

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey



Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Robert J. Tunnera
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

CITY OF MARLBOROUGH CITY COUNCIL MEETING MINUTES MONDAY, SEPTEMBER 27, 2021

The regular meeting of the City Council was held on Monday, September 27, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Perlman & Robey. Councilors Absent: Tunnera. Meeting adjourned at 8:43 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, September 13, 2021, **FILE**; adopted.

That the CONTINUED PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-75 at 181 Cedar Hill Street, Order No 21-1008374A, all were heard who wish to be heard, hearing closed at 8:03 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

Councilors Absent: Tunnera.

That the PUBLIC HEARING on the Petition from Crown Castle NG East LLC, to install underground conduit on Crowley Drive and Fitchburg Street, Order No 21-1008392, all were heard who wish to be heard, hearing closed at 8:08 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

Councilors Absent: Tunnera.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$250,000.00 from the Marlborough Public Library Foundation to be used to offset costs related to the Library renovations; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$8,312.50 which moves funds from Reserved TNC Surcharge to Capital Outlay Police for the purchase of additional traffic enforcement equipment, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Police					FISCAL YEAR:	2022		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$8,312.50	\$8,312.50	27000	33088	Receipts Reserved-TNC Surchar	\$8,312.50	19300006	58593	Capital Outlay-Police Equip		\$0.00
	Reason:	Traffic enforcement equipment purchase								
	\$8,312.50	Total			\$8,312.50	Total				

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: In furtherance of the City Council of the City of Marlborough's prior vote (Order No. 21-1008290 adopted by the Council on May 10, 2021) supporting the proposed site selection for a new fire station in the west side of Marlborough (Elm Street at Bigelow Street), the City Council hereby:

- (1) Authorizes the City to acquire the real property located at 100 Locke Drive, Marlborough, MA (identified on the City's Assessors Map as Map 54 Parcel 14 containing +/-11.64 acres and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 69243, Page 571) for municipal purposes, by purchase or eminent domain, for a total amount not to exceed \$5,092,666.66, subject to any applicable laws and further required action of this Council if necessary for the City to acquire said real property by eminent domain;
- (2) Authorizes an appropriation from Stabilization in the amount of \$5,092,666.66 in order to provide funding for said acquisition pursuant to MGL Chapter 43, §30; and
- (3) Authorizes the Mayor to accept a deed pursuant to MGL Chapter 40, §3 for said property located at 100 Locke Drive.

Referred to **FINANCE COMMITTEE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$5,092,666.66 from Stabilization to Land Acquisition to fund the proposed purchase of land at 100 Locke Drive for a new Fire Station, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Mayor				FISCAL YEAR:	2022		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$16,801,711.42	\$5,092,666.66	83600	32925	Stabilization-Undesignated	\$5,092,666.66	19300006	58120	Land Acquisition	\$0.00
	Reason:					For acquisition of parcel at 100 Locke Drive			
	\$5,092,666.66	Total			\$5,092,666.66	Total			

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Petition of Cellco Partnership d/b/a Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 123 Boston Post Road West, Pole #7, in proper legal form, Order No. 21-1008355, **MOVED TO ITEM 16** and **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Petition of Cellco Partnership d/b/a Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 493 Boston Post Road West, Pole #1, in proper legal form, Order No. 21-1008356, **MOVED TO ITEM 17** and **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Petition of Cellco Partnership d/b/a Verizon Wireless for the installation of a small cell wireless facility to be located on replacement Pole within the public right of way at 11 Atkinson Drive, Pole #22 (Pole located on Ames Street), in proper legal form, Order No. 21-1008357, **MOVED TO ITEM 18** and **FILE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Communication from City Clerk Steven Kerrigan, re: Proposed Reprecincting Map and census block data, referred to the **REPRECINCTING COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650, §5 and §18(36) by adding “Hobby Vehicle Storage” as a warehousing use in the Limited Industrial District, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Proposed Master Concept Plan and Development Agreement as submitted by Attorney Peter Tamm on behalf of the Campus at Marlborough within the Results Way Mixed Use Overlay District (RWMUOD), referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Council President send a communication to the MA State Lottery Commission, to record the City Council’s opposition to the issuance of a Keno Monitor to existing Keno To Go agents, Monti’s Mini Market, 274 Maple Street, **APPROVED**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) City Council Climate Resiliency Committee, June 29, 2021.
- b) School Committee, August 24, 2021.
- c) Board of Assessors, June 9, 2021.
- d) Historical Commission, July 15, 2021.
- e) Library Board of Trustees, June 1, 2021.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIM, refer to the **LEGAL DEPARTMENT**; adopted.

