

REGULAR MEETING
JUNE 28, 2010

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes of the City Council Meeting, June 14, 2010.
2. Communication from the Mayor re: Creation of Parks and Recreation Revolving Fund.
3. Communication from the Mayor re: transfer requests in the amount of \$29,501.90 which moves funds from East WWTP Antennae Lease to Park and Recreational Antennae Lease and \$124,170.13 from Fairmount Hill Antennae Lease to Park and Recreational Antennae Lease in anticipation of establishing the new Parks and Recreational Facilities revolving account.
4. Communication from the Mayor re: a transfer request in the amount of \$500,000.00 which moves funds from Undesignated to IS Equipment to allow necessary upgrades.
5. Communication from the Mayor re: transfer request in the amount of \$3,400.00 which moves funds from Equipment Operators to Overtime-Regular to meet the City's payroll obligation for emergency services rendered.
6. Communication from the Mayor re: reappointments of Diane Halper, Larry Wenzell, Cheryl Desautels, Jackie DiBuono and Ruth Crowell & appointment of Joan Toohey to the Arts Lottery Council with a three year term upon approval.
7. Communication from the Mayor re: appointment of Edward Hutchinson to the Community Development Authority with a three year term upon approval.
8. Communication from the Mayor re: Renewal of Ordinance on Residential Mailbox Claim Procedure.
9. Communication from the City Clerk re: Special Ward Four Election Call.
10. Communication from Code Enforcement Officer, Pam Wilderman, re: Junk Dealers' Licenses for Steven Weener and Bernard Novitch.
11. Communication from Public Facilities Director, John Ghiloni, re: Sligo Hill Rehabilitation Project.
12. Communication from Christopher White re: Disclosure of Financial Interest by Special Municipal Employee and Approval.
13. Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St.
14. Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to construct a Wireless Communications Facility at 303 Boundary St. as it is located within the Water Supply District.
15. Communication from Attorney Bergeron, on behalf of Moss Development, requesting to withdraw without prejudice amendment to Chapter 650 of the Code of the City of Marlborough, by adding, in the Table of Lot Area and Yard Requirements for Open Space Development that is part of section 650-28.E(3), after the words "Lot area (square feet)", a Note to read as follows:
"For Open Space Developments of more than 50 acres, the required Lot area may be reduced by as much as 50%, but not below 8,000 square feet per lot, provided that, in that case, the Common Open Space required pursuant to Sec. 650-28.F(6) shall be not less than 50% of the total site.", Order No. 10-1002515A.
16. Communication from Central Massachusetts Mosquito Control Project re: annual Report 2009.
17. CLAIMS:
 - A. Thomas Baldelli, 250 Stevens St., other property damage
 - B. Mr. & Mrs. Nowakowski, 30 Fowler St., residential mailbox claim

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

18. **Order No. 10-1002568 — Transfer \$4,000.00 for Part Time Library Clerks.** The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting two transfers in the amount of \$4,000.00 to fund the part time library clerk's line item. **Recommendation of the Finance Committee is to approve both transfers 5-0.**
19. **Order No. 10-1002582 — Year End Inter-Department Transfer of \$46,316.00.** The Finance Committee reviewed the Mayor's letter dated May 18, 2010 requesting year end inter department transfers totaling \$46,316.00. **Recommendation of the Finance Committee is to approve the first three transfers 5-0 and to approve the final transfer of \$11,500 from the interest BAN account to the Postage account 4-1 (Councilor Delano opposed).**
20. **Order No. 10-1002583 — Year End Intra-Department Transfer of \$124,882.97.** The Finance Committee reviewed the Mayor's letter dated May 18, 2010 requesting year end intra department transfers totaling \$124,882.97. **Recommendation of the Finance Committee is to approve the Library, Fire Department, Legal Department, Building Department, Police Department and Water Department transfers 5-0.**

The Finance Committee took the following actions on the transfers below:

