

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 NOV -3 P 6:16

1. Minutes of the City Council Meeting, October 17, 2011, not completed.
2. Communication from City Solicitor, Donald Rider, re: request for Executive Session for the purpose of discussing collective bargaining strategy as an open meeting may have a detrimental effect on the collective bargaining position.
3. Communication from the Mayor re: Certification of Free Cash in the amount of \$7,766,863.00.
4. Communication from the Mayor re: Capital transfer request in the amount of \$1,182,000.00 which moves funds from Free Cash to various capital equipment accounts which will enable the City to purchase a portion of the FY12 capital equipment outright, therefore reducing the tax burden.
5. Communication from the Mayor re: Other Post Employment Benefits (OPEB) transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to OPEB Stabilization.
6. Communication from the Mayor re: Capital Outlay transfer request in the amount of \$618,720.00 which moves funds from Free Cash to various accounts as detailed in the attached spreadsheets.
7. Communication from the Mayor re: DPW Snow Equipment transfer request in the amount of \$298,000.00 which moves funds from Undesignated to DPW Equipment as two of the City's sidewalk plows have been decommissioned.
8. Communication from the Mayor re: October Nor'easter transfer requests in the amount of \$125,000.00 from Undesignated and \$25,000.00 from Hurricane Irene which moves funds to Halloween Snow Storm.
9. Communication from the Mayor re: DPW transfer request in the amount of \$39,000.00 which moves funds from Assistant Commissioner Utilities to Maintenance-Tranches as a result of a major water main break.
10. Communication from the Mayor re: Fire transfer request in the amount of \$30,000.00 and \$27,267.04 which moves funds from Firefighter to OT.
11. Communication from the Mayor re: Cultural Council Allocation in the amount of \$7,490.00 which provides grant support in our community.
12. Communication from Assistant City Solicitor Cynthia Panagore-Griffin re: City Council Response to Massachusetts Historical Commission Regarding Proposed Demolition of Commonwealth Armory, 354 Lincoln St., Order 11-1003042A.
13. Communication from Chief Procurement Officer, Beverly Sleeper, re: Authorization to Transfer Care, Custody, Management & Control Pursuant to MGL C.40, §15A and Disposition by Lease pursuant to MGL C.30B, §16(a) for a portion of municipal property at the Pleasant St. Fire Station, namely the Bell Tower, at 98 Pleasant St.
14. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002954E.
15. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1003004B.
16. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1003018B.
17. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002956E.
18. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002973D.
19. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002974C.

20. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC, Special Permit in proper legal form, Order No. 11-1002975C.
21. Communication from City Solicitor, Donald Rider, re: New Cingular Wireless PCS, LLC Special Permit in proper legal form, Order No. 11-1002976C.
22. Application for Special Permit from Sprint for modification of a wireless facility located at 450-460 Boston Post Rd.
23. Application for Special Permit from Sprint for modification of a wireless facility located at 57 Union St.
24. Communication from Attorney Bergeron on behalf of US Wireless, LLC, to withdraw without prejudice application for Special Permit to construct a Wireless Communications Facility consisting of 180' tall monopole tower with ancillary antennas and ground based telecommunications equipment at 402 Bolton St (formerly known as 402 Hudson St.), Order No.11-1002902B.
25. Communication from Kristin Regan re: Permission to Park on City Property at the top of Emmett St.
26. Minutes, Marlborough Community Development Authority, July 14, August 25, September 8, and October 13, 2011.
27. Minutes, Planning Board, September 12 and October 3, 2011.
28. CLAIMS:
 - A. Kenneth Giardina, 650 Berlin Rd., other property damage
 - B. David Elkinson, 10 Schipper Farm Ln., Southborough, pothole or other road defect
 - C. Francis Jones, 8 Midland St., other property damage

REPORTS OF COMMITTEES:

29. ORDERED: That the City of Marlborough invite National Grid before the City Council along with various department heads to discuss recent power outages, response time, and what we as a city can do to better prepare ourselves in the event we are facing more outages.Submitted by: Councilors Elder, Seymour, Pope, Vigeant, Delano, Levy, Ferro and Clancy.

UNFINISHED BUSINESS:

From Legal and Legislative Affairs Committee

30. **Order No. 11-1003031- Acceptance of Jaworek School Driveway as a Public Way. Recommendation of the Legal and Legislative Affairs Committee is to approve.**

From Wireless Communications Committee

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

the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.

32. **Order No. 11-1003004A** - The Wireless Committee met on 10/11/2011 at 6:55 PM and took up Council Order No. 11-1003004A. Modification of Special Permit 99-8311B. The Project will consist of installing three additional wireless communication antennae and appurtenant cabling and equipment inside and existing stealth flagpole located at 175 Maple St. The diameter of the existing flagpole will be increased from 22" to 28.5". The antennae will be located at a centerline height of 134' and would be completely concealed from view. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Discussion of the changes to the preexisting facility was undertaken by all present and it was determined that the proposal is a modification to the original Special Permit granted under the Order Number 99-8311B. Concern for the possible interference with the communication system located at the Main Fire Station, which is located on the next property on Maple St. was discussed and the applicant stated that they would work with Mr. Cusson to prevent anything from occurring. Also discussion about the size of the American Flag which is flown at the facility and the prevention from it being flown when it was in need of replacement was heard. The Applicant stated that it was the responsibility of AT&T to fly a flag of proper size commensurate with the size of the pole and to change the flag, when it is beginning to deteriorate. Wording would be added to the new Special Permit Conditions that were not present in 1999. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**
33. **Order No. 11-1003018B** - The Wireless Committee met on 10/11/2011 at 6:45 PM and took up Council Order No. 11-1003018B. Modification of Special Permit 04-100527B to replace existing four roof top panel antennas and the addition of three new LTE panel antennas for a total count of seven. The proposed antennas will still remain hidden from view and will be concealed within five separate flue pipes with a diameter of twenty eight inches each. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Discussion of the changes to the preexisting facility was undertaken by all present and it was determined that the proposal is a modification to the original Special Permit granted under the Order Number 08/09-1002083B. No other wireless carriers are now presently on the roof and the flue pipes were to mimic ventilation tubes. Wording would be added to the new Special Permit Conditions that were not present in 2004. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**
34. **Order No. 11-1002956D** - The Wireless Committee met on 10/11/2011 at 6:25 PM and took up Council Order No. 11-1002956D. The request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 3" flex conduit connecting the antennae to the existing equipment shelter. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order Number 08/09-1002083B. This would add wording that would impose new regulations covering the proposed additions to the Site. **Recommendation of the Wireless**

Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.