



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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JANUARY 11, 2016

Regular meeting of the City Council held on Monday, JANUARY 11, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:10 PM.

ORDERED: That the Minutes of the City Council meeting DECEMBER 21, 2015, **FILE**; adopted.

ORDERED: That the Communication from **President Clancy - City Council Regular Meeting Schedule and City Council Committee Assignments for Legislative Year 2016, FILE**; adopted.

ORDERED: That the Free Cash transfer request in the amount of \$1,825,000.00 which moves funds from Undesignated to various accounts as noted on the attached spreadsheet to invest in a variety of City facilities and vehicles, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Various				FISCAL YEAR:	2016			
		FROM ACCOUNT:				TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$6,721,252.00	\$1,825,000.00	10000	35900	Undesignated Fund	\$500,000.00	19300006	58467	Capital Outlay-Facilities	\$0.00	
	Reason:	To fund equipment requests								
					\$1,200,000.00	19300006	58731	Capital Outlay-DPW	\$6,818.19	
					\$65,000.00	19300006	58593	Capital Outlay-Police	\$21,169.29	
	Reason:									
					\$40,000.00	19300006	58512	Capital Outlay-Fire	\$309.24	
	Reason:									
					\$20,000.00	19300006	58719	Capital Outlay-Library	\$0.00	
	Reason:									
	\$1,825,000.00	Total			\$1,825,000.00	Total				

ORDERED: That the following FY16 Capital Bond requests for various amounts in which the bond package represents high priority projects and addresses a number of infrastructure needs throughout the City of Marlborough, refer to **FINANCE COMMITTEE**; adopted.

1. That the sum of \$6,350,000 (six million three hundred fifty thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$6,350,000.

Pursuant to the provisions of Chapter 44, Section 7 (5) of the Massachusetts General Laws, as amended, and the guidelines established by the Division of Local Services within the Massachusetts Department of Revenue, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

2. That the sum of \$650,000 (six hundred fifty thousand dollars) be and is hereby appropriated for water meters.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$650,000.

Pursuant to the provisions of Chapter 44, Section 8 (7A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

3. That the sum of \$350,000 (three hundred fifty thousand dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$350,000.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue.

4. That the sum of \$3,350,000 (three million three hundred fifty thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,350,000.

Pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than forty (40) years from its date of issue.

ORDERED: That the DPW transfer request in the amount of \$419,376.81 which moves funds from Insurance Proceeds Over 20k to Capital Outlay accounts as noted on the attached spreadsheet to address damages that occurred to DPW property and Public Library, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Public Facilities				FISCAL YEAR:		2016		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$419,376.81	\$419,376.81	27000099	48470	Insurance Proceeds over 20K	\$318,872.83	19300006	58314	Capital Outlay-Salt Shed	\$200,000.00	
Reason:		Insurance Claims				Insurance proceeds for storage shed and primary salt shed at DPW				
					\$100,503.98	19300006	52480	Capital Outlay-Library	\$0.00	
						Insurance proceeds for damage to Library				
	\$419,376.81	Total			\$419,376.81	Total				

ORDERED: That the Marlborough Fire Department transfer request in the amount of \$123,827.16 which moves funds from Reserve for Salary accounts to Deputy Chief and Sick Leave Buy Back to fund sick leave buy back and vacation pay for upcoming retirements, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2016		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$775,517.00	\$19,478.46	11990006	57820	Reserve for Salaries	\$19,478.46	12200001	50335	Deputy Chief	\$164,358.51	
Reason:		Retirement payout of vacation								
\$775,517.00	\$104,348.70	11990006	57820	Reserve for Salaries	\$104,348.70	12200003	51920	Sick Leave Buy Back	\$188,850.00	
Reason:		Retirement payout of sick leave buy back								
	\$123,827.16	Total			\$123,827.16	Total				

