

REGULAR MEETING
OCTOBER 18, 2010

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 OCT 14 P 4: 52

1. Minutes of the City Council Meeting, October 4, 2010.
2. PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.31-50 which is east of present P.31 on Essex St. and to relocate P.19 on Cook Lane, Order No. 10-100708.
3. Communication from the Mayor re: Fire Department transfer request in the amount of \$3,059.76 moving funds from Firefighter to Additional Overtime to fund coverage for an injured employee.
4. Communication from the City Clerk re: State Election Call.
5. Communication from Attorney Golden re: Acceptance of Peebles Way as a Public Way.
6. Application for Special Permit from Andy Candiello on behalf of MetroPcs Massachusetts, LLC, to install a Wireless Communications Facility onto the existing communication tower at 860 Boston Post Rd. East.
7. Minutes, School Committee Meeting, September 28, 2010.
8. Minutes, Board of Registrars, October 5, 2010.
9. Minutes, Planning Board, September 13, 2010.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From City Council

10. **Order No. 10-1002657 - All municipal vehicles be marked with the official city seal and numbered on the back for identification purposes. Recommendation of the City Council is to table until October 18, 2010.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

Lisa M. Thomas

140 Main St.

Marlborough, MA 01752

(508) 460-3775 FAX (508) 460-3723

OCTOBER 4, 2010

Regular meeting of the City Council held on Monday, OCTOBER 4, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Vigeant, Delano, Ferro, Elder, Tunnera, Seymour, Clancy and Landers. Absent: Pope. Meeting adjourned at 8:20 p.m.

ORDERED: That the minutes of the City Council Meeting September 27, 2010, **FILE AS AMENDED**; adopted.

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

Suspension of the rules requested – granted

ORDERED: That Dragalina Birson from Moldova spoke regarding other students from Moldova who are looking for host families to come to America, **FILE**; adopted.

ORDERED: That the acceptance of a Grant of Easement, attached hereto, granting the City of Marlborough the exclusive and perpetual right to repair, maintain, improve and replace a water line located within the property at 49 Cleversy Drive in Marlborough, **APPROVED**; adopted.

Yea: 10- Nay: 0

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

Absent: Pope

ORDERED: That the Communication from the Chair of the Library Board of Trustees, Susan Laufer, re: appointment of Margaret Cardello as Library Director and request that she commences at Step 1, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **OCTOBER 18, 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. install new intermediate P. 31-50 which is east of present P.31 on Essex St. and relocate P. 19 on Cook Ln., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Traffic Commission, July 27, 2010, **FILE**; adopted.

ORDERED: That all municipal vehicles be marked with the official city seal and numbered on the back for identification purposes, **TABLED UNTIL OCTOBER 18, 2010**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:20 p.m.; adopted.



IN CITY COUNCIL

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OCTOBER 4, 2010

Marlborough, Mass.,

ORDERED:

That there being no objection thereto set **OCTOBER 18, 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. install new intermediate P. 31-50 which is east of present P.31 on Essex St. and relocate P. 19 on Cook Ln., be and is herewith refer to **PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 10-1002708



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi 3
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

October 14, 2010

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

RE: Fire Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith is the following transfer request:

Transfer in the amount of \$3,059.76 moving funds from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (Additional Overtime).

The transfer is necessary to fund coverage for an injured employee.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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TRANSFER REQUEST

FROM ACCOUNT

TO ACCOUNT

AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIPT	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIPT	AMOUNT AVAIL
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DEPARTMENT: FIRE

DEPARTMENT: FIRE

\$ 2,209,417.12	\$ 3,059.76	12200001	50450	Firefighter	\$ 3,059.76	12200003	51300	Additional OT	\$28,237.82
	\$ 3,059.76			Total	\$ 3,059.76				

Reason: To fund coverage for injured employee

Rory A. Blum
 Department Head signature:

Mayor's Signature:



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CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **STATE ELECTION** will be held in the polling locations as noted below on **NOVEMBER 2, 2010** as follows: Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, Representative in Congress, Councillor, Senator in General Court, Representative in General Court, District Attorney, and Sheriff.

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

POLLING LOCATIONS ARE AS FOLLOWS:

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

LEGAL AD – PLEASE PUBLISH IN THE MWDN ON October 13, 2010.

Bill to: City Clerk's Office
Please send tear sheets

JAMES GOLDEN, JR.
ATTORNEY AND COUNSELLOR AT LAW
COREY BUILDING
186 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2010 OCT -8 A 11: 37

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NOTARY PUBLIC

TELEPHONE (508) 485-1770 OFFICE
485-0749 HOME

October 7, 2010

City of Marlborough
City Clerk
140 Main Street
Marlborough, MA 01752

RE: Acceptance of Peebles Way as Public Way

Dear Madam Clerk:

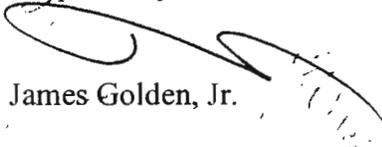
Would you please place this request for the Acceptance of Peebles Way as a Public Way in the City of Marlborough on the next City Council Agenda.

