning district where the Sligo Hill water tank is located.

92

In short, with Order No. 96-6861A having transferred the care, custody, management and control of the Sligo Hill water tower to the City Council and the Mayor, your approval is requested in order for a Notice of Award to be issued to MEC, along with your authorization for the Mayor to negotiate a lease with MEC to include financial terms that are most favorable to the City as outlined in Ms. Sleeper's enclosed letter. A proposed order is also attached to her letter. Copies of MEC's RFP proposal will be made available to the relevant Council committee.

Thank you for your attention to this matter.

Very truly yours,



Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Nancy E. Stevens, Mayor
John L. Ghiloni, Public Facilities Director
Beverly J. Sleeper, Chief Procurement Officer



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

93

February 1, 2010

Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

**RE: Request for Proposals for Wireless Telecommunications Leasing Project
At Sligo Hill Water Tank, 97 Arnold Street Extension
Assessors' Map 68, Parcel 80**

President and Members:

Proposals were due for the above-referenced tower site on January 19, 2010. The City received one proposal from Massachusetts Electric Company ("MEC") located at 40 Sylvan Road, Waltham, MA 02451, in the amount of \$42,500.00 annually with a lump sum payment equal to years 1-5 in the amount of \$212,500.00 due upon execution of a lease, increasing annually by three (3%) for years 6-15 on each anniversary of the Rent Commencement Date. The value of the lease would be \$714,331.33 over a maximum 15-year term.

I seek your approval to issue a Notice of Award subject to the Director of Public Facilities' evaluation and approval of MEC's proposal for the placement of antennas on the Sligo Hill Water Tank along with associated wires and ground equipment at the site.

Sincerely,

Beverly J. Sleeper
Chief Procurement Officer

/b

Attachment (1) – Proposed Order

Cc: Nancy E. Stevens, Mayor
Donald V. Rider, Jr., City Solicitor
John L. Ghiloni, Director

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Massachusetts Electric Company located at 40 Sylvan Road, Waltham, MA 02451, in the amount of \$42,500.00 annually with a lump sum payment equal to years 1-5 in the amount of \$212,500.00 due upon execution of a lease, increasing annually by three (3%) for years 6-15 on each anniversary of the Rent Commencement Date, subject to the approval of the Director of Public Facilities as to the proposal and the location on the tower at the site; and it is FURTHERED ORDERED: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Massachusetts Electric Company for the placement of antennas on the Sligo Hill Water Tank along with associated wires and ground equipment at the site, located at 97 Arnold Street, Extension, Marlborough, MA 01752, shown on Assessors' Map 68, Parcel 80. Said municipal property has been declared available for disposition by City Council Order No. 96-6861A.

ADOPTED
In City Council
Order No.
Adopted:

Approved by Mayor
Nancy E. Stevens
Date:

A True Copy,
ATTEST:



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR. 10,
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

February 4, 2010

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

RE: Transfer of a Portion of Municipal Property at the Westerly Wastewater Treatment Plant from Sewerage Purposes to Telecommunications Leasing and Construction Purposes

Dear President Vigeant and Members:

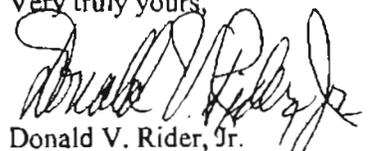
As the City Council is aware, the Wireless Communications Committee is currently reviewing an application submitted by Verizon Wireless ("VZW") for a special permit to construct a telecommunications tower and associated equipment shelter on a 50' by 50' rectangle of municipal property in the vicinity of the Westerly Wastewater Treatment Plant ("WWTP"). This rectangle of land would be connected to Boundary Street via a 20' wide access and utility road. Both the rectangle of land and the access and utility road (together, "the Property") are presently held under the care, custody, management and control of the Department of Public Works ("DPW") for sewerage purposes. The location of the Property is based on VZW's recently revised plans showing a new location roughly 192' to the north of the location originally proposed in VZW's special permit application.

As such, the Council must take a two-thirds vote under MGL c. 40, §15A to transfer the Property from sewerage purposes to other municipal purposes, namely, 1) for making the Property available for lease to VZW; and 2) for VZW to construct the tower, the shelter, and the access and utility road. Such a transfer of municipal purposes would be a prerequisite to any forthcoming Council decision that would grant the special permit to VZW.

A proposed two-part order is enclosed. Part A reflects the §15A vote and references a determination by the DPW Commissioner, also enclosed, that the property is no longer needed for sewerage purposes. In part B, the proposed order declares the Property to be available for disposition by lease and authorizes the Mayor under MGL c. 40, § 3 to negotiate and enter into a lease with Verizon Wireless regarding the Property.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosures

ORDERED:

- A. That the City Council of the City of Marlborough, having received the attached determination made by the Commissioner of the Department of Public Works (“DPW”) pursuant to MGL c. 40, §15A that a portion of municipal property located in the vicinity of the Westerly Wastewater Treatment Plant at 303 Boundary Street, currently under the DPW’s care, custody, management and control for sewerage purposes, is no longer needed for such sewerage purposes, said portion of property being limited to a 50’ by 50’ compound area along with a 20’ wide access and utility road connecting from Boundary Street and running thereto (“the Property”), all as depicted by Verizon Wireless on plans entitled, “Verizon Wireless, 400 Friberg Parkway, Westborough, MA 01581, Proposed 150’ Monopole and Equipment Shelter with Cable Tray, Marlborough West, 303 Boundary Street, Marlborough, Massachusetts (Middlesex County),” dated September 29, 2009, NOW THEREFORE, said Property is hereby transferred, by a two-thirds vote of the City Council, to the DPW’s care, custody, management and control for the municipal purposes of 1) a lease of the Property to Verizon Wireless; and 2) the construction by Verizon Wireless of a telecommunications tower and associated equipment shelter, as well as the access and utility road from Boundary Street.

- B. That the City Council of the City of Marlborough, having voted to transfer the Property from sewerage purposes to the DPW’s care, custody, management and control for telecommunications leasing and construction purposes, does hereby declare the Property to be available for disposition by lease pursuant to the provisions of M.G.L. c. 30B, §16(a), and further, does hereby authorize the Mayor, pursuant to MGL c. 40, § 3, to negotiate and enter into a lease with Verizon Wireless regarding the Property.