ORDERED: That the MMEA transfer request in the amount of \$131,150.00 which funds the recently ratified collective bargaining contract for fiscal years 2016-2018, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR: 2016				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$775,517.00	\$131,150.00	11990006	57820	Reserve for Salaries	\$1,240.00	11110002	50350	Council Secretary	\$29,184.86
	Reason:	Contractual Obligation			Reason:	Contractual Obligation			
					\$290.00	11110002	50586	Part Time Clerical	\$13,010.72
	Reason:				Reason:	Contractual Obligation			
					\$125.00	11110003	51430	Longevity	\$5.41
	Reason:				Reason:	Contractual Obligation			
					\$825.00	11110003	51920	Sick Leave Buy Back	\$2,340.00
	Reason:				Reason:	Contractual Obligation			
					\$1,705.00	11210001	50010	Mayor	\$40,145.12
	Reason:				Reason:	Contractual Obligation			
					\$1,240.00	11210001	50321	Executive Aide	\$29,179.75
	Reason:				Reason:	Contractual Obligation			
					\$1,030.00	11210002	50590	Executive Secretary	\$24,207.60
	Reason:				Reason:	Contractual Obligation			
					\$2,445.00	11330002	50062	Finance Assistants	\$57,596.50
	Reason:				Reason:	Contractual Obligation			
					\$845.00	11330002	50770	Senior Clerk	\$19,989.11
	Reason:				Reason:	Contractual Obligation			
					\$2,360.00	11330001	50015	Comptroller	\$56,105.14
	Reason:				Reason:	Contractual Obligation			

						\$95.00	11330003	51920	Sick Leave BuyBack	\$4,610.00
	Reason:								Contractual Obligation	
						\$120.00	11330003	51430	Longevity	\$11.49
	Reason:								Contractual Obligation	
						\$1,620.00	11350001	50020	City Auditor	\$38,079.10
	Reason:								Contractual Obligation	
						\$1,320.00	11350001	50174	Procurement Officer	\$31,017.13
	Reason:								Contractual Obligation	
						\$1,225.00	11350002	50062	Finance Assistant	\$28,787.21
	Reason:								Contractual Obligation	
						\$1,115.00	11350002	50550	Head Clerk	\$26,255.28
	Reason:								Contractual Obligation	
						\$425.00	11350002	50770	Senior Clerk	\$10,000.03
	Reason:								Contractual Obligation	
						\$110.00	11350003	51430	Longevity	\$5.03
	Reason:								Contractual Obligation	
						\$45.00	11350003	51920	Sick Leave BuyBack	\$2,110.00
	Reason:								Contractual Obligation	
						\$1,115.00	11410002	50550	Head Clerk	\$26,260.28
	Reason:								Contractual Obligation	
						\$845.00	11410002	50550	Senior Clerk	\$20,003.66
	Reason:								Contractual Obligation	

					\$45.00	11410003	51920	Sick Leave Buy Back	\$2,105.00
	Reason:				Reason:	Contractual Obligation			
					\$1,615.00	11440001	50042	City Collector	\$34,063.32
	Reason:				Reason:	Contractual Obligation			
					\$1,625.00	11440002	50770	Senior Clerk	\$39,282.29
	Reason:				Reason:	Contractual Obligation			
					\$2,135.00	11510001	50030	City Solicitor	\$50,290.81
	Reason:				Reason:	Contractual Obligation			
					\$1,730.00	11510001	50172	Asst City Colicitor	\$40,707.98
	Reason:				Reason:	Contractual Obligation			
					\$885.00	11510001	50175	Paralegal	\$20,765.71
	Reason:				Reason:	Contractual Obligation			
					\$1,620.00	11520001	50530	Personnel Director	\$38,074.09
	Reason:				Reason:	Contractual Obligation			
					\$1,065.00	11520001	50532	Personnel Assistant	\$25,019.26
	Reason:				Reason:	Contractual Obligation			
					\$850.00	11520002	50775	Senior Clerk	\$20,001.68
	Reason:				Reason:	Contractual Obligation			
					\$1,100.00	11550001	50014	IS Director	\$25,847.48
	Reason:				Reason:	Contractual Obligation			
					\$1,330.00	11550001	50210	Senior System Analyst	\$31,231.05
	Reason:				Reason:	Contractual Obligation			

