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CITY OF MARLBOROUGH

2011 SEP -8 P 5:19

1. Minutes of the City Council Meeting, August 29, 2011.
2. PUBLIC HEARING On the communication from Councilor Tunnara that the Zoning Ordinance of the City of Marlborough be amended by deleting Section 650-26(A)(1)(a) of the City Code as presently written and inserting in place thereof the following:
  - (a) Affordable Housing and Affordable Housing Units. The term "affordable housing" shall refer to "affordable housing units". The term "affordable housing units" shall mean those units of housing that are countable in the so-called Subsidized Housing Inventory (SHI) or any subsequent housing inventory used by the Department of Housing and Community Development of the Commonwealth of Massachusetts to determine the number of housing units in a community that are countable in meeting the City's obligation to maintain at least 10% of the total number of housing units in the city as affordable pursuant to Massachusetts General Laws Chapter 40B sections 20-23. Any development subject to this section shall provide that at least 15% of the housing units to be constructed are countable as affordable housing units in the SHI, or a sum not less than the amount necessary, in the opinion of the city council pursuant to the special permit process, to cause the construction of said number of affordable housing units shall be paid to the Marlborough Community Development Authority at such time as the City Council shall determine, Order No. 11-1002985.
3. Communication from the Mayor re: Fire Mutual Aid Agreement.
4. Communication from the Mayor re: Capital Bond Request for FY12.
5. Communication from the Emergency Manager, Donald Cusson, re: Tropical Storm Irene.
6. Application for Special Permit from Peter Fales on behalf of At & T Wireless PCS LLC, to modify Special Permit 04-100527B to replace four existing panel antennae and the addition of three LTE antennas for Applicant's fourth generation (4G) wireless network along with associated cabling at 53 Brigham St.
7. Minutes, Conservation Commission, June 2 & 16, July 7, and August 4, 2011.
8. Minutes, Council on Aging, August 9, 2011.
9. Minutes, Traffic Commission, July 26, 2011.
10. CLAIMS:
  - A. Alan Deamicis, 9 Blaiswood Ave., other property damage
  - B. Richard Clune, 77 Spring St., other property damage
  - C. Thomas Parks, 19 Brown St., other property damage

REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

**From Wireless Communications Committee**

11. **Order No. 11-1002954B - Request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 2.5" flex conduit connecting the antennae to the existing equipment shelter. Discussion was begun on the application for a Special Permit for an upgrade to an existing co-location on a pole located at 445 Simarano Drive. No new testimony was heard but it was noted that no coverage maps were available, due to the fact that the technology was new and currently no coverage existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 12 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. It was also noted that the Applicant had agreed to the same condition in 2003 on their request for a Special Permit # x03-100112B. **Recommendation of the Wireless Communications Committee is to approve the application, pending the conclusion of the Public Hearing without objection, as amended, 3-0.****
12. **Order No. 11-1002955B - Request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 132' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 3" flex conduit connecting the antennae to the existing equipment shelter. Discussion was begun on the application for a Special Permit for an upgrade to an existing co-location on a pole located at 75 Donald Lynch Blvd. No new testimony was heard but it was noted that no coverage maps were available, due to the fact that the technology was new and currently no coverage existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 12 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Wireless Communications Committee is to approve the application, pending the conclusion of the Public Hearing without objection and proof of notification to the property owner at 75 Donald Lynch Blvd., as amended, 3-0.****
13. **Order No. 11-1002956B - Request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 3" flex conduit connecting the antennae to the existing equipment shelter. Discussion was begun on the application for a Special Permit for an upgrade to an existing co-location on a pole located at 860 Boston Post Road (EWWTP). No new testimony was heard but it was noted that no coverage maps were available, due to the fact that the technology was new and currently no coverage existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 12 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Personnel Committee is to approve the application, pending the conclusion of the Public Hearing without objection, as amended, 3-0.****

**From Operations and Oversight Committee**

14. **Order No. 11-1002984 - Communication from Mayor Stevens regarding the Municipal Aggregation Program, Proposed Pre-Qualification of Additional Suppliers of Electricity.** Colonial Power Group, the City's broker/consultant, has advised that the City would stand to benefit if the number of potential suppliers were expanded to include the following suppliers. The current supply agreement with ConEdison Solutions will be expiring (after the first meter read in November).

**Councilor Ossing abstained**

- Constellation
- Easy Energy LLC
- GDF SUEZ Energy North America
- Halifax-American Operating Co.
- Hampshire Council of Governments
- Integrys Energy Services, Inc.
- Noble Americas Energy Solutions
- Patriot Energy Group
- TransCanada Power Marketing Ltd.

**Recommendation of the Operations and Oversight Committee is to approve 3-0.**

**From Personnel Committee**

15. **Order No. 11-1002819 - Reappointments of Sean Fay and Philip Hodge to the Planning Board with terms expiring February 1, 2016. Recommendation of the Personnel Committee is to approve just Sean Fay's appointment as Philip Hodge was not able to attend 2-0.**
16. **Order No. 11-1002932 - Reappointment of Albert DeSimone as Plumbing Inspector for a three year term, expiring February 11, 2014. Recommendation of the Personnel Committee is to approve 2-0.**
17. **Order No. 11-1002949 - Appointment of Brenda Calder to the Parks and Recreation Commission to serve out the remaining term of Robert Lazaros which expires on May 6, 2013 and the reappoint Dennis Zilembo and Jeffrey Long for three year terms from the date of approval. Recommendation of the Personnel Committee is to approve Brenda Calder and Jeffrey Long's appointment as Dennis Zilembo was not able to attend 2-0.**
18. **Order No. 11-1002901 - Reappointments of Ray Hall, Janice Merk and Jean Peters to the Library Board of Trustees for three year terms expiring February 3, 2014. Recommendation of the Personnel Committee is to approve Jean Peters as other appointees remain in Committee 2-0.**
19. **Order No. 11-1002864 - Reappointments of Dorothy Hodgson, Rita Connors and Brenda Costa and appointment of Marie Elwood to the Council on Aging Board of Directors for four year terms expiring the first Monday in May 2015. Recommendation of the Personnel Committee is to approve Dorothy Hodgson as other appointees remain in Committee 2-0.**