ADOPTED
 In City Council
 Order No. 10-
 Adopted:

Approved by Mayor
 Nancy E. Stevens
 Date:

A TRUE COPY
 ATTEST:



103

CITY OF MARLBOROUGH

Department of Public Works

Office of the Commissioner

135 Neil Street

Marlborough, Massachusetts 01752

(508) 624-6910 Ext. 7200

Facsimile (508) 624-7699 TDD (508) 460-3610

February 4, 2010

Arthur Vigeant
President
Marlborough City Council

RE: Determination as to Certain Municipal Property Located in the Vicinity of the Westerly Wastewater Treatment Plant

Dear President Vigeant and Members:

Pursuant to M.G.L. c. 40, § 15A, this letter will serve as notice of my determination that a portion of municipal property located in the vicinity of the Westerly Wastewater Treatment Plant at 303 Boundary Street, presently under the care, custody, management and control of the Department of Public Works ("DPW") for sewerage purposes, is no longer needed for such purposes. That portion of property is limited to a 50' by 50' compound area, along with a 20' wide access and utility road connecting from Boundary Street and running thereto ("the Property"), all as depicted by Verizon Wireless on plans entitled, "Verizon Wireless, 400 Friberg Parkway, Westborough, MA 01581, Proposed 150' Monopole and Equipment Shelter with Cable Tray, Marlborough West, 303 Boundary Street, Marlborough, Massachusetts (Middlesex County)," dated September 29, 2009. The Property would remain under the DPW's care, custody, management and control.

I make this determination in light of Order No. 07-1001434A authorizing the City's Wi-Fi network to continue moving forward subject to an RFP being issued for the construction of a communications pole at the WWTP; and in light of the subsequent RFP proposal and special permit application in which Verizon Wireless seeks to make the Property available for lease so that it may construct a tower, equipment shelter, and associated roadway on the Property.

Very truly yours,

Ronald M. LaFreniere
Commissioner

cc: Mayor Nancy E. Stevens
Donald V. Rider, Jr., City Solicitor
Doran Crouse, Assistant Commissioner Utilities
Mark Gibbs, IT Director
John Ghiloni, Public Facilities Director



City of Marlborough
Public Facilities Department

John L. Ghiloni, Director
Andrew J. White,
Assistant Director
85 Sawin Street
Marlborough, MA 01752
Phone: 508.460.3521
Fax: 508.460.3565

February 4, 2010

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

RE: Space Assessment Study

Dear President Vigeant and Councilors:

Attached for your review is the City of Marlborough Municipal Space Assessment Study. The assessment was conducted on City Hall, Walker Building, Bigelow School and a portion of Freeman School and the office space at the Department of Public Works. These facilities were analyzed because they currently either house office functions or have the ability to house offices due to vacancies in the building or being occupied by tenants.

This study identifies department needs for office work space and did not address space for programming requirements for departments such as the Recreation Department, Library, Schools, or Council on Aging. Data for the study was gathered using questionnaires, department interviews, as well as site surveys of current department spaces.

The following departments were reviewed:

Assessors	Human Services	Planning
Auditor	Information	Procurement
City Clerk	Systems	Public Facilities
City Council	Inspectional	Public Works
Collector	Services	Retirement
Comptroller	Legal	Superintendent of
Conservation/ZBA	License Board	Schools
Board of Health	Mayor	
Hist. Commission	Personnel	
Veterans		

In November of 2009, the Space Assessment Study was presented to the Space Committee by Scott Richardson and Anita Sandberg of Gorman Richardson Architects, Inc.

112

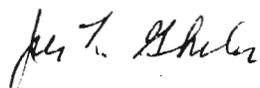
Members of the Space Committee include City Councilor Paul Ferro, City Councilor Robert Seymour, and School Committee members Margaret Dwyer and Michelle Bodin-Hedinger.

The Space Assessment Study demonstrates the need for additional space for municipal operations. The options presented are 1.) To utilize fully the Walker Building with the Office of Superintendent of Schools and miscellaneous city offices or 2.) To evict the tenant at the Bigelow School and utilize that building for municipal space.

The recommended option is to utilize the Walker Building due to the current vacancies in the building and the estimated costs to rehabilitate that facility.

Please contact me if you need any additional information.

Sincerely,



John L. Ghiloni,
Director

cc: Mayor Nancy E. Stevens



**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

//
**Lisa M. Thomas
City Clerk**

**THE MUNICIPAL
SPACE ASSESSMENT
STUDY MAY BE
VIEWED IN THE CITY
CLERK'S OFFICE.**

121

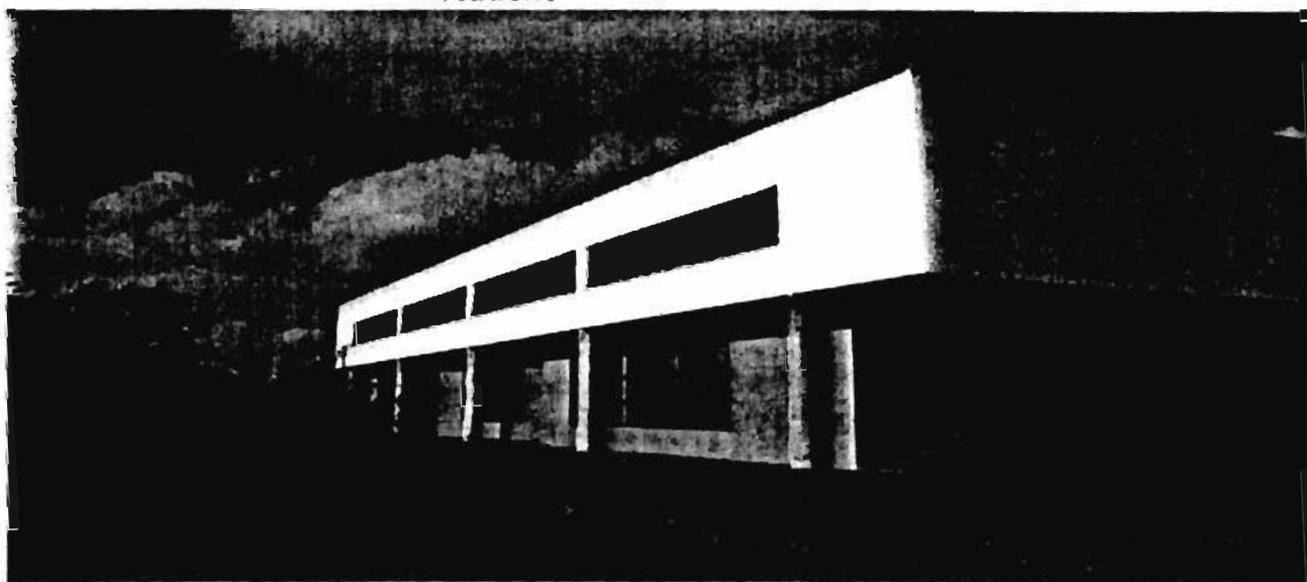
Dear Honorable Mayor Nancy Stevens and
City Council President Arthur Vigeant and
Members of the City Council,