I am enclosing the following documents:

1. Approval Letter from the City of Marlborough Planning Board;
2. Approved Plan of Acceptance Easements and Open Space of Peebles Way;
3. Proposed Quitclaim Deed.

I would request that the City Council refer the same to the appropriate Committee and the City Solicitor.

Respectfully,


James Golden, Jr.

JG/rlc

Enclosures

CC: City Solicitor

Kenneth Giardina

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City of Marlborough
Commonwealth of Massachusetts



September 1, 2010

Kenneth Giardina, Trustee
Deerfield Realty Trust
650 Berlin Road
Marlborough, MA 01752

RE: Deerfield Village
Subdivision Acceptance

Dear Mr. Giardina:

At the last Planning Board Meeting on August 23, 2010, the following action was taken:

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

To accept and file the letter from City Engineer Thomas Cullen, and endorse his recommendation that the subdivision known as "Deerfield Village, As-built plot plan dated May 5, 2004 with revised date of November 23, 2009 drawn by: Thomas Land Surveyors has remained in satisfactory condition for the year long maintenance period. The remaining bond will stay in place until certification of the recordings.

It will be your responsibility to contact the City Council to have the street acceptance.

Sincerely,

Handwritten signature of Barbara L. Fenby in cursive.

Barbara L. Fenby
Chairperson

/cal

Cc: City Engineer
City Clerk
file

PLANNING BOARD

Barbara L. Fenby, Chair
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Sean N. Fay

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov



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CITY OF MARLBOROUGH
Department of Public Works
Engineering Division
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

August 13, 2010

Marlborough Planning Board
140 Main Street – City Hall
Marlborough, MA 01752

Attn.: Ms. Barbara L. Fenby

**Re: *Deerfield Village Subdivision;
Pebbles Way, Easements and Open Space;
Developer's Request Road and Easements Acceptance***

Dear Ms. Fenby:

Pursuant to the directive of the Planning Board and the developer's request for roadway and easement acceptance, dated April 5, 2004, Marlborough's Engineering Division has reviewed the following documents (original and revised) provided by the developer for the subject subdivision. We are now in a position to provide a favorable recommendation to the Planning Board regarding the above referenced subdivision.

Please note that the following summarizes said documents in which Engineering has reviewed and approved:

- **As-Built Plan and Profile of Deerfield Village**, dated May 5, 2004 and signed by the engineer on November 23, 2009. Note that the plans were prepared by Thomas Land Surveyors and Engineering Consultants Inc. 118 Forest Avenue, Hudson, MA 01749.
- **Plan of Acceptance, Easements & Open Space of Pebbles Way In Marlborough, Massachusetts**, dated November 23, 2009 and signed by the engineer on November 23, 2009. Note that the plan was prepared by Thomas Land Surveyors and Engineering consultants Inc. 285 Washington Street, Hudson MA 01749.
- **The latest Legal Descriptions** which have been edited by the Engineering Division.

Included in the submission to the Board is a copy of the deed that transfers ownership of the Open Space parcel of land: From Kenneth J. Giardina and Karen Giardina to The City of Marlborough. Said parcel contains 5.48 acres of land and is recorded in the South Middlesex Registry of Deeds, Book 31411 Page 341 along with plan 422 of 2000. The Engineering Division does not believe that this deed transfer was adopted by the Marlborough City Council.

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Deerfield Village Subdivision
Pebbles Way, Easements and Open Space
Developer's Request for Acceptance

August 13, 2010

The status of the above referenced subdivision has been reviewed by the Engineering Division and it has been determined that the work in same has been completed in accordance with the Planning Board's Rules and Regulations. The street has remained in satisfactory condition for in excess of the one year maintenance period (finished paving took place during the Spring of 2004), and all acceptable plans (original mylars) have been submitted to this office.

Given the above, I am hereby recommending that the bond securing the same in the amount of \$11,401.00 (latest value indicated in our records dated June 5, 2009) remain in place until such time as the Acceptance Plan and Municipal Easements have been recorded at the Middlesex Registry of Deeds South District, Cambridge, MA.

It is also recommended that the developer take the necessary steps with the Marlborough City Council to have Pebbles Way, the easements, and the open space accepted by the city as shown on the Plan of Acceptance prepared by Thomas Land Surveyors and Engineering Consultants, Inc. 265 Washington Street, Hudson MA 01749.