					\$1,705.00	11550001	50213	Network Engineer	\$40,103.28
	Reason:				Reason:	Contractual Obligation			
					\$120.00	11550003	51920	Sick Leave Buy Back	\$5,710.00
	Reason:				Reason:	Contractual Obligation			
					\$1,620.00	11610001	50050	City Clerk	\$38,089.08
	Reason:				Reason:	Contractual Obligation			
					\$1,205.00	11610002	50290	Asst. City Clerk	\$28,352.05
	Reason:				Reason:	Contractual Obligation			
					\$850.00	11610002	50770	Senior Clerk	\$20,000.06
	Reason:				Reason:	Contractual Obligation			
					\$330.00	11620002	50141	Clerk	\$8,900.92
	Reason:				Reason:	Contractual Obligation			
					\$995.00	11620002	50520	Principal Clerk	\$23,346.24
	Reason:				Reason:	Contractual Obligation			
					\$555.00	11920001	50291	Public Facility Director / Arch	\$32,130.00
	Reason:				Reason:	Contractual Obligation			
					\$4,115.00	11920001	50292	Bldg Maint. Craftman	\$74,112.86
	Reason:				Reason:	Contractual Obligation			
					\$615.00	11920001	50300	Asst public Facility Dir.	\$14,732.50
	Reason:				Reason:	Contractual Obligation			

					\$1,160.00	11920001	50385	Electrician		\$27,296.43
	Reason:				Reason:	Contractual Obligation				
					\$1,340.00	11920001	50690	Foreman		\$28,044.62
	Reason:				Reason:	Contractual Obligation				
					\$500.00	11920002	50520	Principal Clerk		\$11,665.79
	Reason:				Reason:	Contractual Obligation				
					\$3,140.00	11920003	50560	Custodian		\$91,039.63
	Reason:				Reason:	Contractual Obligation				
					\$190.00	11920003	51920	Sick Leave Buy Back		\$13,685.00
	Reason:				Reason:	Contractual Obligation				
					\$2,300.00	11920003	51940	Clothing Allowance		\$2,856.05
	Reason:				Reason:	Contractual Obligation				
					\$1,620.00	12410001	50090	Building Inspector		\$41,226.90
	Reason:				Reason:	Contractual Obligation				
					\$1,490.00	12410001	50109	Environmental Officer		\$35,006.64
	Reason:				Reason:	Contractual Obligation				
					\$2,390.00	12410001	50260	Asst. Bldg Inspector		\$57,575.91
	Reason:				Reason:	Contractual Obligation				
					\$1,330.00	12410001	50370	Plumbing Inspector		\$30,953.84
	Reason:				Reason:	Contractual Obligation				
					\$685.00	12410001	50380	Electrical Inspector		\$15,589.70
	Reason:				Reason:	Contractual Obligation				

					\$230.00	12410001	50960	Asst. Plumbing Inspector	\$625.00
	Reason:				Reason:	Contractual Obligation			
					\$3,005.00	12410002	50770	Senior Clerk	\$70,825.69
	Reason:				Reason:	Contractual Obligation			
					\$45.00	12410003	51430	Longevity	\$0.94
	Reason:				Reason:	Contractual Obligation			
					\$165.00	12410003	51920	Sick Leave BuyBack	\$7,970.00
	Reason:				Reason:	Contractual Obligation			
					\$2,325.00	14001001	50600	DPW Commissioner	\$55,492.24
	Reason:				Reason:	Contractual Obligation			
					\$1,980.00	14001001	50630	Asst DPW Commissioner	\$46,638.25
	Reason:				Reason:	Contractual Obligation			
					\$1,145.00	14001002	50062	Finance Asstant	\$27,500.48
	Reason:				Reason:	Contractual Obligation			
					\$995.00	14001002	50520	Principal Clerk	\$23,331.25
	Reason:				Reason:	Contractual Obligation			
					\$1,115.00	14001002	50550	Head Clerk	\$26,250.28
	Reason:				Reason:	Contractual Obligation			
					\$850.00	14001002	50770	Senior Clerk	\$19,995.05
	Reason:				Reason:	Contractual Obligation			
					\$350.00	14001003	51430	Longevity	\$2.90
	Reason:				Reason:	Contractual Obligation			