We students at the newly named 1st Lt. Charles W. Whitcomb School would like it if we could add a grade level name. This grade name would be junior high. This would change the name to 1st Lt. Charles W. Whitcomb Junior High School. We hope that after you read this you will agree.

Sincerely,

Trevor Parrinello

Trevor Parinello
7th Grade Student



1st Lt. Charles W. Whitcomb Junior High School

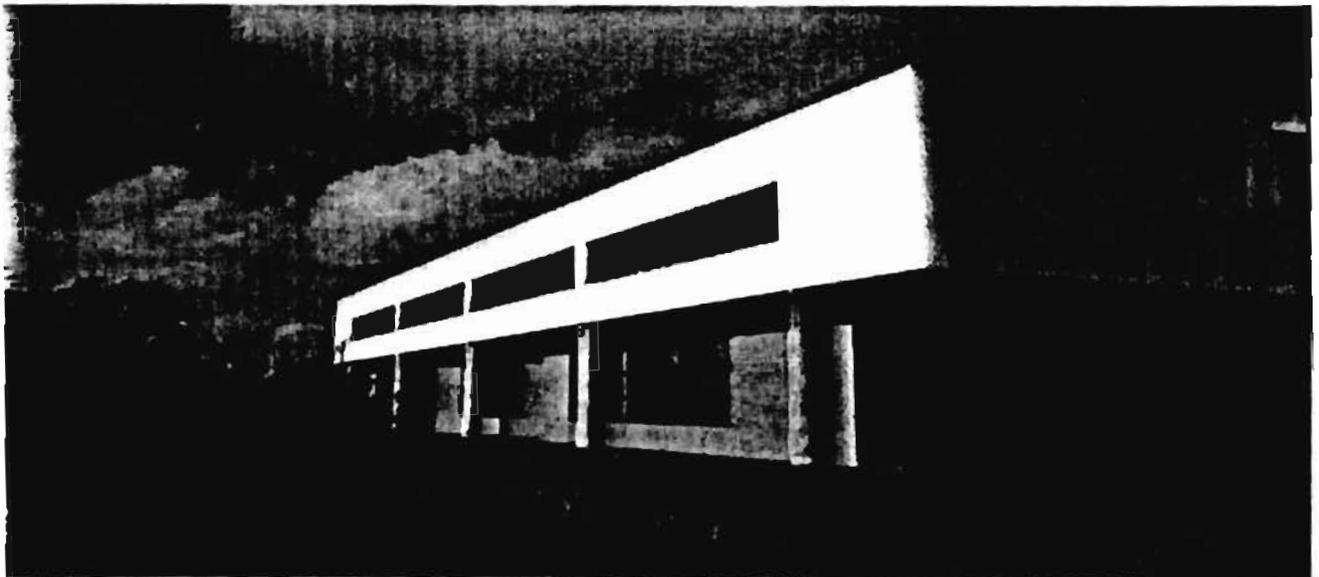
12/2

Dear Honorable Mayor Nancy Stevens and
City Council President Arthur Vigeant and
Members of the City Council,

We students at the newly named 1st Lt. Charles W. Whitcomb School would like it if we could add a grade level name. This grade name would be junior high. This would change the name to 1st Lt. Charles W. Whitcomb Junior High School. We hope that after you read this you will agree.

Sincerely,

Kyle Kinz
7th Grade Student



1st Lt. Charles W. Whitcomb Junior High School

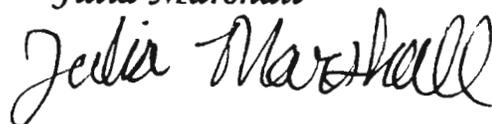
12;

Dear Honorable Mayor Nancy Stevens and City Council
President Arthur Vigeant and members of the City Council,

I would like our school name to have a grade name in it. Our school should be named 1st Lt. Charles W. Whitcomb Middle School. There are many reasons why I think we should add the word Middle to our school name. First off, nobody will know if it is a high school, elementary school, or intermediate and middle school without having to ask people. Secondly, even though it is the only building with the name entitled 1st Lt. Charles W. Whitcomb School; it helps during sporting events and town education programs, camps, etc. Lastly, we as students want to be proud of where we attend school and I would rather say "I attend 1st Lt. Charles W. Whitcomb Middle School," rather than say "Yeah, I attend 1st Lt. W. Whitcomb School." I'm also definitely sure others would rather have the word Middle in our school name than just a name of a person. I would greatly appreciate it if you consider my idea.

Yours truly,

Julia Marshall



Dear Honorable Mayor Nancy Stevens and
City Council President Arthur Vigeant and
Members of the City Council,

As a student at the now Marlborough 4-7 School, I think it is absolutely necessary that in our new school name 1st Lt. Charles W. Whitcomb School, that we include the word MIDDLE before the word school. I think this needs to happen because when people see our school name they will think to themselves and say, I wonder if they are a high school, middle school, or intermediate school. By adding one little word it can help people understand what school we are. As a 7th grader, I understand more things and hope you can see what we are trying to say. I have no problem with the name but I would love to see the word Middle added to the name. Thank you for your time and I hope you take this into consideration.