- **\$9,800 DPW Department transfer was tabled due to no representation by the DPW Department to discuss the transfer.**
 - **\$27,740.25 Fire Department transfer to fund the fire department overtime account was approved 3-2 (Councilors Delano and Ferro opposed).**
21. **Order No. 10-1002585 — Transfer \$13,896.00 from Fringes to DPW Streets Sick Leave Buy Back.** The Finance Committee reviewed the Mayor's letter dated May 18, 2010 requesting the transfer of \$13,896.00 from Fringes to DPW Streets Sick Leave Buy Back. **Recommendation of the Finance Committee is to approve the transfer 4-0 (Councilor Seymour was not in the chamber during the vote to approve the transfer).**
22. **Order No. 10-1002586 — Transfer \$7,500.00 from DPW Junior Civil Engineer to DPW Streets Foreman.** The Finance Committee reviewed the Mayor's letter dated May 19, 2010 requesting the transfer of \$7,500.00 from DPW Junior Civil Engineer to DPW Streets Foreman. **Recommendation of the Finance Committee is to approve the transfer 5-0.**
23. **Order No. 10-1002589 — Easterly Wastewater Revolving Fund.** The Finance Committee reviewed the Mayor's letter dated May 18, 2010 requesting the reauthorization of the Easterly Wastewater revolving fund for FY11. **The Finance Committee voted to report out with no recommendation 5-0. Additionally, the Finance Committee recommended that the Mayor and Solicitor develop an order that combines the Easterly Treatment Plant, Fairmount Hill and Sligo Hill Revolving funds into one revolving fund. Councilors Pope and Ferro agreed to work with the Mayor and Solicitor to craft the language for the order.**

24. **Order No. 10-1002590 — Fairmount Hill Revolving Fund.** The Finance Committee reviewed the Mayor's letter dated May 19, 2010 requesting the reauthorization of the Fairmount Hill revolving fund for FY11. **The Finance Committee voted to report out with no recommendation 5-0. Additionally, the Finance Committee recommended that the Mayor and Solicitor develop an order that combines the Easterly Treatment Plant, Fairmount Hill and Sligo Hill Revolving funds into one revolving fund. Councilors Pope and Ferro agreed to work with the Mayor and Solicitor to craft the language for the order.**

25. **Order No. 10-1002591 — GIS Revolving Fund.** The Finance Committee reviewed the Mayor's letter dated May 19, 2010 requesting the reauthorization of the GIS revolving fund for FY11. **Recommendation of the Finance Committee is to deny the GIS revolving fund order for FY11 5-0 and return the balance of \$2,467.02 to the general fund.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

Lisa M. Thomas

140 Main St.

Marlborough, MA 01752

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

JUNE 14, 2010

Regular meeting of the City Council held on Monday, JUNE 14, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Seymour, Clancy, and Landers. Councilor Juaire was absent. Meeting adjourned at 8:30 p.m.

ORDERED: That Councilor Pope and Council President Vigeant presented City Scholarships certificates to the following students, **FILE**; adopted.

Connor McCarthy
320 Cook Lane
Marlboro High School

Rodrigo Roldan
44 Sumner Street
Assabet Valley High School

Claire Munley
44 Tecumseh Trail
Marlboro High School

Stacy Reid
755 Farm Road
Marlboro High School

Christopher Davis
90 Church Street
Marian High School

ORDERED: That the minutes of the City Council Meeting May 24, 2010, **FILE**; adopted.

ORDERED: That the transfer request in the amount of \$2,455.00 which moves funds from Undesignated to R-911 Support as the City utilized the R-911 call service following the MWRA water main break on May 1, 2010, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$2,455.00
Undesignated Fund

TO:

Acct. # 12910004-53182 \$2,455.00
R911 Support

1/2

ORDERED: That the following transfer requests totaling \$18,000 necessary to fund emergency callouts associated with recent water main breaks:

Transfer in the amount of \$14,000.00 moving funds from Equipment Operators to Overtime-Regular.

Transfer in the amount of \$1,000.00 moving funds from Longevity to Overtime-Regular.

Transfer in the amount of \$3,000.00 moving funds from Sick Leave Buyback to Overtime-Regular, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 61090001-50740	\$14,000.00
Equipment Operators	
Acct. # 61090003-51430	\$1,000.00
Longevity	
Acct. # 61090003-51920	\$3,000.00
Sick Leave Buy Back	

TO:

Acct. # 61090003-51310	\$14,000.00
Overtime Regular	
Acct. # 61090003-51310	\$ 1,000.00
Overtime Regular	
Acct. # 61090003-51310	\$ 3,000.00
Overtime Regular	

ORDERED: That the transfer request in the amount of \$687.85 which moves funds from Undesignated to Sick Leave associated with an employee's termination, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900	\$687.85
Undesignated Fund	

TO:

Acct. # 11740003-51920	\$687.85
Sick Leave	

ORDERED: That the Detailed Year-End Report Pertinent to the Renewal of Public Safety Revolving Fund, Order No. 10-1002587, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Detailed Year-End Report Pertinent to the Renewal of Sligo Water Tank Revolving Fund, Order No. 10-1002588, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the reappointment of Diane Smith to the position of City Auditor which expires three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

Councilor Seymour abstained

ORDERED: That the communication from Superintendent, Mary Carlson, regarding the naming of the 4-7 school, **MOVED TO AGENDA ITEM #19**.