					\$275.00	14001003	51920	Sick Leave Buy Back	\$13,630.00
	Reason:				Reason:	Contractual Obligation			
					\$270.00	15120001	50220	Sealer of Weights & Meas.	\$6,277.36
	Reason:				Reason:	Contractual Obligation			
					\$1,830.00	15120001	50390	Health Nurse	\$26,346.63
	Reason:				Reason:	Contractual Obligation			
					\$1,310.00	15120001	50605	Sanitarian Administrator	\$37,178.45
	Reason:				Reason:	Contractual Obligation			
					\$2,430.00	15120001	50611	Asst. Sanitarian	\$44,202.20
	Reason:				Reason:	Contractual Obligation			
					\$805.00	15120002	50770	Senior Clerk	\$19,968.19
	Reason:				Reason:	Contractual Obligation			
					\$1,570.00	16100001	50230	Library Director	\$36,963.68
	Reason:				Reason:	Contractual Obligation			
					\$975.00	16100001	50470	Children's Librarian	\$23,287.88
	Reason:				Reason:	Contractual Obligation			
					\$995.00	16100001	50471	Young Adult's Librarian	\$23,331.24
	Reason:				Reason:	Contractual Obligation			
					\$1,115.00	16100001	50656	Head of Circulation	\$26,250.27
	Reason:				Reason:	Contractual Obligation			

					\$920.00	16100003	51259	Reference Librarian	\$31,921.22
	Reason:				Reason:	Contractual Obligation			
					\$995.00	16100002	50520	Principal Clerk	\$23,331.26
	Reason:				Reason:	Contractual Obligation			
					\$1,620.00	16100003	50490	Library Staff	\$20,000.03
	Reason:				Reason:	Contractual Obligation			
					\$620.00	16100003	50860	Clerk	\$33,113.88
	Reason:				Reason:	Contractual Obligation			
					\$970.00	16100003	50480	Cataloguer	\$23,295.86
	Reason:				Reason:	Contractual Obligation			
					\$1,375.00	14920001	50110	Recreation Director	\$32,351.64
	Reason:				Reason:	Contractual Obligation			
					\$1,140.00	14920001	50110	Recreation Program Mngr.	\$26,829.12
	Reason:				Reason:	Contractual Obligation			
					\$850.00	14920002	50770	Senior Clerk	\$19,995.10
	Reason:				Reason:	Contractual Obligation			
					\$80.00	14920003	51920	Sick Leave Buy Back	\$3,750.00
	Reason:				Reason:	Contractual Obligation			
					\$1,035.00	15430001	50080	Veteran's Director	\$24,342.77
	Reason:				Reason:	Contractual Obligation			
					\$1,920.00	14001101	50640	City Engineer	\$45,527.24
	Reason:				Reason:	Contractual Obligation			