Sincerely,

A handwritten signature in black ink that reads "Kerri Leonard". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Kerri Leonard
Grade 7

125

Dear, Honorable Mayor Nancy Stevens and
City Council president Author Vigeant and
Members of the City Council,

My name is Dominica Chude. I am a student at Marlborough Middle School. I am more than happy to have our school named changed, especially having it named after a civil war veteran. I was just wondering if Middle could be added to the name. So the name would be 1st Lt Charles W. Whitcomb Middle School. Then they could be a grade name added. Thank you for your time.

Sincerely,



Dominica Chude

Grade 7

126

Dear Honorable Mayor Nancy Stevens and
City Council President Arthur Vigeant and
Members of City Council,

A bunch of us at the newly named 1st Lt. Charles W.
Whitcomb School have been thinking about our name. We would
like you to add “ junior high” after Whitcomb and before school.
Thank you for considering my option. We hope after you read this
you will agree.

Sincerely,
Grade 7 student
Matt Noyst

Matt Noyst

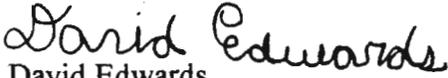
127

2/2/10

Dear Honorable Mayor Nancy Stevens and City Council President Arthur Vigeant and members of the City Council,

I think that our new school name is a good name but I suggest that we put either numbers or words that say the grades that attend our school. I think this would be a good thing because when people move to our city they know which grades go to our school. I hope that you consider my suggestion to add onto our school name.

Sincerely,

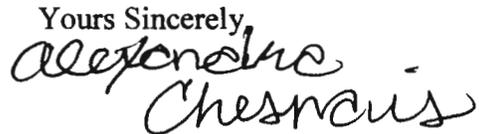

David Edwards

128

Dear Honorable Mayor Nancy Stevens and
City Council President Arthur Vigeant
and members of the City Council,

We, the students of the Middle School, feel that 'Middle' or 'Intermediate Middle' should be added between 'Whitcomb' and 'School' in the new name, 1st Lt. Charles W. Whitcomb School (it should be changed to 1st Lt. Charles W. Whitcomb Middle School). Some people may get confused when they see the name (about what grades are in that school). We see nothing wrong with the name itself, it is just that 'Middle' or 'Intermediate Middle' should be placed between 'Whitcomb' and 'School'. Please consider this letter!

Yours Sincerely,

A handwritten signature in cursive script that reads "Alexandra Chesnais". The signature is written in black ink and is positioned above the printed name.

Alexandra Chesnais

A 7th grade student

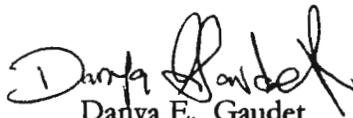
February 2, 2010

City Hall
Main Street
Marlborough, MA 01752

Dear Honorable Mayor Nancy Stevens and City Council president Arthur Vigeant and members of the city council:

My name is Danya Gaudet and I am a student at the middle school. Our teacher told us the other day that the schools name was being changed to 1st Lt. Charles W. Whitcomb School. My peers and I agree with the new name but we are requesting to put the word middle in front of school. So the name is 1st Lt. Charles W. Whitcomb Middle School. Thank You very much for your time.

Sincerely,


Danya E. Gaudet
7th Grade Student

12/10

Dear Honorable Mayor Nancy Stevens and
City council President and Arthur Vigeant and
Members of the city council,

My name is Devin Clemons. I am a student from the school soon to be called 1st Lt. Charles W. Whitcomb School. I have a request to change a little part of our name. I know we can't make any big changes but I would like to suggest something. The students and teachers here have been discussing our great new school name. We have been wondering if you could possibly change our name to the 1st Lt. Charles W. Whitcomb Middle School. We were wondering if you could add the word Middle into our new school name. It would be greatly appreciated by all the staff and students here at the school. I hope you take my offer into consideration.

Sincerely,

A handwritten signature in cursive script that reads "Devin Clemons". The signature is written in black ink and is positioned above the printed name.

Devin Clemons

1211

Dear Honorable Mayor Nancy Stevens and
City Council President Arthur Vigeant and
Members of the City Council,

I am a student at the Marlborough Intermediate Middle School. I would like to talk about how the new name for the school will be the "Lt. Charles W. Whitcomb School." I think that the name of the school should be the "Lt. Charles W. Whitcomb Middle School." This is because if we were just given a name no one would know which age group the school is for. This is why I think the new name of the school should be the "Lt. Charles W. Whitcomb Middle School."

Sincerely,


Kyle Hanlon

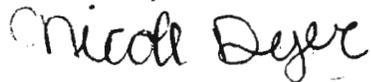
Seventh Grade Student

12/12

Dear Honorable Mayor Nancy Stevens and
City Council President Arthur Vigeant and
Members of the City Council,

This letter is to ask for a grade designation in the new 4-7 School name. I ask this for many reasons. 1st Lt. Charles W. Whitcomb School is a great name but what if someone not from Marlborough comes into the city and is trying to find the middle school. What I am trying to say is they will not know what kind of school this is. So one suggestion is, 1st Lt. Charles W. Whitcomb Middle School or 1st Lt. Charles W. Whitcomb 4-7 School. This will also benefit us because it lets the people know we are proud that we are a Middle School because all the other schools like the high school state what grades are in that school. Thank you so much for your time and consideration.

Sincerely,

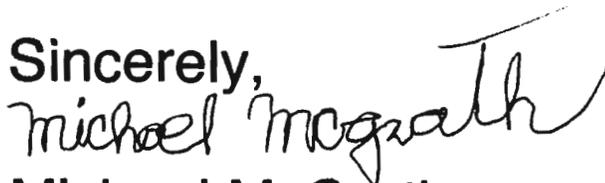


Nicole Dyer
Grade 7

12/13

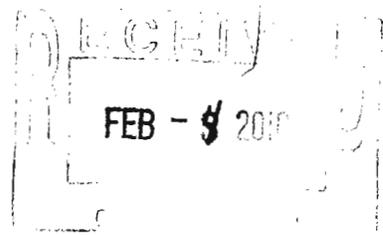
Dear honorable mayor Nancy Stevens and city council president Arthur Vigeant and members of the city council. My teacher Mrs. Weldon told me my new school name not too long ago. The name of our school is great but in the name it doesn't tell if we are an elementary school or a high school. So if you can I would recommend after the word (Whitcomb) putting the word (middle). Then people would know that we are a middle school. Thank you for all you have done so far and for conceding putting that in our school name. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Michael McGrath". The signature is written in a cursive style with a large, prominent 'M' at the beginning.