ORDERED: That the Application from Stanislav Nester d/b/a US Comfort Express, LLC for Livery license at 133 Broadmeadow St., Apt 10, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the minutes, Planning Board, May 10 & 24, 2010, **FILE**; adopted.

ORDERED: That the minutes, Traffic Commission, April 27, 2010, **FILE**; adopted.

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ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
A. Joseph Arsenault and Dianna Clark, 211 Bolton St., other property damage

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 10-1002568 — Transfer \$4,000.00 for Part Time Library Clerks. The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting two transfers in the amount of \$4,000.00 to fund the part time library clerk's line item. **Recommendation of the Finance Committee is to approve both transfers 5-0.**

Order No. 10-1002582 — Year End Inter-Department Transfer of \$46,316.00. The Finance Committee reviewed the Mayor's letter dated May 18, 2010 requesting year end inter department transfers totaling \$46,316.00. **Recommendation of the Finance Committee is to approve the first three transfers 5-0 and to approve the final transfer of \$11,500 from the interest BAN account to the Postage account, 4-1 (Councilor Delano opposed).**

Order No. 10-1002583 — Year End Intra-Department Transfer of \$124,882.97. The Finance Committee reviewed the Mayor's letter dated May 18, 2010 requesting year end intra department transfers totaling \$124,882.97. **Recommendation of the Finance Committee is to approve the Library, Fire Department, Legal Department, Building Department, Police Department and Water Department transfers 5-0.**

The Finance Committee took the following actions on the transfers below:

- **\$9,800 DPW Department transfer was tabled due to no representation by the DPW Department to discuss the transfer.**
- **\$27,740.25 Fire Department transfer to fund the fire department overtime account was approved 3-2 (Councilors Delano and Ferro opposed).**

Order No. 10-1002584 — Transfer \$70,809.00 from Undesignated Funds to FY10 Step Increases. The Finance Committee reviewed the Mayor's letter dated May 20, 2010 requesting the transfer of \$70,809.00 from Undesignated Funds Account to fund the FY10 step increases. **Recommendation of the Finance Committee is to table the order 5-0 because the Mayor was not available to discuss the transfer.**

Order No. 10-1002585 — Transfer \$13,896.00 from Fringes to DPW Streets Sick Leave Buy Back. The Finance Committee reviewed the Mayor's letter dated May 18, 2010 requesting the transfer of \$13,896.00 from Fringes to DPW Streets Sick Leave Buy Back. **Recommendation of the Finance Committee is to approve the transfer 4-0 (Councilor Seymour was not in the chamber during the vote to approve the transfer).**

Order No. 10-1002586 — Transfer \$7,500.00 from DPW Junior Civil Engineer to DPW Streets Foreman. The Finance Committee reviewed the Mayor's letter dated May 19, 2010 requesting the transfer of \$7,500.00 from DPW Junior Civil Engineer to DPW Streets Foreman. **Recommendation of the Finance Committee is to approve the transfer 5-0.**

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Order No. 10-1002589 — Easterly Wastewater Revolving Fund. The Finance Committee reviewed the Mayor's letter dated May 18, 2010 requesting the reauthorization of the Easterly Wastewater revolving fund for FY11. **The Finance Committee voted to report out with no recommendation 5-0. Additionally, the Finance Committee recommended that the Mayor and Solicitor develop an order that combines the Easterly Treatment Plant, Fairmount Hill and Sligo Hill Revolving funds into one revolving fund. Councilors Pope and Ferro agreed to work with the Mayor and Solicitor to craft the language for the order.**

Order No. 10-1002590 — Fairmount Hill Revolving Fund. The Finance Committee reviewed the Mayor's letter dated May 19, 2010 requesting the reauthorization of the Fairmount Hill revolving fund for FY11. **The Finance Committee voted to report out with no recommendation 5-0. Additionally, the Finance Committee recommended that the Mayor and Solicitor develop an order that combines the Easterly Treatment Plant, Fairmount Hill and Sligo Hill Revolving funds into one revolving fund. Councilors Pope and Ferro agreed to work with the Mayor and Solicitor to craft the language for the order.**

Order No. 10-1002591 — GIS Revolving Fund. The Finance Committee reviewed the Mayor's letter dated May 19, 2010 requesting the reauthorization of the GIS revolving fund for FY11. **Recommendation of the Finance Committee is to deny the GIS revolving fund order for FY11 5-0 and return the balance of \$2,467.02 to the general fund.**

ORDERED: The Application of Tony Bitar, d/b/a Hannoush Jewlers, for Junk Dealer's license at 601 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: That the Application of Andrew Youngman, d/b/a Arch Stanton, LLC, for Junk Dealer's license at 225 Cedar Hill St., 3rd Floor, **APPROVED**; adopted.