Should you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,



Thomas E. Cullen, Jr., P.E.
City Engineer

- cc: Barbara L. Fenby, Marlborough Planning Board
Ronald M. LaFreniere, P.E., Commissioner DPW
Marlborough Legal Department
Priscilla Ryder, Conservation Agent
Subdivision Developer
Subdivision File

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Lizotte, Carrie

From: Cullen, Thomas
Sent: Friday, August 13, 2010 2:50 PM
To: Lizotte, Carrie
Cc: Baldelli, Dick; Collins, Tim; Josephson, Marcia; LaFreniere, Ron; Rider, Donald; Panagore Griffin, Cynthia; Ryder, Priscilla; 'David Gadbois'
Subject: Planning Board - Deerfield Village Subdivision (Peebles Way); Acceptance of the Roadway, Easements and Open Space
Attachments: B-830.PDF; Planning Board_Deerfield Village_Recommend Acceptance Letter(8-23-10).pdf; B-830A.PDF; P-300.PDF; Planning Board_Deerfield Village_Latest Legal Descriptions.pdf

Carrie,

Attached herewith is the letter to the Planning Board regarding the developer's request for acceptance of the subject subdivision off of Berlin Road.

Also attached are the approved definitive subdivision plans, the latest as-built plans, the latest acceptance plans, and the legal descriptions.

If you have any questions and/or comments, please contact me.

Thomas E. Cullen, Jr., P.E.
City Engineer
135 Neil Street
City of Marlborough
Phone: 508-624-6910
Fax.: 508-624-7699
email: tcullen@marlborough-ma.gov