Michael McGrath

DAVID P. GADBOIS
Attorney-at-Law
27 PROSPECT STREET
MARLBOROUGH, MASSACHUSETTS 01752



131

PHONE (508) 481-0101

E-MAIL David@attygadbois.com

FAX (508) 485-8506

February 4, 2010

City Clerk
City Hall 140 Main Street
Marlborough, MA 01752

RE: Application for Amendment to Special Permit #94-560B *5460B*
Donald Lynch Boulevard Realty Trust (New England Sports Center)
121 Donald Lynch Blvd)

Dear Madam Clerk:

Attached please find letter to the City Council and an Application for Amendment to Special Permit with a Summary Impact Statement, Plans, City Planner's Letter, Abutters Listing, Certificate of Delivery, Certification of Payment of Taxes and a check for \$500.00. Would you kindly place this matter on the City Council agenda for Monday February 7, 2010 and request a public hearing at its earliest convenience.

Thanking you for your anticipated cooperation and attention to this matter, I am

Very truly yours,



Atty. David P. Gadbois

Encl: As Stated

132

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

QUAD RINK LIMITED PARTNERSHIP/NEW ENGLAND SPORTS MANAGEMENT CORPORATION

2. Specific Location of property including Assessor's Plate and Parcel Number.:

121 DONALD LYNCH / Map26 , Parcel 32

3. Name and address of owner of land if other than Petitioner or Applicant:

Same as Item 1. Care of Chip Orcutt, Agent for

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.):

Owner

5. Specific Zoning Ordinance under which the Special Permit is sought:

Amendment to existing Special Permit #94-560B

6. Zoning District in which property in question is located:

Limited Industrial LI

7. Specific reason(s) for seeking Special Permit:

AMENDMENT EXISTING SPECIAL PERMIT, #94-560B to ADD RINK 6

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.


Signature of Petitioner or Applicant

CHIP ORCUTT, AGENT FOR
NEW ENGLAND SPORT MANAGEMENT CORP.

Address: 84 SOUTH STREET
CARLISLE MA 01741

Telephone #: 978-369-8848

Date: _____
City Clerk's Office |

\$25.00 pd

14,

Feb 3, 2010

MARLBOROUGH, MASS.

TO THE CITY COUNCIL

The undersigned

I.P.N.S.A Corp / Cash for Gold

respectfully requests that he be granted a

second hand dealer License

to be located at Solomon Pond Mall / Kiosk

Iqbal Ismaili tel 516-647-4316

18 Grassfield Rd, Great Neck, N.Y 11024

P. O. Address

60 Donald Lynch Blvd.

516-647-4316

IN CITY COUNCIL

19

Referred to Committee on Public Safety.

Clerk.

REPORT ON THE ABOVE PETITION

IN CITY COUNCIL

19

The Committee on Public Safety, to whom the above petition was referred, having considered the same, report in favor of granting the same.

[Signature area with stamp FEB 3]

Committee

IN CITY COUNCIL

19

Accepted and report of committee adopted.

Attest:

Clerk.

Issued



142

I&P USA CORP.

NEW YORK, JANUARY 2010

TO WHOM IT MAY CONCERN,
I&P USA IS DOING BUISNESS OVER 14 YEARS.
WE ARE IN THE JEWERLY BUISSNESS OVER 30 YEARS.
WE ARE OPERATING IN MULTIPLE STAATES.
IN MASSACHUSSET WE HAVE GOLDBUYING LOCATIONS
IN HOLYOKE, SWANSEA, TAUNTON AND KINGSTON.

OUR TAX ID IS 1339-36380.

RESPECTFULLY

A handwritten signature in black ink, appearing to read 'Igali Ismaili', written over a horizontal line.

IGALI ISMAILI
PRESIDENT

\$25.00
pd. 15

MARLBOROUGH, MASS.

Feb 4, 2010

TO THE CITY COUNCIL:

The undersigned Steven Weener DBA Thriftboro respectfully requests that he be granted a License To Operate a Second Hand Store Primarily Selling Home Goods, Clothing, Furniture and Collectables at our Premises located at 344 Boston Post rd Marlboro MA 01752

P. O. Address 75 Victoria Lane Marlboro MA 01752 508-735-2476
(Residential)

IN CITY COUNCIL

19

Referred to Committee on Public Safety.

Clerk.

REPORT ON THE ABOVE PETITION

IN CITY COUNCIL

19

The Committee on Public Safety, to whom the above petition was referred, having considered the same, report in favor of granting the same.

RECEIVED
FEB - 4 - 2010

Committee

IN CITY COUNCIL

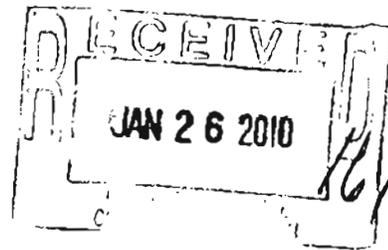
19

Accepted and report of committee adopted.

Attest: Clerk.

Issued

*City of Marlborough
Commonwealth of Massachusetts*



PLANNING BOARD

**Barbara L. Fenby, Chair
Steve Kerrigan, Clerk
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Robert Hanson
Sean N. Fay**

**PLANNING BOARD MINUTES
January 11, 2010
7:00 PM**

**Carrie Lizotte, Board Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: CLizotte@marlborough-ma.gov**

The Planning Board for the City of Marlborough met on Monday, January 11, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phillip Hodge, Edward Coveney, Robert Hanson and Sean Fay. Also present: Assltant City Engineer Richard Baldelli.