ORDERED: That the extension of time for a sewer connection permit for Boston Scientific Corporation, 55 Fairbanks Boulevard, to December 1, 2011, **APPROVED**; adopted.

ORDERED: That the Personnel transfer request in the amount of \$3,000.00 from Medical Exams as follows to meet variable expenses associated with advertising and training requirements as follows:

\$1,000.00 to Advertising,

\$2,000.00 to Conference & Training, **APPROVED**; adopted.

FROM:

Acct. # 11520004-53010	\$3,000.00
Medical Exams	

TO:

Acct. # 11520004-53150	\$1,000.00
Advertising	

Acct. # 11520006-57380	\$2,000.00
Conference and Training	

ORDERED: That the Retirement Benefits transfer request in the amount of \$31,308.63 to fund benefits associated with an employee's retirement as follows:

\$5,620.63 from Fringes to Sick Leave Buy Back,

\$25,688.00 from COA Nurse to Sick Leave Buy Back, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500 \$5,620.23

Fringes

Acct. # 15410001-50391 \$25,688.00

COA Nurse

TO:

Acct. # 12100003-51920 \$5,620.63

Sick Leave Buy Back

Acct. # 12100003-51920 \$25,688.00

Sick Leave Buy Back

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures of \$500,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2011, **APPROVED**; adopted.

Suspension of the Rules requested-granted

ORDERED: That the communication from the Marlborough Veteran's Council regarding the renaming of the 4-7 school, **FILE**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the 4-7 School located at 25 Union Street shall be named after 1st LT Charles Willis Whitcomb, a resident of Marlborough killed in action in 1864 during the Civil War Battle of Spotsylvania Courthouse, and that it shall henceforth be known as the 1LT Charles W. Whitcomb School, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 p.m.; adopted.



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

2,
Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

June 24, 2010

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

RE: Creation of Parks and Recreation Revolving Fund

Honorable President Vigeant and Councilors:

I am submitting for your approval a new Parks and Recreation Facilities revolving account which combines the current Fairmont and Easterly Treatment Plant revolving accounts into one.

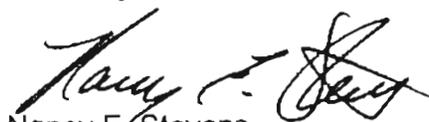
Discussions at recent Finance Committee meetings around the issues of revolving accounts centered on combing these accounts to allow the money to be used more efficiently, effectively and expeditiously to complete much needed projects on all of the parks and recreation facilities within the City.

The Finance Committee has recommended reauthorization of the Sligo revolving account for Fiscal 2011. I have asked the City Solicitor and Auditor to recommend the appropriate procedure for transferring the remaining funds in the Sligo revolving account to the Parks and Recreational Facilities revolving account once the rehabilitation work on the Standpipe has been completed. I will submit to you the required orders/transfers once the funds for this project have been fully expended.

As you are aware, all revolving accounts must be reauthorized prior to the start of the new fiscal year. If the reauthorization does not occur, all funds within the current revolving accounts roll over into the general fund as of July 1, 2010.

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

Sincerely,


Nancy E. Stevens
Mayor

Enclosure

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ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2011 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and

(b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and

(c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than \$50,000.00 shall be expended during fiscal year 2011, unless otherwise authorized by the City Council and Mayor; and

(e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED

In City Council

Order No. 10-

Adopted

Approved by Mayor

Nancy E. Stevens

Date:

A TRUE COPY

ATTEST:



City of Marlborough
Office of the Mayor

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Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens 31
MAYOR

Krista J. Halmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

June 24, 2010

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

RE: Transfer Request – Fairmount and Easterly Revolving Accounts

Honorable President Vigeant and Councilors:

In anticipation of your affirmative vote to establish a new Parks and Recreational Facilities revolving account, I am submitting for your approval a transfer request moving the funds from the Fairmount and Easterly Wastewater Treatment Plant revolving accounts to the newly established account.

Transfer in the amount of \$29,501.90 moving funds from Account No. 26213601-52415 (East WWTP Antennae Lease) to Account No. 26244401-52415 (Park & Recreational Antennae Lease).

Transfer in the amount of \$124,170.13 moving funds from Account No. 26240001-52415 (Fairmount Hill Antennae Lease) to Account No. 26244401-52415 (Park & Recreational Antennae Lease).

I am respectfully requesting approval of the attached transfers this evening. As you are aware, if the funds are not transferred into an existing account prior to the end of the fiscal year, they will roll into the general fund.