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FOR REGISTRY USE

STATE OF MASSACHUSETTS
 REGISTERED OFFICE OF THE COMMISSIONER OF
 MASSACHUSETTS

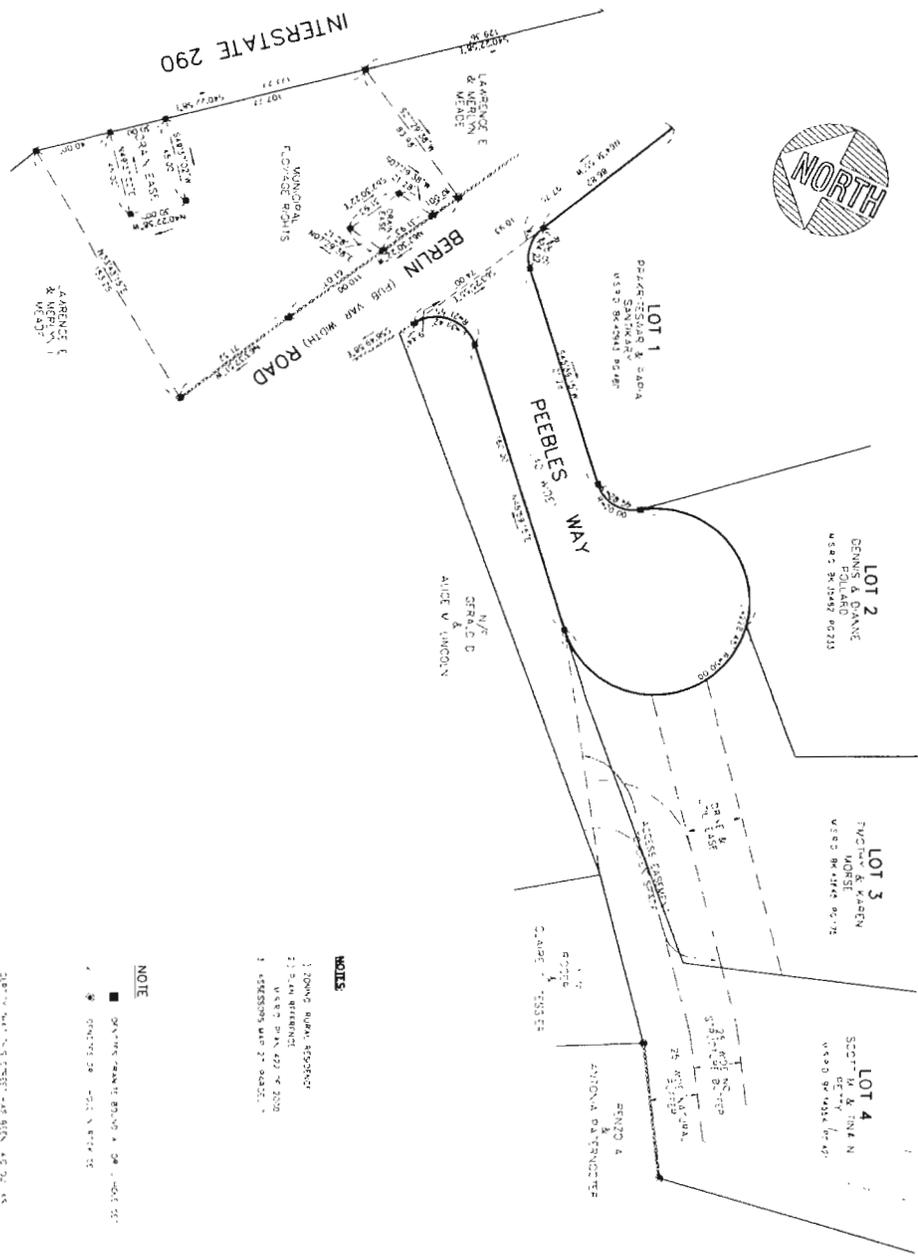
DATE: 01/15/2020

THOMAS DIERPICH JR. P.E.
 LICENSE #8884

DATE: 01/15/2020

**CITY OF MARLBOROUGH
 PLANNING BOARD**

APPROVAL UNDER THE SUBDIVISION
 CONTROL LAW AND REGULATIONS
 OF THE CITY OF MARLBOROUGH
 PLANNING BOARD



NOTES

- 1. ZONING REGULATIONS
- 2. 25' SETBACKS
- 3. EASEMENTS ARE 20' WIDE

NOTE

OVERVIEW MAP OF THE SITE
 SHOWING THE LOCATION OF THE
 PROPOSED DEVELOPMENT IN
 RELATION TO THE SURROUNDING
 AREA AND THE CITY OF
 MARLBOROUGH.

THOMAS DIERPICH JR. P.E.
 LICENSE #8884

THOMAS DIERPICH JR. P.E.
 LICENSE #8884

PLAN OF ACCEPTANCE,
 EASEMENTS &
 OPEN SPACE
 OF
 PEBBLES WAY
 IN
 MARLBOROUGH
 MASSACHUSETTS

KENNETH CLARK, V.
 MARLBOROUGH, MA

AS NOTED

THOMAS LANG SUBDIVISION
 ENGINEERING

PLAN OF ACCEPTANCE
 EASEMENTS & OPEN SPACE
 OF
 PEBBLES WAY
 MARLBOROUGH, MA

SCALE: 1" = 20'
 DATE: 01/15/2020
 PROJECT: PEBBLES WAY
 SHEET 1 OF 2

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QUITCLAIM DEED

We, KENNETH J. GIARDINA and KAREN A. GIARDINA, husband and wife, as tenants by the entirety.

of 650 Berlin Road, Marlborough, Middlesex County, Massachusetts

In consideration of less than one hundred (\$100.00) dollars

Grants to the City of Marlborough, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and having its usual business at 140 Main Street, Marlborough

WITH QUITCLAIM COVENANTS

The certain parcel of land in Marlboro, Massachusetts, known as Peebles Way, together with an appurtenant drainage easement and appurtenant municipal flowage rights easement and appurtenant access easement to open space all as described in the legal description attached hereto as "Exhibit A", as all shown on plan entitled "Plan of Acceptance, Easements and Open Space of Peebles Way, in Marlborough, Massachusetts, dated November 23, 2009, by Thomas Land Surveyors & Engineering Consultants, Inc., 265 Washington Street, Hudson, MA., to be recorded in the Middlesex South District Registry of Deeds as Plan Number _____ of 20 ____.

Said appurtenant municipal drainage easement shall include the right to install, maintain, repair and reconstruct municipal utilities in the area denoted "Drain Easement" as shown on the above-referenced plan.

Said appurtenant municipal flowage easement shall include the right to install, maintain, repair and reconstruct municipal utilities in the area denoted as "Municipal Flowage Rights" as shown on the above-referenced plan.

For Grantor's title see deed dated May 29, 1997 and recorded in the Middlesex South District Registry of Deeds in Book 27335, Page 058.

Executed as a sealed instrument this _____ day of _____.

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Executed as a sealed instrument this _____ day of _____.

KENNETH J. GIARDINA

KAREN A. GIARDINA

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named, KENNETH J. GIARDINA proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

, Notary Public

My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared, KAREN A. GIARDINA Proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that she signed it voluntarily and for its stated purpose.

, Notary Public

My Commission Expires:

EXHIBIT A

PEEBLES WAY

Legal Description

Beginning at the northeasterly corner of Pebbles Way at a stone bound with a drill hole on the southwesterly sideline of Berlin Road and at land of Prakrisewsar & Papia Santikary and at a point of curvature,

Thence running by land of Santikary and a curve to the left having a radius of 20.00 feet and a length of 24.22 feet to a stone bound with a drill hole,

Thence running by land of Santikary S45-59-15W 121.28 feet to a stone bound with a drill hole and at a point of curvature,

Thence running by land of Santikary and a curve to the left having a radius of 20.00 feet and a length of 28.55 feet to a stone bound with a drill hole at a point of curvature at land of Dennis H. & Dianne R. Pollard,

Thence running by land of Pollard, and land of Timothy & Karen Morse and a curve to the right having a radius of 50.00 feet and a length of 228.45 feet to a stone bound with a drill hole at land of Scott M. & Tina N. Petty,

Thence running by land of Petty N45-59-15E 160.00 feet to a stone bound with a drill hole at a point of curvature,

Thence running by land of Petty and a curve to the left having a radius of 21.55 feet and a length of 39.42 feet to a stone bound with a drill hole at a point on the southwesterly sideline of Berlin Road,

Thence running by the southwesterly sideline of Berlin Road S63-25-55E 74.00 feet to the point and place of beginning.