					\$1,980.00	60080001	50630	Asst. DPW Commissioneer	\$46,638.25
	Reason:				Reason:	Contractual Obligation			
					\$995.00	61090002	50520	Principal Clerk	\$23,331.23
	Reason:				Reason:	Contractual Obligation			
					\$40.00	61090003	51920	Sick Leave Buy Back	\$13,356.05
	Reason:				Reason:	Contractual Obligation			
					\$5,550.00	12200001	50130	Fire Chief	\$63,524.94
	Reason:				Reason:	Contractual Obligation & 53rd Weeks Pay			
					\$1,180.00	12200002	51214	Public Safety Admin. Asst.	\$27,812.53
	Reason:				Reason:	Contractual Obligation			
					\$90.00	12200003	51920	Sick Leave Buy Back	\$188,850.00
	Reason:				Reason:	Contractual Obligation			
					\$3,160.00	12100001	50140	Police Chief	\$74,532.72
	Reason:				Reason:	Contractual Obligation			
					\$990.00	12100002	50520	Principal Clerk	\$23,331.24
	Reason:				Reason:	Contractual Obligation			
					\$1,050.00	12100003	50540	Chief Dispatcher	\$24,702.14
	Reason:				Reason:	Contractual Obligation			
					\$15,680.00	12100003	51213	Public Safety Dispatchers	\$177,601.88
	Reason:				Reason:	Contractual Obligation			

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare and safety necessitates that certain sewer improvements be made to the Sudbury Street area, and that said improvements require the taking by eminent domain of permanent sewer easements in certain parcels of land located on Harper Circle and Sudbury Street as more particularly described herein; and,

WHEREAS, in order to promote the public welfare, safety and necessity, it is necessary to take by Eminent Domain permanent sewer easements in, on, under, over, across and through the herein described land; and,

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, does hereby take by Eminent Domain permanent sewer easements in the following described land and all trees and brush thereon.

DESCRIPTION OF LAND TAKEN

- 1. Property H – Permanent Sewer Easement:** A certain parcel of land located on the North Easterly side of Harper Circle in Marlborough, Middlesex County, Massachusetts and being shown as Proposed Easement H on a plan entitled, “Easement Plan Of Land In Marlborough, Massachusetts;” Prepared For City of Marlborough & AECOM; April 15, 2013; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1”=40’; Sheet 2 of 3;” said Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

Meaning and intending to take and taking by Eminent Domain a permanent sewer easement, shown as Proposed Easement H as described in the aforementioned plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 27774, Page 119.

OWNERS: Stephen A. Silen and Pirjo Silen
49 Harper Circle

The land consisting of Proposed Easement H as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 81 on Map 23. The total land area being taken consists of 11,762 +/- square feet.

2. Property I – Permanent Sewer Easement: A certain parcel of land located on the Westerly side of Sudbury Street in Marlborough, Middlesex County, Massachusetts and being shown as Proposed Easement I on a plan entitled, “Easement Plan Of Land In Marlborough, Massachusetts;” Prepared For City of Marlborough & AECOM; April 15, 2013; By: Bryant Associates, Inc. 90 Canal Street, Suite 301, Boston, MA 02114, Scale 1”=40’; Sheet 2 of 3;” said Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order.

Meaning and intending to take and taking by Eminent Domain a permanent sewer easement, shown as Proposed Easement I as described in the aforementioned plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 14954, Page 388.

OWNERS: John D. Nicholson, Jr. and Claire G. Nicholson
302 Sudbury Street

The land consisting of Proposed Easement I as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 10 on Map 23. The total land area being taken consists of 5,067 +/- square feet.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u>	<u>AWARD</u>
Stephen A. Silen and Pirjo Silen	23/81	11,265 _± SF	\$7,645.00
John D. Nicholson, Jr. and Claire G. Nicholson	23/10	5,067 _± SF	\$6,335.00

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Minutes, Council on Aging, July 14 & October 13, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, November 3 & December 1, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, November 16, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, November 19 & December 3, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, October 27, 2015, **FILE**; adopted.

ORDERED: That the Communication from MetLife on behalf of John Dearden re: other property damage, refer to **LEGAL DEPARTMENT**; adopted.

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

- a. Kevin Boyle, 106 Preston St., other property damage.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEES

ORDERED: That the Appointment of Judith Kane to the Council on Aging to fill the vacancy left by the recent passing of longtime board member, Rita Connors, for a term of four years, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:10 PM.