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

Mayor's Office

FISCAL YEAR:

2010

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$29,501.90	\$29,501.90	26213601	52415	East WWTP Antennae Lease	\$153,672.03	26244401	52415	Park & Recreational Antennae L	\$0
<u>\$124,170.13</u>	<u>\$124,170.13</u>	<u>26240001</u>	<u>52415</u>	<u>Fairmount Hill Antennae Lease</u>					

Reason:

To transfer balances in the East WWTP Antennae Lease and Fairmount Hill Antennae Lease Revolving Funds to the Park & Recreational Antennae Lease Fund



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Office of the Mayor

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Nancy E. Stevens 4/1
MAYOR

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Katherine M. LaRose
EXECUTIVE SECRETARY

June 23, 2010

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

RE: Transfer Request –IT

Honorable President Vigeant and Councilors:

As you are aware, the capital bond request remains in the Finance Committee pending review. I am writing to request that the Information Technology (IT) capital budget request be pulled from the bond package and instead be appropriated through a transfer. Within the school department, upgrades are typically done during the summer months while the students are out of the buildings. Your authorization this evening will allow the necessary upgrades to begin immediately.

Transfer in the amount of \$500,000.00 moving funds from account number 1000-3590 (Undesignated) to account number 19300006-58618 (IS Equipment). While the typical School Department annual capital appropriation is \$350,000.00, the additional \$150,000.00 will allow for the expansion of instructional technology.

For your review, I have attached the original IT equipment capital request. If you have any questions with regard to these items prior to the meeting on Monday, don't hesitate to contact IT Director Mark Gibbs, Assistant Superintendent James Jolicoeur or me. We will also be present to address any of your questions at the City Council meeting on June 28. Since June 30th is the last day to make expenditures from the undesignated fund until recertification in December, I respectfully request your authorization tonight.

Sincerely,

Nancy E. Stevens
Mayor

TRANSFER REQUEST

	FROM ACCOUNT	TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG C/OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT ACCOUNT DESCRIP
			Undesignated Fund		
\$ 2,422,295.45	\$ 1,236,280.00	10000	35900 Undesignated Fund	\$ 500,000.00	19300006 58618 IS EQUIPMENT
			Capital Outlay IS Department		
					\$ 6.71

\$ 500,000.00

Reason See Attached equipment list and the request from the Department Head and Mayor



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June 24, 2010

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

RE: Transfer Request – Department of Public Works- Water

Honorable President Vigeant and Councilors:

I am submitting herewith the following transfer request:

Transfer in the amount of \$3,400.00 moving funds from Account No. 61090001-50740 (Equipment Operators) to Account No. 61090003-51310 (Overtime-Regular).

The transfer is necessary to fund emergency callouts associated with recent water main breaks. In order to meet the City's payroll obligation for services rendered during the emergency callouts, I respectfully request your approval this evening.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

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CITY OF MARLBOROUGH
BUDGET TRANSFERS

DEPT: PUBLIC WORKS FISCAL YEAR: 2010

FROM ACCOUNT: 61090001-50740 TO ACCOUNT: 61090003-51310

Available Balance Amount Org Code Object Account Description: Amount Org Code Object Account Description: Available Balance

\$5,512.46 \$3,400.00 61090001 50740 Equipment Operators \$3,400.00 61090003 51310 Overtime-Regular -\$25,493.54 *

Reason: Worker's Compensation Injury Reason: Various emergency responses

_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

*Note: Transfers to this account totalling \$26,600 are pending and before City Council.

Department Head signature:  6/24/10



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June 24, 2010

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

RE: Arts Lottery Council Reappointments/Appointment

Honorable President Vigeant and Councilors:

I am submitting for your approval the following reappointments to the Arts Lottery Council:

Diane Halper
Larry Wenzell
Cheryl Desautels
Jackie DiBuono
Ruth Crowell

I additionally submit for your approval Joan Toohey as a new appointment to the Arts Lottery Council.

In order for appropriated state funds to be expended, Board members must be appointed or reappointed prior to October 1, 2010. We respectfully request your review of these appointments in advance of this deadline. Upon approval, each member will serve a term of 3 years.

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

Sincerely,

Nancy E. Stevens
Mayor



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Office of the Mayor

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June 24, 2010

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

RE: Appointment – Community Development Authority

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Edward Hutchinson to the Community Development Authority. Mr. Hutchinson will fill the vacancy in resident's seat created by the resignation of Dr. David Muir. For your review, I have included Mr. Hutchinson's letter of interest.

Upon approval, Mr. Hutchinson will serve a three year term.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

72

Edward Hutchinson
240 Main street #213
Marlborough, MA 01752
(508) 460-1191
Hutche11@msn.com

Honor Mayor Nancy Stevens
City Hall
140 Main Street
Marlborough, MA 01752

Dear Honorable Mayor Stevens,

Thank you for allowing me to visit with the Marlborough Community Development Authority (MCDA) at their last meeting. I have spent some time speaking with Dr. David Muir, who was gracious enough to share some of his ideas and time with me. I am honored to have been recommended to serve on the MCDA board by Dr. Muir, and indeed consider it a responsibility and opportunity I would take with the utmost appreciation and seriousness.