Said Pebbles way contains 238,735 square feet or 5.48± acres according to said plan, as shown on plan entitled "Plan of Acceptance, Easements and Open Space of Pebbles Way in Marlborough, Massachusetts, scale 1" = 40" dated 11/23/2009", by Thomas Land Surveyors & Engineering Consultants, Inc., 265 Washington Street, Hudson, MA.

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DRAINAGE EASEMENT

Legal Description

Beginning at the southwesterly corner of the easement at a drill hole in the wall on the northeasterly sideline of Berlin Road,

Thence running N07-29-38E 21.28 feet to a stone bound with a drill hole,

Thence running S62-30-22E 31.93 feet to a stone bound with a drill hole,

Thence running S07-29-28W 21.28 feet to a drill hole in the wall on the northeasterly sideline of Berlin Road,

Thence running N62-30-22W 31.93 feet by the northeasterly sideline of Berlin Road to the point and place of beginning.

DRAINAGE EASEMENT

Legal Description

Beginning at the northwesterly corner of the easement at a stone bound with a drill hole at the southerly sideline of Interstate 290,

Thence running S40-22-58E 30.00 feet by the southerly limits of Interstate 290 to a stone bound with a drill hole,

Thence running S49-38-02W 45.00 feet to a stone bound with a drill hole,

Thence running N40-22-58W 30.00 feet to a stone bound with a drill hole,

Thence running N49-37-02E 45.00 feet to the point and place of beginning.

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MUNICIPAL FLOWAGE RIGHTS EASEMENT

Legal Description

Beginning at the southwesterly corner of the easement at a drill hole in the wall on the northeasterly sideline of Berlin Road and at other land of Lawrence E. & Merlyn I. Meade,

Thence running N33-43-15E 153.25 feet by other land of Meade to a stone bound with a drill hole at the southerly sideline of Interstate 290,

Thence running S40-22-58E 177.77 feet by the southerly sideline of Interstate 290 to a stone bound with a drill hole at other land of Lawrence E. & Merlyn I. Meade,

Thence running S27-29-38W 83.98 feet by other land of Meade to a drill hole in the wall on the northeasterly sideline of Berlin Road,

Thence running N62-30-22W 110.00 feet by the wall and the northeasterly sideline of Berlin Road to a drill hole in the wall,

Thence running N68-37-51W 71.32 feet by the wall and the northeasterly sideline of Berlin Road to the point and place of beginning.

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ACCESS EASEMENT TO OPEN SPACE

Legal Description

Beginning at the northeast corner of the easement at a point on the southwesterly sideline of Peebles Way and at land of Timothy & Karen Morse,

Thence running S48-54-42W 181.08 feet to a point,

Thence running S56-41-13W 42.00 feet by land of Morse and land of Scott M. & Tina N. Petty to a point,

Thence running S10-24-42E 152.22 feet by land of Petty to a point at land of The City of Marlborough,

Thence running S63-17-00W 52.10 feet by land of the City of Marlborough to a point at land of n/f Angelo J. Jr. & Patricia M. Morelli,

Thence running N10-24-42W 200.00 feet by land of n/f Morelli to a drill hole in the wall at land of n/f Renzo A & Antonia Paternoster,

Thence running N56-41-13E 71.76 feet by land of Paternoster and land of n/f Roger N. & Claire C. Tessier and the wall to a "x" mark with a drill hole at the end of the wall,

Thence running N48-54-42E 92.30 feet by land of n/f Tessier to a point at other land of Scott M. & T,

Thence running N55-00-51E 131.60 feet by other land of Petty to a stone bound with a drill hole at apoint of curvature on the southwesterly sideline of Peebles Way,

Thence running by the southwesterly sideline of Peebles Way and by a curve to the left having a radius of 50.00 feet and a length of 61.88 feet to a point and place of beginning.

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

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 OCT -8 P 2:54

1. Name and address of Petitioner or Applicant:

MetroPCS Massachusetts, LLC

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

860 Boston Post Road East, Marlborough, MA (Assessor's Map-61, Lot 16)

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

City of Marlborough, 140 Main Street, Marlborough, MA 01752

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

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

Article VI Section 650-25 Paragraph N/A Sub-paragraph Wireless Communications

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

Zoning Classification - RR - Rural Residential

7. Specific reason(s) for seeking Special Permit

MetroPCS seeks approval for a special permit to install a telecommunications

facility onto an existing wireless tower at 860 Boston Post Rd East, Marlborough, MA.

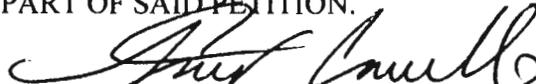
MetroPCS proposes to install six(6) wireless communications antennas onto the existing

tower along with the associated wires / cables and ground mounted equipment cabinets.

Project also includes a compound expansion as no available space exists w/in the current compound.