- a) Charles Group Holdings, Inc., 1110 Concord Road, other property damage and/or personal injury.

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
Report and Minutes
Monday – September 20, 2021**

This meeting convened at 6:15 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Committee members present were Chair Dumais, Councilors Doucette and Landers.

Other Councilors Present were Councilors Wagner, Robey, Irish, Navin, and Ossing.

Also in attendance were Linda Warren and John Valade were present in the Chamber to be interviewed by councilors for their appointments submitted by Mayor Vigeant.

Order No. 21-1008365: Appointment of Linda Warren to the Council on Aging for a 3-year term from the date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Linda Warren to the Council on Aging, seconded by Councilor Landers, and approved as submitted. Vote 3-0

Order No. 21-1008351: Appointment of John Valade as Principal Assessor for a 3-year term from the date of Council confirmation.

Motion made by Councilor Doucette to recommend approval of the appointment of John Valade as Principal Assessor, seconded by Chair, and approved as submitted. Vote 3-0

Motion made by Councilor Doucette to adjourn, seconded by Chair and approved.

Meeting adjourned at 6:32 PM.

Councilor Robey reported the following out of the Urban Affairs Committee:

**City Council Urban Affairs Committee
Report and Minutes
Monday – September 20, 2021**

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Landers, Councilor Doucette, Councilor Navin and Councilor Wagner.

Other councilors present were Councilor Ossing, Councilor Irish, and Councilor Perlman. Councilor Tunnera and Councilor Oram were present for the second item mon the agenda-Val's Plaza.

Others attending this meeting are included with each order's information.

Order No. 21-1008344: Communication from Attorney Falk on behalf of Marlborough Industrial, LLC, re: Proposed zoning Amendment to Chapter 650, s 5 and s. 18 (36) by adding 'Hobby Vehicle Storage' as a warehousing use in the Limited Industrial District.

Reports of Committee Continued:

Attorney Falk was present for the applicant. The chair read the letter from the Planning Board with a favorable recommendation as well as a communication from the Stevens Family Foundation. The letter raised concern about what they plan to do with the property and the impact of the zoning change going forward.

On a motion by Councilor Doucette, this was postponed in committee. Vote 5-0

Order No. 21-1008372: Request for approval of two (20 Flat Roof Signs, Val's Plaza, 561 Boston Post Road East in the Wayside District.

Mr. Valchuis, owner of Val's Plaza was present for this item. The chair reminded members this request was referred to the City Council because the signs are located in the Wayside Zoning district where illuminated signs are not allowed without Council approval. The chair asked about the permit application which indicated the signs were only replacing the face but photos of site show there are no signs currently in place for these two requests. Mr. Valchuis stated he had taken down the signs when the new roof was installed as they were rusty and in poor condition. He desires the new signs to match what is in place for the other businesses of the plaza. Discussion was held on the sign to read 'Store for Rent' and if there was a need to have an illuminated roof top sign for this when he could apply for a temporary sign instead. The owner indicated he preferred to have both sign boxes installed at same time, but he could just put in a blank white face if that was preferred.

Councilor Doucette moved to approve the illuminated flat roof sign to read *Val-U- Storage*; motion was seconded. The motion carried 5-0.

Councilor Doucette moved to approve the illuminated flat roof sign to read *Store For Rent*; motion was seconded. The motion carried 5-0.

It was moved and seconded to adjourn. The vote was 5-0 and the meeting adjourned at 7:12pm.

Councilor Robey reported the following out of the Legislative & Legal Affairs Committee:

**City Council Legislative and Legal Affairs Committee
Report and Minutes
Monday – September 20, 2021**

This meeting was held in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Committee members present were Chair Tunnera, Councilors Robey and Landers.

