

RECEIVED  
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CITY OF MARLBOROUGH  
2012 OCT 25 P 12:39

1. Minutes of the City Council Meeting, October 15, 2012.
2. Communication from the Mayor re: MEDC funding.
3. Communication from the Mayor re: TIF Agreement-Quest Diagnostics.
4. Communication from the Mayor re: Cultural District Designation, Order No. 12-1005056B.
5. Communication from the Mayor re: School Department Supplemental Budget Request.
6. Communication from the Mayor re: Emergency Management Grant from the Massachusetts Emergency Management Agency awarded to the City in the amount of \$6,000.00 to replace radios and equipment in the Emergency Operations Center.
7. Communication from the Mayor re: Bigelow School Lease Agreement, Order No. 12-1005181.
8. Communication from the Mayor re: Reappointment of John Sahagian to the Zoning Board of Appeals for a period of five years expiring May 5, 2017 and Ralph Loftin as an alternate member for a term of two years expiring from date of City Council approval.
9. Communication from City Solicitor, Donald Rider, re: Special Permit, T-Mobile, 157 Union St., in proper legal form, Order No. 12-1005150B.
10. Communication from City Solicitor, Donald Rider, re: Special Permit, Sprint, 75 Donald Lynch Blvd., in proper legal form, Order No. 12-1005092C.
11. Communication from City Solicitor, Donald Rider, re: Special Permit, Sprint, 860 Boston Post Rd. East, in proper legal form, Order No. 12-1005093C.
12. Communication from City Solicitor, Donald Rider, re: Proposed License to Encroach onto Public Way, 61 Emmett St., X-11-1004017, X-03-9919A.
13. Communication from the City Clerk, Lisa Thomas, re: State Election Call.
14. Communication from Attorney Bergeron re; Notice of Representation (City Council Order No. 91-3822A), Breazzano Properties Corp.
15. Communication from Attorney Bergeron re: Request for Transfer of Real Estate referred to as Old Lakeside Ave.
16. Minutes, Planning Board, September 10, 2012.
17. Communication from Commerce Insurance on behalf of Edward McManus.
18. CLAIMS:
  - A. Sisters of St. Catherine, 197 Pleasant St., other
  - B. Joy Esper, 39 Parker Rd., Framingham, pothole or other road defect

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

**From Finance Committee**

19. **Order No. 12-1005174 – Transfer \$42,576.00 to Fund Retirement of a Police Officer.** The Finance Committee reviewed the Mayor's letter dated September 20, 2012 requesting the transfer of \$42,576.00 from Fringes to Sick Leave Buy Back and Patrolmen accounts to cover the retirement of a Police Officer. **Recommendation of the Finance Committee is to approve the transfers 4-0.**

**From Personnel Committee**

20. **Order No. 12-1005134 - Appointment of Shawn McCarthy to the Planning Board, term to expire Feb. 6, 2017. Recommendation of the Personnel Committee is to approve the appointment of Shawn McCarthy to the Planning Board, term to expire Feb.6, 2017, 2-0.**
21. **Order No. 12-1005147 - Reappointments of Jim Confrey and Brenda Costa to Council on Aging for period of four years expiring May 2, 2016. Recommendation of the Personnel Committee is to approve the reappointments Jim Confrey and Brenda Costa to Council on Aging for period of four years expiring May 2, 2016, 2-0.**
22. **Order No. 12-1005133A - Appointment of Stephen Zepf to the Youth Commission, term to expire three years from the date of approval. Recommendation of the Personnel Committee is to approve the appointment of Stephen Zepf to the Youth Commission, term to expire three years from the date of approval, 2-0.**
23. **Order No. 12-1005165 - Reappointment of Sheila Brecken to the Council on Aging for a period of four years to expire on May 2, 2016. Recommendation of the Personnel Committee is to approve the appointment of Sheila Brecken to the Council on Aging for a period of four years to expire on May 2, 2016, 2-0.**

**From Operations and Oversight Committee**

24. **Order No. 12-1005181 - 25 Year Bigelow School Lease.** Mayor Vigeant and Public Facilities Director John Ghiloni appeared before the Committee.
  - A) **City Council must first accept the Bigelow School from the School Committee.** Mayor Vigeant explained that no promises were made to the School Committee as to the disposition or use of the building. **Recommendation of the Operations and Oversight Committee is to accept Bigelow School, 2-0.**
  - B) **25 Year lease of Bigelow School to the Assabet Collaborative.** The Committee shared several concerns, particularly about the long-term nature of the lease with a fixed escalator of only 2% and asked the Mayor and Mr. Ghiloni to revisit the issue and consider an escalator that might better keep up with the rate of inflation in the middle and outer years.