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

Address: 285 Billerica Rd, Third Floor

Chelmsford, MA 01824

Telephone No. 978-244-7200

Date: _____

MARLBOROUGH, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
September 14, 2010

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2010 OCT -4 A 11:51

Call to Order

Ms. Dwyer called the Regular Meeting of the Marlborough School Committee to order at 7:55 p.m. at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Bodin-Hettinger, Mrs. Hardy, Mrs. Hennessy, Dr. Hediger and Ms. Robey. Chairman Stevens was absent.

Assistant Superintendent Delaney, Deputy Superintendent Pope, Clerk Judd and Mr. Brendan St. George, MEA Representative, were also in attendance.

Ms. Dwyer led the Pledge of Allegiance.

1. Presentations: None

2. Communications: None

3. Superintendent's Report:

A. First Day of School: Dr. Pope said the first full of week of school went very well, and the issues with the buses are being worked out. Dr. Pope rode with the students, and he is impressed with the in-school behavior and the behavior on the bus. He visited every school, and he said teaching and learning was already happening.

B. Bus Transportation: Dr. Pope rode the bus numerous days thus far, and he has spoken with parents regarding their concerns.

C. AYP Update: Today the data was released for Marlborough. Dr. Pope said we did not meet AYP in some important areas, and we will now be on corrective action. Letters were sent to parents in the district outlining the status of the situation.

D. School Visits: Dr. Pope's goal is to get into every classroom by Christmas. He will continue to visit schools often.

E. District Website: It is a work in progress. It will continually be updated. There are some areas that haven't been updated, but it will be done.

F. Green Repair: The Massachusetts School building Authority has instituted a new program, The Green Repair Program. This program will allow for reimbursement for improvements that are limited to repair or replacement of roofs, windows or boilers.

Mr. Ghiloni discussed the importance of this grant for Marlborough Public Schools. The submission of the Statement of Interest does not guarantee acceptance, approval or funding for the projects. It also does not commit the city to file for the funding if approved. The Statement of Interest will be filed for the replacement of roof, windows and HVAC at the High School and the replacement of windows at Francis J. Kane School. The reimbursement is approximately 50% of the project cost. The deadline for submission is one week from Thursday.

Next week, Dr. Pope will be having the first Parent Community Forum, Tuesday, September 21, 2010 at 7:00 p.m. at the High School, Little Theatre.

Next Wednesday will be the first Work-Out Wednesday. There will be a 30-minute jog followed by a healthy snack and discussion.

Next Thursday will be the first Coffee and Conversation with the Superintendent.

4. Acceptance of Minutes:

Minutes of 8/31/10 Meeting: Mrs. Hardy moved, seconded by Ms. Dwyer, to approve the Minutes of August 31, 2010 as amended. The following changes were made: page 1, insert the following: Ms. Robey stated that she had also seen the numbers showing we

were not receiving any money, but had found an updated chart on DESE website indicating that Marlborough was receiving \$185,397 in Education Job Grant money and was hoping that Dr. Pope had information to confirm that. Page 2 4A. Add: "After discussion, rather than asking for a suspension, Mrs. Hennessy said she hopes to get these approved at the June 8th meeting" to District-Wide Data Management Analyst... paragraph. Delete: "Mrs. Hennessy moved, seconded by Chairman Stevens, to refer to the Human Resources sub-committee. The Motion carried 6-1 (Dwyer)." 72

The Motion carried 6-0-0.

5. Public Participation: None

6. Reports of School Committee Sub-Committees:

Negotiations: Dr. Hediger said the Negotiations sub-committee voted to move forward with the Memorandum of Agreement that the sub-committee worked out with the MEA. He asked for a suspension of the rules to add an agenda item. Dr. Hediger said the remainder of the units are still at the table.

Dr. Hediger moved, seconded by Mrs. Hardy, to suspend the rules. The Motion carried 6-0-0.

Policy: Ms. Dwyer said the Policy sub-committee met to discuss the Backpack Policy. She said it will be on the next agenda.

7. Action Items/Reports:

A. Acceptance of Donations/Grants:

St. Mathias Parish, Miscellaneous classroom supplies to be distributed to students in need of back to school supplies, valued at \$1,900: Mrs. Hennessy moved, seconded by Ms. Dwyer, to accept. The Motion carried 6-0-0.

Target Take Charge of Education School Fundraising Program, Richer School, \$491.93 to be used for purchases and programs that would benefit the students and teachers: Mrs. Hennessy moved, seconded by Ms. Dwyer, to accept. The Motion carried 6-0-0.

DESE ARRA Stabilization Grant, \$830,593: Mrs. Hennessy moved, seconded by Ms. Dwyer, to accept. The Motion carried 6-0-0.

Mrs. Hardy requested a suspension of the rules to add an agenda item. So moved by Mrs. Hardy, seconded by Ms. Dwyer. The Motion carried 6-0-0.

B. Memorandum of Understanding reached with MEA: Dr. Hediger moved, seconded by Mrs. Bodin-Hettinger that the Committee vote to approve the sub-committee's 3-0 recommendation to approve the Memorandum of Understanding.