Other Councilors present Councilors Ossing, Wagner, Doucette, Dumais, Irish, Navin, Oram, and Perlman.

Order No.21-1008394: Communication from Michele Guadagnino and Michael Tutterman requesting to transfer and renew for an additional five-year term the license for parking on city property by the owners of 56 Emmet Street.

Reports of Committee Continued:

This license was first granted to Richard F. and Jane A. Sullivan on May 5, 2003 by City Council Order No.03-9919A and signed by Mayor Mauro on May 7, 2003 and has been renewed continually since that date to successor owners of 56 Emmet Street.

Motion by Councilor Robey, seconded by Councilor Landers, to recommend approval of the transfer of the license for parking on city property by the owners of 56 Emmet Street, Michele Guadagnino and Michael Tutterman. Vote 3-0

Motion made and seconded to adjourn.

Meeting adjourned at 8:02 PM.

Councilor Landers reported the following out of the Public Services Committee:

**City Council Public Services Committee
Report and Minutes
Monday – September 20, 2021**

This meeting was convened at 7:16 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Committee members present were Chair Landers, Councilor Perlman and Councilor Irish.

Other Councilors in present Councilors Ossing, Wagner, Doucette, Navin, Tunnera, Oram, Robey and Dumais.

Also in attendance were City Engineer DiPersio and NGrid's Robert Moran addressed the petitions.

Order No.21-1008375: Petition from Mass Electric to replace direct buried cable with cable conduit using directional drill method on Ferrecchia Drive. Public Hearing held 9/13/21.

Mr. DiPersio confirmed his department would coordinate with NGrid representatives the details of the petition. Responding to inquiries regarding the scheduling and notices regarding the project, Mr. Moran stated he was unsure of the timeline, but the duration would be shorter than a traditional open trench with 7 days' notice provided for power outage and courtesy notifications as required.

Motion by Councilor Perlman to recommend approval of the petition, seconded by Councilor Irish and approved as submitted. 3-0

Order No.21-1008373: Petition from Mass Electric and Verizon New England to install a new jointly owned Pole #15-5 (45-2) and permission for NGrid to solely install at 9-411, install three (3) 50K (120/208) transformers and 3-15K cutouts, install riser-perm connection to customer underground at 121 Bolton Street. Public Hearing held 9/13/21

Mr. Moran addressed the petition, indicating NGrid will be installing one new pole 20' north of an existing pole. Mr. DiPersio confirmed that initially he hoped not to have a third pole; however, addressing the petition with Mr. Moran and others at NGrid, acknowledges the requirement for the third pole.

Reports of Committee Continued:

He stated he would work with NGrid to ensure there are no issues with egress to the site due to the siting of the pole. Replying to councilor inquiries, Mr. Moran stated he would look into straightening of the existing poles, that charging stations were not included in the petition, and the two other poles in front of the station are not available to service 121 Bolton Street.

Motion by Councilor Perlman to recommend approval of the petition, seconded by Councilor Irish and approved as submitted. 3-0

Motion made and seconded to adjourn; Meeting adjourned at 7:55 PM.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Report and Minutes
Monday – September 20, 2021**

The meeting was televised on WMCT-TV (Comcast Ch 8) or Verizon/Fios Ch 34) and available for viewing at Meeting Videos tab on the city's website, home page www.marlborough-ma.gov).

Present: Voting Members: Chair Irish, Councilors Oram, Perlman, Dumais, and Tunnera;

Other Councilors Present: Councilors Ossing, Robey, Landers, Navin, Doucette and Wagner.

This meeting convened at 8:03 PM in the Council Chamber. Public attendance was permitted.

Order No. 21-1008389: Transfer of \$93,243.00 from Reserved for Salaries to Sick Leave Buyback and Longevity to fund retirements in DPW and Police Departments.

Motion by Councilor Oram to recommend approval, seconded by Chair and adopted. 5-0

Order No. 21-1008390: Transfer of \$70,645.00 from Assistant Building Commissioner to Contract Services to fund additional resources in Building Department.

Motion by Councilor Oram to recommend approval, seconded by Chair and adopted. 5-0

Order No. 21-1008367A: Proposed addition to Ch.125-6, Salary Ordinance City Collector/Assistant Director of Finance together with proposed amendment to Ch.67-11(A) to provide for alternative appointment by the Mayor.