With this letter I would like to offer myself for the position being vacated by Dr. Muir. As an, educator, former business manager and Marlborough resident, I do believe I could make a contribution and become a viable asset to the work of MCDA, with your and the board's leadership. Working as part of a team in previous positions, I have consistently added value to the organization's critical path and bottom line through transforming strategy and goals into high performance as it relates to positive results. I have strong communication skills, and a commitment to excellence, teamwork and establishing partnerships built on trust and integrity. I have consistently worked at contributing to, and adding value to, each community and environment I have worked and lived in.

I thank you again in advance for your time and consideration of my candidacy with the Marlborough Community Development Authority. I can be reached by phone at 508-460-1190 and/or email hutche11@msn.com .

Best Regards,
Edward Hutchinson



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
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

June 24, 2010

Arthur Vigeant
President
Marlborough City Council

RE: Renewal of Ordinance on Residential Mailbox Claim Procedure

Dear President Vigeant and Members:

In August 2008, the City Council approved an amendment to the procedures for processing claims against the City. More specifically, the amendment provided an expedited method for processing claims alleging damage to residential mailboxes caused by the operation of snow plows. The Council renewed its approval of this Order in 2009.

The 2009 renewal contained a sunset provision stipulating that the amendment would expire on June 30, 2010 "unless prior to expiration the City Council determines it is appropriate to extend this amendment beyond June 30, 2010." Accordingly, I am proposing that the ordinance be renewed at this time. If the Council approves that renewal, the residential mailbox claim procedure would be in place in time for the 2010-2011 winter season.

For your reference, please note that, during the 2009-2010 winter season, four (4) residential mailbox claims were presented to the City; and that a total of \$213.01 was paid to those claimants.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO SECTION 7-13 OF CHAPTER 7 OF ARTICLE II THE FOLLOWING NEW PARAGRAPHS:

Any written claim presented to the City of Marlborough alleging that a residential mailbox has been damaged by the operation of a snow plow shall be granted upon written confirmation provided by the Department of Public Works to the Legal Department that City of Marlborough snow plow operations were in effect during the date when, and on the street where, the claimed mailbox damage occurred; provided, however, that such claim must be accompanied both by an auto-dated photograph(s) of the damaged mailbox as well as by a paid receipt showing the actual cost of the mailbox's repair or replacement; and provided, further, the maximum amount of reimbursement shall be set at Seventy-Five and 00/100 (\$75.00) Dollars, except that in the absence of such photograph(s) and/or such paid receipt, the maximum amount of reimbursement shall be set at Thirty and 00/100 (\$30.00) Dollars. This paragraph shall be applicable to only those mailbox claims accruing on or after November 1, 2010.

The foregoing amendment to Section 7-13 of Chapter 7 of Article II of the Code of the City of Marlborough, as amended, shall expire on June 30, 2011 unless prior to expiration the City Council determines it is appropriate to extend this amendment beyond June 30, 2011.

ADOPTED
In City Council
Order No. 10-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



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 **SPECIAL MUNICIPAL WARD FOUR ELECTION** will be held in the polling locations as noted below on **TUESDAY, JULY 13, 2010** as follows:

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

POLLING LOCATIONS ARE AS FOLLOWS:

- | | |
|--------------------|--|
| WARD FOUR: Prec. 1 | Boys and Girls Club, 169 Pleasant Street |
| WARD FOUR: Prec. 2 | Boys and Girls Club, 169 Pleasant Street |



City of Marlborough

10

Pamela A. Wilderman
Code Enforcement
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3765
Fax: (508) 460-3736
Email: pwilderman@marlborough-ma.gov

June 24, 2010

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

RE: Junk Dealers' Licenses

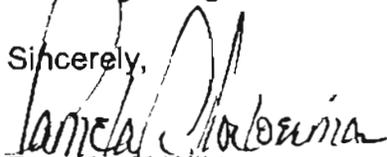
Dear President Vigeant:

It has come to this office's attention that material to be sold under junk dealers' licenses issued by the City Council is being kept in residential locations other than those listed in the application for such a license.

In particular, the license of Steven Weener at 344 Boston Post Road East is being kept at his residence at 75 Victoria Lane. In the case of Bernard Novitch, whose license is for 771 Boston Post Road East, material is being kept at his residence at 249 Pleasant Street. Both of these locations are residential neighborhoods where the collection of such material for resale constitutes blight. I would ask the Council to please review the matter of both of these licenses and consider their revocation as being in non-compliance with their applications.