Mrs. Hardy said she supports the contract with the spirit of moving forward for the district.

Ms. Dwyer thanked those involved for the work done on this contract. This contract is in the best interests of the students, teachers and families in the City of Marlborough.

Mrs. Hennessy said she supports the contract, and she said collaboration is key.

Ms. Robey said this is one of the hardest decisions the School Committee will have to make. She will vote in opposition because she has to look at the fiscal situation. She said we are in very uncertain times, and she doesn't know where the money will come for the next year of the contract.

Ms. Dwyer said Marlborough is in good fiscal shape.

Mrs. Bodin-Hettinger said last year was unlivable for the teachers, kids and administration. We can't continue to put the needs of the adults ahead of the children. We need to fund the teachers in a way they feel respected.

Dr. Hediger requested a roll call vote: to approve the contract. Hennessy, yes; Hediger, yes; Robey, no; Dwyer, yes; Hardy, yes; Bodin-Hettinger, yes.

Dr. Pope made reference to the MEA Increase memo. He reviewed the MEA Increase Attachment 1 in response to approval of the MEA Contract (attachment 1). 73

C. Green Program: Mr. Hediger moved, seconded by Mrs. Hennessy, to authorize the Statement of Interest forms, dated September 22, 2010, be submitted for the replacement of the roof, windows and HVAC at the High School located at 431 Bolton Street and replacement of windows at Francis J. Kane School, 520 Farm Road. Submission of these Statement of Interest forms do not guarantee the approval of an application, awarding of a grant or funding or commits the City of Marlborough to filing an application with MSBA. The motion carried 6-0-0

8. Members' Forum: Mrs. Hardy thanked everyone involved with the Panther Pride.

Ms. Dwyer thanked Jim Ash, Main Street Journal.

Ms. Robey advised the Committee and the public that she will not be at the next meeting. She was invited to a workshop pertaining to Race to the Top.

Adjournment: Dr. Hediger moved, seconded by Ms. Dwyer, to adjourn at 8:46 p.m. The Motion carried 6-0-0.



Jennifer Hardy, Secretary
Marlborough School Committee

JH/caj



Office of the Superintendent

Anthony Pope, Ed. D.

7/4

17 Washington Street, Marlborough, MA 01752

Superintendent of Schools

Phone 508-460-3509 ~ Fax 508- 508-460-1142

apope@mps-edu.org

To: School Committee

From: Anthony Pope, Ed. D.

Superintendent of Schools

Re: MEA Increase

Date: September 14, 2010

The purpose of this memo is to communicate the significance of Marlborough School Public Schools coming to agreement with the Marlborough Educators Association (MEA). Simply stated this is a great decision for our students and the future of the Marlborough Public Schools. Our history has demonstrated that without agreement and a true partnership with the professionals (our teachers), that interact with our students every minute of every day while at school, the climate and culture to move our district into the 21st century suffers. This agreement is a constructive decision for our students and their future because:

- We can now eliminate contentious distractions and focus our energy collectively on our students 100% of the time. When we focus on our students they notice and they perform.
- We have an incredible opportunity to push the restart button and reestablish our relationships with our teachers which will be essential in developing and implementing a long term strategic plan for Marlborough Public Schools.
- With a fresh start we can now address critical issues in our district, such as closing the achievement gap, aligning and developing a 21st Century K-12 curriculum, creating consistent assessments, creating a high quality professional development system that is teacher led, and identifying programs that will help our most needy students.
- This agreement will allow us the opportunity to work collaboratively with the MEA to revise and develop an effective evaluation instrument for teachers.
- This agreement will also provide us the opportunity to redefine how we use our professional development time with our teacher. It will be essential that planning is collaborative and that professional development time is more focused and aligned to our district and school goals.
- This agreement will also provide us the opportunity to start the next collective bargaining negotiations many months earlier in order to focus on the most critical issues that we may face in our future.
- We have a great opportunity to engage our teachers in the development of our five year strategic plan. This plan cannot be completed or implemented without our teachers who are at the center of the work we do with our students.
- We have a responsibility to our community to provide the best schools for our students; therefore we are showing them that we put our children at the center of all that we do.
- This decision will not adversely affect our operating budget.

- If we are going to move the district forward we must value and validate the work of our teachers while at the same time creating high standards and accountability systems focused on results.
- As of today with the release of the AYP data from the DESE, we are now a district on Corrective Action for not meeting AYP in certain areas. We have the opportunity to now refocus our energy and commitment on getting the district off of corrective action.