Motion by Councilor Oram to recommend approval, seconded by Chair and adopted. 5-0. **Chair will suspend rules for action.**

Order No. 21-1008367B: Proposed Job Description, City Collector/Assistant Director of Finance.

Motion by Councilor Perlman to recommend approval of the new job description, seconded by Chair and adopted. 5-0

Order No. 21-1008368A: Proposed amendment to City Code, DPW, to insert s.7-31 (D) Assistant Commissioners to create new position, Assistant Commissioner of Facilities to be appointed by the DPW Commissioner, term to be coterminous with the Commissioner.

Motion by Councilor Oram to recommend approval to include suspension of rules, seconded by Chair and adopted. 5-0 **Chair will suspend rules for action.**

Reports of Committee Continued:

Order No. 21-1008368B: Proposed Job Description, Assistant Commissioner of Facilities.

Motion by Councilor Dumais to recommend approval of the job description as amended, seconded by Chair and adopted. 5-0

Order No. 21-1008369: Proposed Salary Ordinance, Police Chief and Fire Chief, No Steps, Minimum-Maximum: \$200,000.00, Effective July 1, 2021.

Motion by Councilor Tunnera to approve as amended, Maximum Salary up to \$200,000.00, no table; effective July 1, 2021, seconded by Chair and adopted. 5-0 Mayor will provide job descriptions.

Chair will suspend rules for action.

Motion made and seconded to adjourn. Meeting adjourned at 9:12 PM

Motion by Councilor Perlman, seconded by Chair, to adjourn; Adjourned at 7:38PM

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

Suspension of the Rules requested to allow a late Communication from the Mayor – granted.

ORDERED: That the Appointment of Christopher Firicano as City Collector/Assistant Director of Finance for a 2-year term to expire the day following approval by the City Council, referred to the **PERSONNEL COMMITTEE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

ORDERED: That the Request to transfer name and renew for an additional 5-year term the license for parking by the owners of 56 Emmett Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE OCTOBER 4, 2021 COUNCIL MEETING**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

ORDERED: That the Petition from Massachusetts Electric, to replace direct buried cable with cable in conduit using directional drill method on Ferrecchia Drive **APPROVED**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

ORDERED: That the Petition of Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-5 (45-2) and permission for NGRID to solely install at 9-411, install three (3) 50K (120/208) transformers and 3-15k cutouts, install riser-perm connection to customer underground at 121 Bolton Street, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The exact location of the new pole shall be marked on the ground and approved by the Engineering Division prior to start.
2. The proposed location (30 feet north of existing pole #15) is close to the sewer service to the building and may need to be adjusted to avoid conflict.
3. The location shall be selected so as not to impede sight distance for vehicles exiting the southern driveway.
4. The entire sidewalk panel shall be replaced at the location of the new pole.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Section 67-11(A), entitled “Tax Collector; appointment, term and duties.”, by inserting the following sentences at the end of the existing paragraph: Alternatively, the Mayor may, subject to confirmation of the City Council, appoint a City Collector/Assistant Finance Director for a term of two years to expire the day following his/her approval by the City Council. The City Collector/Assistant Finance Director shall assist in the oversight of financial management operations and shall perform all duties of the Tax Collector and City Collector as delineated by City Code.
- II. By amending Chapter 125, entitled “Personnel”, by adding to the salary schedule referenced in Section 125-6, the following:

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Start	6 months of service	1 year of service	2 years of service	3 years of service	4 years of service	5 years of service
City Collector / Assistant Finance Director	\$79,668.17	\$81,261.53	\$82,886.76	\$84,544.50	\$86,235.39	\$87,960.10	\$89,618.17

APPROVED.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 7, Article IV, entitled “Department of Public Works”, by inserting the following new section 7-31(D):

Section 7-31(D). Assistant Commissioners.

There shall be an Assistant Commissioner of Operations, an Assistant Commissioner of Utilities, and an Assistant Commissioner of Facilities, who shall perform their respective duties under the supervision of the Commissioner of Public Works. Each position shall be appointed by the Commissioner of Public Works, and the term of office shall be coterminous with the term of the Commissioner. These positions shall be compensated in accordance with the Salary Ordinance for the position of Assistant Commissioner - DPW.