ELECTION OF OFFICERS

ELECTION OF PLANNING BOARD OFFICERS 2010

The gavel was turned over to Ed Coveney to serve as Chairman Pro Tem for the election process.

Barbara Fenby was unanimously re-elected as Chair for the year of 2010.

Steve Kerrigan was unanimously re-elected as Clerk for the year of 2010.

On a motion by Mr. Coveney, seconded by Mr. Fay, it was duly voted:

To appoint Barbara L. Fenby as Chairperson and Steve Kerrigan as Clerk for a term to expire on December 31, 2010.

Mr. Coveney returned the gavel to Chairperson Fenby.

MINUTES

Meeting Minutes December 21, 2009

On a motion by Mr. Kerrigan, seconded by Mr. Fay it was duly voted:

To accept and file the Meeting Minutes of December 21, 2009 with amendments.

CHAIRS BUSINESS

APPROVAL NOT REQUIRED PLAN

162

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

On a motion by Mr. Kerrigan, seconded by Mr. Coveney it was duly voted:

To move up the discussion of 5B.

5B) Blackhorse Farms, Cider Mill Estates & West Ridge Estates

The Planning Board has been reviewing the subdivisions for compliance. At a previous meeting the Planning Board asked the City Solicitor in regards to rescinding the lots that were previously released and if there was any community that successfully rescinded the lots. His answer was simply no on both accounts. Mr. Kerrigan and Ms. Fenby were not at the December 7, 2009 meeting when this was read into record.

Councilor Levy spoke on how he was the new Chair of Urban Affairs. He stated he was trying to understand the issues, range of power and close the "gaps".

Councilor Delano asked how the developer of the Blackhorse Farms development was allowed to fence the roadway not allowing a vehicle to turn around on the roadway. Ms. Lizotte stated that this has been in back and forth with the Engineering Division as well as the Building Department. She also stated that because of the issue with blight (constituents placing debris off the hill), the developer, placed the fence to prevent this from happening. There were also questions regarding the past use of the rock crushing at this site.

Ms. Fenby then asked the Planning Board how they would like to proceed. Mr. Fay stated that he would still not rule out rescinding the lots that have not been built on even though the City Solicitor advised the Planning Board that was not an option. It was also suggested to have the Building Commissioner, Code Enforcement Officer and the City Solicitor attend the next meeting to conduct a "round table" discussion regarding the status of the subdivisions and for their collective input. Ms. Fenby collectively asked the Board what they would like to discuss with the attendees at the next meeting:

- Code Enforcement's Stop Work Order on September 25, 2009
 - Anything corrected with this original stop work order
- Is this out of the Planning Boards Jurisdiction or is this Site Plan, Building or DPW
- Where if any is there a gap

Update from City Engineer

There is no update at this time.

Forest Trail (Mosher Lane)

Mr. Burger sent correspondence stating he is still in discussion with developer regarding the waiver requests. He is asking for an postponement of the waiver request until the next meeting on January 25, 2010.

The first vote to grant an extension and have the Attorney Burger appear at the next meeting was defeated with the following vote by Mr. Kerrigan, seconded by Mr. Coveney, with Ms. Fenby, Mr. Hodge, Mr. Fay and Mr. Hanson opposing.

163

Several members of the Planning Board spoke how this waiver request is now entering in its third month for delays by the developers' attorney. Mr. Hodge asked if they took a vote to deny without prejudice, would this be legally binding and to have the attorney to come back when all the waiver requests have been discussed between the developer and the attorney.

On a motion made by Mr. Hodge, seconded by Mr. Fay, with Mr. Kerrigan opposing, it was duly voted:

To DENY without prejudice the waiver request.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

On a motion by Mr. Coveney, seconded by Mr. Kerrigan, it was duly voted:

To accept all of the items listed under communications and/or correspondence.

On a motion by Mr. Coveney, seconded by Mr. Hanson, it was duly voted:

To adjourn at 8:00 p.m.

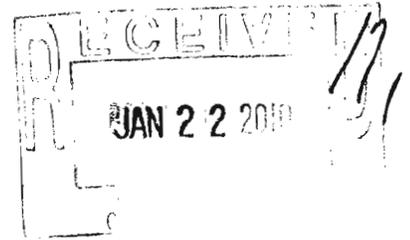
A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk

MetroWest Regional Transit Authority



**Advisory Board
Meeting Minutes
Monday, November 30, 2009**

The MetroWest Regional Transit Authority Advisory Board met on Monday, November 30, 2009 at 4:30p.m., at the MetroWest Center for Independent Living, 280 Irving St. Framingham, MA, at the call of Mr. Carl Damigella, Vice Chairman, Holliston. Mr. Damigella asked for a roll call of communities. In attendance was; Edward Carr, Administrator, Charles Stevenson, Counsel, Christopher Peck, Sherborn, Charles Hughes, Natick, Brian Herr, Hopkinton, Kristin Kiesel, Sudbury and Joseph Nolan, Wayland. Also in attendance was Patrick Moynihan, Real Estate Consultant to the MWRTA. A quorum was not declared.

Administrator's Report:

- **Fixed Route Service:**

3 of 5 new buses arrived from the Mobility Assistance Program.

Sherborn is starting subscription shuttle service on December 7th with the terminus at the Sherborn Inn.

The Start of **Marlborough Saturday service** is still waiting for FTA funding to be transferred. The hope is that it will begin by the Holidays.

- **Demand Response:**

Efforts continue in smoothing out operations, as successful progress is being made.

Comments on the Administrator's Report:

There were no comments.

Old Business

- **37 Waverley St. Property:**

Pat Moynihan (Real Estate Consultant to the MWRTA) gave an overview of the proposed purchase and sales agreement:

Mr. Moynihan and Ed Carr have been working with the landlord on the **environmental issues that must be resolved before the building can be purchased.**

Federal funding is in place for purchase and improvements as well as the 20% State match.

Authorization is being sought for the Administrator to enter into a signed purchase and sales agreement for 37 Waverley St.

Environmental cleanup is complete.

The MWRTA is responsible for the expense of installing an **oil/water drainage system**.

\$805,000.00 is the **purchase price**.

\$810,000.00 is the **appraised price**.

2.5% deposit is required, to be held by the seller's attorney.