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8
City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 OCT -5 A 11:12

Lisa M. Thomas
City Clerk

Board of Registrar of Voters Meeting
Tuesday, October 5, 2010 City Clerk's Office

Convened: 10:00 AM

Present: Linda Clark, Joseph Moineau, William Short, Lisa Thomas
Also: Travis Mason

New Business:

1. Voted Bill Short as Chairman for calendar 2011 year
2. Discussed processing absentee ballots for November 2010 Election
3. Aide voters at nursing homes as we receive calls
4. Put labels on the absentees and stuff ballots if needed
5. Help Travis mark test ballots

Adjourned 11:00 AM

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City of Marlborough
Commonwealth of Massachusetts
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CITY OF MARLBOROUGH



2010 OCT -5 P 12: 06

PLANNING BOARD

Barbara L. Fenby, Chair
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Sean N. Fay

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

PLANNING BOARD MINUTES
September 13, 2010
7:00 PM

The Planning Board for the City of Marlborough met on Monday, September 13, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Phillip Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes August 23, 2010

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

To accept and file the minutes of August 23, 2010 with noted changes.

SIGNS

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

To move agenda item "Signs" prior to Chairs Business.

Marlborough Food Pantry

Ryan Morgello

Eagle Scout Project

Mr. Morgello presented his Eagle Scout Project to the Planning Board at the previous meeting. This project consists of placing "A" frame signs at various locations throughout the City of Marlborough. At the previous meeting, the Planning Board asked the applicant to provide a sample of the sign frame, location approval and placement of the signs.

Mr. Morgello brought an example of the signs he created. This sign provided the necessary information that is changeable for the different food drives. The signs would be a standard "A" frame weighed down with a water container and will have bolts to be tied as well. He also has asked and received permission from the following locations to place the signs: Riannos Farm @ 250 South Street, Hannaford's @ 199 BPRW, Price Chopper @ 222 East Main Street,

Trombetta's Farm @ 640 Farm Road, Monnick Supply @ 222 East Main Street, Wayside Ford @ 428 Maple Street, Wayside Racquet Club @ 80 Broadmeadow Road and Piccadilly Pub @ 587 Bolton Street. He also stated that the signs would be located next to the entrance of the location.

Mr. Fay questioned whether the weight would suffice the actual wind. Mr. Morgello demonstrated the effects of a wind storm. Mr. Baldelli also stated that the wind should have no effect if the signs are located next to the building entrances.

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

To grant the approval of the "A" frame signs with the following stipulations; approval is good for one year only, signs may be placed one week prior to events in February, June and November and the signs cannot obstruct public safety.

CHAIRS BUSINESS

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Baldelli provided the Planning Board with a new subdivision status report. In his report, he detailed the construction of the detention basins and underground utility work being performed at Mauro Farms. The roadway is paved and completed at the Cider Mill Estates including a light fixture being placed at the top of Goodwin Street. He is anticipating at the next meeting to have both Shorter Street and Water Edge subdivisions for recommendation of acceptance.

Forest Grove Subdivision Subdivision Acceptance

In November 2005, the Planning Board asked for the City Engineer to review the subdivision status for acceptance. The City Engineering Division has reviewed the originally and revised documents that were provided by the developer. The following was reviewed:

- As-Built and Profile of Ewald Avenue (Sheets 1 thru 3), Muir Way (Sheet 1 of 1) and Cross Country Drain (Sheet 1 of 1) for Forest Grove Subdivision, dated January 1, 2004 with the latest revision date of January 7, 2010. Note that the plans were prepared by Cabco Consult Land and Environmental Consulting Services, P.O. Box 14, Clinton, MA 01510.
- Plan of Acceptance of Ewald Avenue and Municipal Easements (Sheets 1 thru 2) and Muir Way and Easements (Sheet 1 thru 1), dated December 30, 2003 with the latest revision date of December 11, 2009. Note that the plan was prepared by Cabco Consult Land and Environmental Consulting Service, P.O. Box 14, Clinton Ma 01510.
- The latest Legal Description.
- The Open Space parcel has been deeded to the City Of Marlborough, adopted by the City Council Order # 05-100887B and registered in the Middlesex Registry of Deeds South District, Cambridge, MA.

Mr. Cullen stated that the documents for the existing grant of easement, drainage and flowage rights were obtained prior to the subdivision of Forest Grove. He recommends the Planning Board send the documents to the Legal Department for their review to ensure the developer's rights are transferred to the City of Marlborough.

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The status of the subdivision has remained in satisfactory condition for an excess of the year maintenance period and was completed in accordance with the Planning Boards Subdivision Rules and Regulations. The secured bond amount of \$92,000.00 should remain in place until the Acceptance Plan and Municipal Easements have been recorded at the Middlesex Registry of Deeds South District.

Mr. Fay questioned if the Order of Conditions has been completed. Mr. Baldelli could not confirm that they were fulfilled.

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

To accept and file correspondence; To send the send the easement documents to the Legal Department for their review and comments for their report at the next scheduled meeting, to send correspondence to the Conservation Officer to see if the Order of Conditions has been fulfilled and to place this item back on the agenda at the next scheduled meeting.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

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

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

To adjourn at 7:30 p.m.

A TRUE COPY

ATTEST:


Sean N. Fay, Acting Clerk