APPROVED.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

- I. By adding to the salary schedule referenced in Section 125-6, the following:

POSITION

SALARY

Chief of Police
Fire Chief

Maximum Salary up
to \$200,000.00

- II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.
- III. The effective date of these amendments shall be July 1, 2021.

APPROVED.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the City Council for the City of Marlborough, pursuant to M.G.L. c.166, §22 and Chapter 473, Article III of the City of Marlborough General Code entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," does hereby approve the petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") dated July 9, 2021, filed with the City Clerk on July 9, 2021, to grant a location on an existing utility pole located in the layout of State Highway Route 20 (Boston Post Road West) adjacent to 123 Boston Post Road West in Marlborough, which pole is designated as National Grid pole #7, in order for Verizon Wireless to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top canister antenna, remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment (the "Small Cell Facility"), all as depicted on plans submitted with Verizon Wireless' petition and in photo simulations submitted to the City Council and Public Services Committee, which plans are attached hereto and incorporated herein; subject, however, to the following conditions, which conditions shall be binding upon Verizon Wireless, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. Verizon Wireless shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of Verizon Wireless, its employees, agents and servants in any manner arising out of the rights and privileges granted herein to Verizon Wireless for its Small Cell Facility.
3. Verizon Wireless shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473, Article III, entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #7 becomes a double pole in the future, Verizon Wireless shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31st of the year in which National Grid pole #7 becomes a double pole; provided, however, that if Verizon Wireless is unable to comply with the December 31st deadline for reasons fairly attributable to National Grid, Verizon Wireless shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.

5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of Verizon Wireless in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) Verizon Wireless installs the rod immediately adjacent to National Grid pole #7 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) Verizon Wireless restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment shall be mounted on the side of National Grid pole #7 facing away from the roadway.
8. Any future modification of the Small Cell Facility by Verizon Wireless shall require further City Council Approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #7 shall result in Verizon Wireless moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.
11. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #7 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #7, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. Verizon Wireless shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.
12. Each year on July 1st, Verizon Wireless shall submit an affidavit that the Small Cell Facility remains in use and that the Small Cell Facility remains covered by liability insurance naming the City as an additional insured.
13. Each year on July 1st, Verizon Wireless shall pay to the City of Marlborough an annual recertification fee of \$250.00 for each year that the Small Cell Facility remains in use.
14. If the Small Cell Facility is no longer in use, it shall be removed by Verizon Wireless, at its expense, within 60 days. If the Small Cell Facility is not removed by Verizon Wireless within 60 days of it no longer being in use, Verizon Wireless shall pay a fine of \$100.00 per day until such installation is removed by Verizon Wireless.

15. Failure by Verizon Wireless to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of Verizon Wireless' petition granted herein.

APPROVED; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the City Council for the City of Marlborough, pursuant to M.G.L. c.166, §22 and Chapter 473, Article III of the City of Marlborough General Code entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," does hereby approve the petition of Celco Partnership d/b/a Verizon Wireless ("Verizon Wireless") dated July 9, 2021, filed with the City Clerk on July 9, 2021, to grant a location on an existing utility pole located in the layout of City Right of Way Boundary Street adjacent to 493 Boston Post Road West in Marlborough, which pole is designated as National Grid pole #1, in order for Verizon Wireless to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top canister antenna, remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment (the "Small Cell Facility"), all as depicted on plans submitted with Verizon Wireless' petition and in photo simulations submitted to the City Council and Public Services Committee, which plans are attached hereto and incorporated herein; subject, however, to the following conditions, which conditions shall be binding upon Verizon Wireless, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. Verizon Wireless shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of Verizon Wireless, its employees, agents and servants in any manner arising out of the rights and privileges granted herein to Verizon Wireless for its Small Cell Facility.
3. Verizon Wireless shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473, Article III, entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #1 becomes a double pole in the future, Verizon Wireless shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31st of the year in which National Grid pole #1 becomes a double pole; provided, however, that if Verizon Wireless is unable to comply with the December 31st deadline for reasons fairly attributable to National Grid, Verizon Wireless shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.