As always, I remain available for any questions or discussions you may wish to have regarding this matter.

Sincerely,


Pamela A. Wilderman
Code Enforcement Officer

PAW/mjl

Cc: Mayor Nancy Stevens
City Council
File



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City of Marlborough
Public Facilities Department

John L. Ghiloni, Director
Andrew J. White,
Assistant Director
85 Sawin Street
Marlborough, MA 01752
Phone: (508) 460-3521
Fax: (508) 46-3565

June 24, 2010

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

Re: Sligo Tower Rehabilitation Project

Dear President Vigeant and Members,

I am submitting for your approval the attached order which authorizes the awarding of the contract for the rehabilitation of the Sligo Tower to the lowest eligible bidder in the amount of \$818,000.00. The current authorization allows the Public Facilities Director to expend no more than \$300,000 in the current fiscal year unless authorized by the City Council and Mayor.

The current balance in the revolving account in addition to the funds due from National Grid upon the signing of the lease will provide the necessary funds for the project.

Please contact me if you need any additional information.

Sincerely,


John Ghiloni
Director

Enclosure

Cc: Mayor

1/2

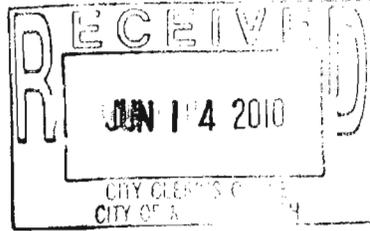
ORDERED:

That the Public Facilities Director be, and hereby is, authorized to issue a Notice of Award of a contract to the lowest eligible bidder in the amount of \$818,000.00 for the completion of the Sligo Tower Rehabilitation Project; and, further, that the Mayor be, and hereby is, authorized to negotiate and sign said contract.

ADOPTED
In City Council
Order No. 10-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

Arthur Vigeant
President
Marlborough City Council



June 11, 2010

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RE: Disclosure of Financial Interest

Dear President Vigeant and Members:

Enclosed is a disclosure of financial interest, which I submit for your approval at the direction of the state Ethics Commission, pursuant to M.G.L. c. 268A, s. 20(d).

Thank you for your attention to this matter.

Very truly yours,

Christopher White

Enclosure

cc: Nancy Stevens, Mayor
Ronald LaFreniere, Commissioner
Legal Department

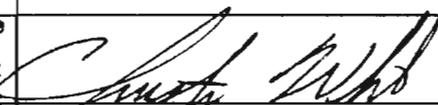
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DISCLOSURE OF FINANCIAL INTEREST BY SPECIAL MUNICIPAL EMPLOYEE AND APPROVAL BY OF EXEMPTION

AS REQUIRED BY G. L.C.268A, §20(c) AND §20(d)*

Note: You are eligible for this exemption only if you satisfy the requirements of a "special municipal employee," G.L. c. 268A, §1(n), as follows:

- you are a selectman in a town with a population of ten thousand or fewer persons; OR
- you are not a mayor, a member of the board of aldermen, a member of a city council, or a selectman in a town with a population in excess of ten thousand persons; AND
- you occupy a position for which no compensation is provided; OR
- you occupy a position which, by its classification in the municipal agency involved or by the terms of the contract or conditions of employment, permits personal or private employment during normal working hours; OR
- you do not earn compensation as a municipal employee for an aggregate of more than eight hundred hours during the preceding three hundred and sixty-five days; AND
- your position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special municipal employee

Name:	Christopher White
Title or Position:	Tree Warden City of Marlborough
Agency/Department:	City of Marlborough
Agency Address:	135 Neil Street, Marlborough MA. 01752
Office Phone:	(508)624-6910 ext. 7601
Contracting municipal agency:	Department of Public Works, City of Marlborough
Contract is for (Attached additional pages if necessary):	General Foreman, Forestry, Parks, & Cemeteries Division
Financial interest of employee and immediate family (Attach additional pages if necessary):	Receive Compensation for General Foreman Position
Employee Signature:	
Date:	June 11, 2010

APPROVAL OF EXEMPTION (needed for §20(d))

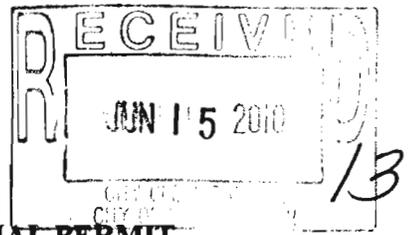
The city or town council, board of aldermen, or board of selectmen approve this exemption from §20.

Signature:	
Date:	

After disclosure (and approval, if needed) are completed and signed, file this form with the city or town clerk.

Attach additional pages if necessary.