The Committee was in favor of the concept of the 25 year lease to the Assabet Collaborative; however, while the committee did not want to usurp the Mayor's authority to negotiate the lease, they did express a desire to have final approval on such an important item that would ultimately involve millions of dollars. The Committee agreed to refer the matter out of Committee without a recommendation awaiting final terms of the lease from the Mayor. This will not slow down the Mayor or Mr. Ghiloni, but will allow the Council to have final approval. **Recommendation of Operations and Oversight Committee is to refer to the City Council without recommendation, 2-0.**

25. **Order No.12-1005180 - Review of the new curbside trash pick-up program.** Commissioner LaFreniere, Assistant Commissioner Temple, and Mr. Lavery from Republic (city curbside vendor) were in attendance.

Commissioner LaFreniere presented an overview highlighting a generally successful transition. He is working on creating a city-run composting operation which will save more money by not having this processed through WeCare at great expense. Mr. Temple explained that the number of non-compliance notices is shrinking weekly as people gradually learn the rules of the new system. Thus far, with the program not fully rolled out to condominium complexes the DPW is reporting significant savings due to the drop in solid waste disposal costs. The cost savings were already reflected in the current budget. Further savings are anticipated in the future. Several Councilors believe that a better job of education needs to be done.

#### **From Wireless Communications Committee**

26. **Order No. 12-1005150A –**  
The Wireless Committee met on 10/9/2012 at 6:00 PM and took up Council Order No. 12-1005150A. The request by T-Mobile Northeast seeking permission to modify the Original Special Permit to allow the replacement of the existing six panel antennas currently located on the smokestack at 157 Union St. Removal of six (6) existing GSM TMA's (Tower Mounted Amplifiers), install hybrid cables and one (1) future site support cabinet. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order No. 01-9204 (Omnipoint Holdings, Inc., Division of Voicestream Wireless); nine (9) Conditions were discussed. Members Present: Councilors Clancy and Oram. It should be noted that Councilor Robey recused herself from the discussion. **Councilors Tunnera and Robey abstained. Recommendation of the Wireless Communications Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form, 2-0.**
27. **Order No. 12-1005092B –**  
The Wireless Committee met on 10/9/2012 at 6:45 PM and took up Council Order No. 12-1005092B. The request by Sprint PCS seeking permission to modify the Original Special Permit to allow the replacement of the existing (6) CDMA antenna with (3) Sprint Vision antenna and install (6) RRH antenna. Additionally the placement of (2) new BBU cabinets and replace (1) CDMA cabinet with (1) MMBTS cabinet. Replace the GPS antenna, and remove all existing coax cable and replace with (4) hyperflex cables. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order #97-7271, ten (10) Conditions were discussed. Members Present: Councilors Clancy and Robey. Councilor Oram absent. **Recommendation of the Wireless Communications Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form, 2-0.**

**28. Order No. 12-1005093B –**

The Wireless Committee met on 10/9/2012 at 6:45 PM and took up Council Order No. 12-1005093B. The request by Sprint PCS seeking permission to modify the Original Special Permit to allow the replacement of the existing (6) CDMA antenna with (3) Sprint Vision antenna and install (6) RRH antenna. Additionally the placement of (2) new BBU cabinets and replace (1) CDMA cabinet with (1) MMBTS cabinet, add one (1) Fiber Distribution Box and remove all existing coax cable and replace with (4) hyperflex cables. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order No. 05-100942A, thirteen (13) Conditions were discussed. Members Present: Councilors Clancy and Robey. Councilor Oram absent. **Recommendation of the Wireless Communications Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form, 2-0.**

**From City Council**

29. Communication from Attorney Beattie re: Public Acceptance of Dufrense Dr. **Recommendation of the City Council is to table until the October 29, 2012 City council meeting.**