In order to ensure sufficient time for a **title search**, a March 1, 2010 timeframe will be sought. Seller is responsible for up to \$25,000.00 in expenses related to title issues.

Seller has asked for some changes pertaining to the language of true and correct regarding environmental, in II of the document. The term "To the best of the seller's knowledge" will be inserted. The same insertion will apply in III. Mr. Nolan stated that under **Chapter 21E**, the seller would still be responsible for any future environmental issues that relate to their timeframe of ownership.

Mr. Hughes suggested that if the property was destroyed in some way before the purchase took place, the insurance proceeds from the seller's policy would go to the MWRTA, if the Authority decided to go forward with the purchase. The MWRTA would have the option not to go forward.

Mr. Damigella acknowledged the **arrival of Mr. Jason Smith of Framingham**, to the meeting, as well as declaring a **quorum** present. Mr. Smith was updated on what had previously been discussed.

Mr. Moynihan discussed the **testing of soil and ground water**. He stated that gasoline was detected in the soil and that environmental removal was performed at the expense of the landlord. He also stated that as part of the purchase and sales agreement the seller must provide the MWRTA with documents from a licensed environmental contractor that 37 Waverley St. is in compliance with **Chapter 21E**. Mr. Damigella inquired about abutting property to the MWRTA. Mr. Moynihan stated that at this time, under the testing that was performed, there was no indication of infiltration from abutting properties. He stated that 9 wells were bored and tested, including inside the building.

Mr. Moynihan told the board that the seller must disclose to the MWRTA all leases that may pertain to 37 Waverley St. He also stated that the MWRTA has 6 months after purchase to discover any such leases.

Mr. Hughes made a motion to authorize, with the recommended changes, the administrator to sign the purchase and sales agreement for 37 Waverley St., it was seconded by Mr. Smith and voted unanimously.

Mr. Hughes made a motion to waive the reading of the previous minutes, it was seconded by Mr. Peck and voted unanimously. Mr. Hughes made a motion to approve the previous minutes, it was seconded by Mr. Peck and voted unanimously.

- ***New Business***

Compensation Sub-committee report – Christopher Peck:

The Sub-Committee met to review the goals/objectives for the Administrator. Contract negotiations continue and the committee hopes to have a finalized document for a vote to be taken by the next meeting. The Committee recommends a raise for the existing contract to be effective January 2010, specific terms are still open to discussion. The contract will need to be in compliance with the Public Quasi Compensation review report.

The committee will distribute to the Board, before the next meeting, a draft of the proposed former contract of the Administrator, as well as a draft of the sub committee's goals/objectives for the Administrator. The evaluation process, including compensation, is still in executive session and will be distributed to the board once the Administrator has a chance to respond to the evaluation and the Sub Committee concludes executive session.

- ***Any other Business***

Mr. Damigella stated that he hopes to report some progress in regards to arranging a sit down meeting with Milford officials. Representative Fernandes has suggested that this may be more plausible after the holidays.

- ***Questions and comments from the audience:***

Tim Kelley of JFK Transportation had the following comments:
As a member of the Natick Disability Commission, Mr. Kelley would like to know the # of MWRIDE users from Natick.

Mr. Kelley commented that there are no ridership #'s posted for the public to review.

Mr. Kelley wanted to know what the justification was for expansion of service.

Mr. Kelley commented that he observed a bus in a fire lane.

Mr. Kelley commented about emails sent to the MWRTA.

After discussion of the board, it was decided that total monthly ridership for the MWRTA will be posted on the website.

After reviewing the overall monthly ridership totals, the board felt that it would show the justification for discussion of expansion.

First Transit will investigate the fire lane allegation.

Copies of emails sent to the MWRTA can be obtained by the sender.

174

The next meeting was scheduled for Monday, January 11, 2010 at 4:30pm.

Mr. Smith made a motion to adjourn: seconded by Mr. Peck and voted unanimously.

The meeting ended at 5:30pm

###

Certificate

The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on November 30, 2009

Joseph F. Nolan, Clerk



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, December 22, 2009 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, Fire Chief David Adams, City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Mayor Nancy Stevens and City Councilor Steve Levy. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, November 24, 2009.

MOTION was made, seconded, duly VOTED:
To APPROVE.

2-New Business

2f. Communication from Councilor Levy, re: signage for Slocumb Lane and Byrne Field.

This issue was discussed first as Councilor Levy was in attendance. Councilor Levy had sent a letter to Chief Leonard, dated 12/14/09, outlining the issue. In brief, Slocumb Lane is a cul-de-sac off Stetson Drive. There is currently only one home on this street (Blackhorse Farms Subdivision). The resident of this home is having a problem with vehicles turning around in his driveway. Vehicles often come down this road in search of Byrne Field or simply driving through the neighborhood. The resident's mailbox has been knocked over 6 times and destroyed 3 times. Councilor Levy is requesting that signage be installed that would indicate that 1) Slocumb Lane is a dead end / not a through way 2) and the location of Byrne Field.

Councilor Levy also questioned the process that allowed a chain to be put up blocking access to the cul-de-sac as a turn around and access for emergency vehicles. The permitting process was discussed in detail as was who is responsible for the chain and maintaining the cul-de-sac. The chain was put up because of legitimate problems with kids partying in the area, trash disposal etc. In the end, it was determined that the road should not have been chained without the City's knowledge.

MOTION was made, seconded, duly VOTED to REFER to DPW for the signage issue (when weather permits). Chief Leonard does not anticipate any problems.

MOTION was made, seconded, duly VOTED to REFER to Mayor Stevens on the chain issue. She will talk to Steve Reid (Building Inspector) about the situation.

2d. Request for stop signs on Weed St. at Court St.

This item was placed on the agenda at the request of Mayor Stevens. It was discussed that this is, in fact, a dangerous intersection. There are currently stop signs on Court Street but not on Weed. Many people think this is a four way stop. Drivers coming down Court see cars coming down Weed and continue to keep going because they expect them to stop. Tom Cullin advised that four way stops need to be warranted according to the MUTCD. The state is very specific as to when they can be installed. He doesn't feel that this area would meet sight and volume standards. Chief Leonard agrees but indicated that maybe it can be looked at with regard to pedestrian/safety concerns.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for review.