5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of Verizon Wireless in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) Verizon Wireless installs the rod immediately adjacent to National Grid pole #1 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) Verizon Wireless restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment shall be mounted on the side of National Grid pole #1 facing away from the roadway.
8. Any future modification of the Small Cell Facility by Verizon Wireless shall require further City Council Approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #1 shall result in Verizon Wireless moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.
11. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #1 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #1, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. Verizon Wireless shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.
12. Each year on July 1st, Verizon Wireless shall submit an affidavit that the Small Cell Facility remains in use and that the Small Cell Facility remains covered by liability insurance naming the City as an additional insured.
13. Each year on July 1st, Verizon Wireless shall pay to the City of Marlborough an annual recertification fee of \$250.00 for each year that the Small Cell Facility remains in use.
14. If the Small Cell Facility is no longer in use, it shall be removed by Verizon Wireless, at its expense, within 60 days. If the Small Cell Facility is not removed by Verizon Wireless within 60 days of it no longer being in use, Verizon Wireless shall pay a fine of \$100.00 per day until such installation is removed by Verizon Wireless.

15. Failure by Verizon Wireless to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of Verizon Wireless' petition granted herein.

APPROVED; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the City Council for the City of Marlborough, pursuant to M.G.L. c.166, §22 and Chapter 473, Article III of the City of Marlborough General Code entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," does hereby approve the petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") dated July 9, 2021, filed with the City Clerk on July 9, 2021, to grant a location on a replacement utility pole located in the layout of City Right of Way Ames Street adjacent to 11 Atkinson Drive in Marlborough, which pole is designated as National Grid pole #22, in order for Verizon Wireless to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top canister antenna, remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment (the "Small Cell Facility"), all as depicted on plans submitted with Verizon Wireless' petition and in photo simulations submitted to the City Council and Public Services Committee, which plans are attached hereto and incorporated herein; subject, however, to the following conditions, which conditions shall be binding upon Verizon Wireless, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. Verizon Wireless shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of Verizon Wireless, its employees, agents and servants in any manner arising out of the rights and privileges granted herein to Verizon Wireless for its Small Cell Facility.
3. Verizon Wireless shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473, Article III, entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #22 becomes a double pole in the future, Verizon Wireless shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31st of the year in which National Grid pole #22 becomes a double pole; provided, however, that if Verizon Wireless is unable to comply with the December 31st deadline for reasons fairly attributable to National Grid, Verizon Wireless shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.

5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of Verizon Wireless in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) Verizon Wireless installs the rod immediately adjacent to National Grid pole #22 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) Verizon Wireless restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment shall be mounted on the side of National Grid pole #22 facing away from the roadway.
8. Any future modification of the Small Cell Facility by Verizon Wireless shall require further City Council Approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #22 shall result in Verizon Wireless moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.
11. Prior to commencement of construction and/or installation of the Small Cell Facility, National Grid shall replace the existing pole #22 with a new pole as further described in the plans attached hereto. Notwithstanding anything to the contrary, the Small Cell Facility shall not be placed on said existing pole, and this Grant of Location only authorizes the Small Cell Facility to be placed on the new replacement pole.
12. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #22 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #22, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. Verizon Wireless shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.
13. Each year on July 1st, Verizon Wireless shall submit an affidavit that the Small Cell Facility remains in use and that the Small Cell Facility remains covered by liability insurance naming the City as an additional insured.
14. Each year on July 1st, Verizon Wireless shall pay to the City of Marlborough an annual recertification fee of \$250.00 for each year that the Small Cell Facility remains in use.

15. If the Small Cell Facility is no longer in use, it shall be removed by Verizon Wireless, at its expense, within 60 days. If the Small Cell Facility is not removed by Verizon Wireless within 60 days of it no longer being in use, Verizon Wireless shall pay a fine of \$100.00 per day until such installation is removed by Verizon Wireless.
16. Failure by Verizon Wireless to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of Verizon Wireless' petition granted herein.

APPROVED; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:43 PM; adopted.