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK



APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

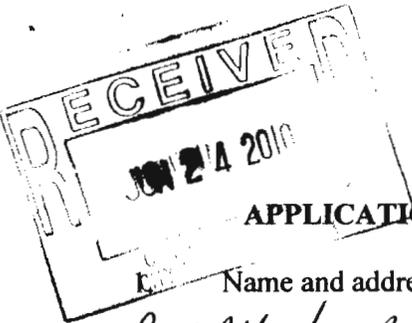
1. Name and address of Petitioner or Applicant: VERIZON WIRELESS
Bell Atlantic Mobile of Massachusetts Corporation, LLC & Cuko Partnership
d/b/a VERIZON WIRELESS
2. Specific Location of property including Assessor's Plate and Parcel Number.
Kane Storage, 800 Bolton St., Marlboro; Assessor Map 16, Lot 6.
3. Name and address of owner of land if other than Petitioner or Applicant:
Kane Self Storage L.P.
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
5. Specific Zoning Ordinance under which the Special Permit is sought:
650 — 25 WCF - Wireless Communication Facility
Article 650 Section 59 Paragraph _____ Sub-paragraph _____
6. Zoning District in which property in question is located:
650 - 17 Table of Uses
LI - Limited Industrial
7. Specific reason(s) for seeking Special Permit
To permit, construct, operate and maintain a Wireless
Communication Facility (WCF) consisting of a 130 foot
antenna-monopole-tower and use of an existing storage
building for radio/switching equipment and installation of
other ground-based equipment for Applicant and other uses.
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.

James A. Valeriani 830#649031
Signature of Petitioner or Applicant
Attorney for Applicant
Address: _____
James A. Valeriani
Attorney at Law
10 Arthur Road
Wakefield, Massachusetts 01880

Telephone No. 781-587-0206

Date: _____
City Clerk's Office



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CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant: VERIZON WIRELESS
Bell Atlantic Mobile of Massachusetts Corporation, et al., and Cellco Partnership
d/b/a VERIZON WIRELESS

2. Specific Location of property including Assessor's Plate and Parcel Number.
Marlborough Wastewater Treatment Plant (Map 76, lots 1&2) 303 Boundary St

3. Name and address of owner of land if other than Petitioner or Applicant:
City of Marlborough, 140 Main St., City Hall, Marlborough, Mass., 01752

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

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

Article 650 Section 59 Paragraph _____ Sub-paragraph _____
650 24 Water Supply Protection District Special Permit

6. Zoning District in which property in question is located:
RR - Rural Residence - Underlying zone for City-Owned Treatment Plant

7. Specific reason(s) for seeking Special Permit

Under section 650-24 on Water Supply Protection District, a special permit from City Council is required for uses within 400 feet of Millham Reservoir. Verizon Wireless obtained a special permit from City Council for a Wireless Communications Facility Tower in March of 2010 and the tower site is located approximately 350 feet from Millham Reservoir so a special permit for the WCF is required inside the Water Supply District.

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.

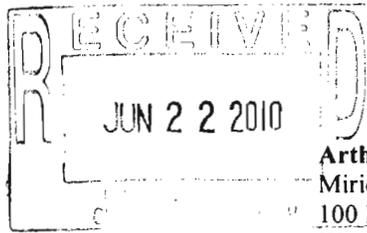
James A. Valeriani
Signature of Petitioner or Applicant
Attorney for Verizon Wireless
Address: James A. Valeriani
Attorney at Law
10 Arthur Road
Wakefield, Massachusetts 01880

Telephone No. 781 587 0206

Date: _____
City Clerk's Office

MIRICK O'CONNELL

ATTORNEYS AT LAW



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Arthur P. Bergeron
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
abergeron@mirickoconnell.com
t 508.929.1652
f 508.463.1385

June 15, 2010

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

Re: Moss Development, Request for Amendment to Zoning Ordinance

Dear Councilor Vigeant:

My client, Moss Development, has spent the past several weeks reformulating its cluster development plan to comply with the expressed preference of several Planning Board members and many neighbors that it comply with the lot size requirements of the current cluster zoning ordinance provisions. My client has come up with a plan that does that. Therefore, my client respectfully asks that its request for a zoning ordinance change regarding cluster subdivisions be withdrawn without prejudice.

Very truly yours,

A handwritten signature in cursive script that reads "Arthur P. Bergeron / emb".

Arthur P. Bergeron

APB/lmb

City Clerk: 16

THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD

CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT

111 Otis Street, Northborough, MA 01532-2414
Telephone (508) 393-3055 • Fax (508) 393-8492
www.cmmcp.org



Complete Report at City Clerk's Office.

ANNUAL REPORT 2009