2a. Communication from Kristine Saunders, re: request for crosswalk and/or sidewalk at 378 Bolton Street.

The Mayor's Office originally received this request. Ms. Saunders is concerned about her daughter crossing Bolton Street at this location. Tom Cullen showed a photo of this site. He noted that 378 Bolton is not at an intersection and that a crosswalk does exist 285 feet north of the driveway. There does appear to be a crosswalk in the photo, however, there was a question as to whether or not it was plowed. Chief Leonard stated that he does not expect to see a midblock crosswalk installed. The Chief will talk to Ms. Saunders and address her concerns.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to follow up with Ms. Saunders.

2b. Communication from Beth Bannon, re: traffic concerns on Williams Street.

Beth Gannon sent an e-mail to Ron LaFreniere, dated 12/7/09, outlining the safety concerns on this road, specifically in the location of Crane Meadow. She is requesting that lines be painted on the road – at the very least a center line. Ron LaFreniere indicated that he has already responded to Ms. Gannon. Striping will be done when the weather permits.

MOTION was made, seconded, duly VOTED to PLACE ON FILE for follow-up at the appropriate time of year.

2c. Request for a loading zone for "Furnishing Options" at 66 Mechanic Street.

Chief Leonard has concerns with vehicles parking too close to the intersection. His 2 main concerns are 1) creating an area on a public way for a specific business and 2) the location is extremely close to the intersection and could tie up the area when deliveries are being made. The Chief noted that there is access to the back of the building and

18;

questioned who has control of this area and if there may be a better option. Mayor Stevens indicated that maybe they can't get furniture through the rear door and back hallway. Chief Leonard was hoping that someone from Furnishing Options would be in attendance so that we could discuss the specifics of their business and also answer any questions for the Traffic Commission. It appears OK to unload in the parking spot that is available in front but to restrict the spot as a loading zone for a particular business would take a parking spot away from other businesses in the area. Mayor Stevens questioned the Chief on enforcement. If people are stopped there to load and unload, will they be asked to move? Chief Leonard advised that if someone is legally parked in an existing spot there will not be a problem. The problem exists if someone is parked in front of the parking spot and is then too close to the intersection. Mayor Stevens advised that the business has just opened and that she thinks they are just trying to be proactive. It may not even be an issue at this point. Mayor Stevens will have Kate Kimber call Furnishing Options.

MOTION was made, seconded, duly VOTED to TABLE for now and REFER to THE MAYOR'S OFFICE to advise Furnishing Options on status.

2e) Communication from Amy Loveless, re: van parking spaces in front of Senior Center, 240 Main Street.

Ron LaFreniere advised that he has partially responded to Amy. The proper signage is currently in place. Chief Leonard stated that this should not be an issue. As soon as the weather cooperates the area can be restriped properly.

MOTION was made, seconded, duly VOTED REFER TO THE DPW for restriping when the weather permits.

3-Old Business

3f. Communication from Jim Joubert, re: Stop signs on Bigelow Street.

MOTION was made, seconded, duly VOTED:

To TABLE as traffic counts have not yet been completed.

3g. Traffic Commission rules and regulations update.

MOTION was made, seconded, duly VOTED:

To TABLE for now as Chief Leonard did speak with Mayor Stevens and they are working on this issue.

3i. Communication from Kevin Flynn, re: Grant of Authority to enforce traffic regulations at CDA (Community Development Authority) senior housing locations.

Tom Cullen advised that Tim Collins met with Kevin Flynn about 2 weeks ago regarding the parking regulations that would be required at the three senior housing locations, 1) 240 Main Street 2) 29 Pleasant Street 3) 397 Bolton Street. Tim outlined all issues in a memo to the Traffic Commission, dated December 18, 2009. The memo includes maps of each location indicating all proposed parking regulations.

1) **240 Main Street** - Upon review, Tom Cullin noted that Windsor Road is up for reconstruction. Ron noted that it may be better to wait until the Project Plan is in place and available for review. Many of the issues may be addressed at that time. He thinks this can be made into a very attractive and functional area.

2) **Pleasant Street** - Upon review, it appears that no real changes are necessary. The Chief noted that he thinks the "One Way" condition is what is there now. Kevin would like the conditions put into regulation format.

3) **397 Bolton Street** - Chief Leonard would like to discuss this with Tim in more detail (Tim on vacation).

MOTION was made, seconded, duly VOTED to TABLE items 1 and 3 (Windsor and Bolton piece) until the next meeting when Tim will be available to discuss.

MOTION was made, seconded, duly VOTED to REFER item 2 to Chief Leonard to draw up the parking restriction outlined on the plan.

3a. Long term oversized vehicle ordinance.

MOTION was made, seconded, duly VOTED:
To TABLE.

3b. Municipal off street parking regulation.

MOTION was made, seconded, duly VOTED:
To TABLE.

3c. High School parking regulations

Refer to Traffic Commission minutes dated 11/24/09. Chief Leonard to put together the appropriate wording.

3d. Communication from Barbara McGann, Re: Request for School Zone on Forest Street near AMSA Charter School.

MOTION was made, seconded, duly VOTED:
To TABLE.

3e. Communication from Kenneth Almeida, re: Four way stop request – Porter Rd. @ Phippen Rd.

MOTION was made, seconded, duly VOTED:
To TABLE.

3h. Communication from Councilor Pope, re: traffic/parking concerns on Lavolette St. and Broad Street.

MOTION was made, seconded, duly VOTED:

To TABLE.

Additional Item not on Agenda:

Lincoln Street - Trisha Pope sent an e-mail on Debra Fairbanks' behalf asking whether parking was allowed in front of the Renaissance Lofts. They have a potential Commercial Tenant looking at the site and they want clarification. Tom Cullen had a map from Tim Collins indicating the parking restrictions in the area. The no parking areas are shown in red and no parking at certain hours shown in yellow. Chief Leonard believes that this graphic was e-mailed to Trisha Pope. This would have answered all her questions.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to check with Tim.

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:20 a.m.

Respectfully submitted,
Karen L. Lambert - Records Clerk, MPD