



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MARCH 21, 2016

Regular meeting of the City Council held on Monday, MARCH 21, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaira, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:32 PM.

ORDERED: That the Minutes of the City Council meeting FEBRUARY 22, 2016, **FILE AS AMENDED**; adopted.

ORDERED: That the Minutes of the City Council meeting MARCH 7, 2016, **FILE**; adopted.

ORDERED: That the Promotion of Eric Christensen to Lieutenant of the Fire Department, **FILE**; adopted.

ORDERED: That the Richer School transfer request in the amount of \$1,000,000.00 which moves funds from the Undesignated to Feasibility Study-Richer account to conduct feasibly study phase of the Massachusetts School Building Authority (MSBA) process for Richer school Project, refer to the **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** Helping Hand Mini Grant from the MArtap Advisory Committee in the amount of \$829.77 awarded to the Council on Aging to fund the purchase of GPS equipment, first aid kits, severe weather kits, and other transportation equipment for the Council on Aging passenger van; adopted.

ORDERED: That the retirement of David Grasso as Recreation Director with the recommendation of Charles Thebado as Recreation Director upon the effective date of Mr. Grasso's retirement, **FILE**; adopted.

Councilor Oram recused.

ORDERED: That the Communication from Assistant City Solicitor Cynthia Panagore Griffin re: Proposed Order of Amendment to §7-76 of the General Code pertinent to creating a position of Assistant Building Commissioner, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from the Central Mass. Mosquito Control Project re: Online reports, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** On the Petition from National Grid and Verizon New England, Inc. to relocate P5, P6-50, P7, P8, P10, P10-80, P11, P11-50 along Main St. between Main St. and Francis St. The City of Marlborough requests pole relocations to accommodate road improvement project, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Traffic Commission, January 26, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, February 22, 2016, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, February 23, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, February 2 & 16, 2016, **FILE**; adopted.

ORDERED: That the Minutes, License Board, January 8 & 27, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, February 18, 2016, **FILE**; adopted.

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

- a. Bernard Condry, 30 Rice St., other property damage.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Marlboro City Council Finance Committee
Monday March 14, 2016
In Council Chambers

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Irish and Doucette. Councilors Clancy, Landers, Delano and Juare were also in attendance. The meeting convened at 7:14 PM.

1. **Order No. 16-1006467 – Salary Ordinance for Poll Workers.** The Finance Committee reviewed the Council President's letter dated February 16, 2016 requesting the stipend for poll workers be adjusted as follows:

- Increase Warden stipends from \$125.00 per election day to \$250.00
- Increase Clerks stipends from \$90.00 per election day to \$200.00.

The Finance Committee voted 5 - 0 to approve the changes to the poll workers salary ordinance and advertise the ordinance.

Reports of Committees Cont'd:

2. **Order No. 16-1006462 – Mid Year Transfers for \$1,215,524.29.** The Finance Committee reviewed the Mayor's letter dated February 18, 2016 requesting mid-year transfers for the Police, Fire, Department of Public Works, Building Commission and Legal Department. **The Finance Committee took the following actions:**
- **Eliminate the \$100,000.00 transfer from the Undesignated Fund – Approved 5 - 0**
 - **Reduced the Electricity transfer from \$250,000.00 to \$150,000.00 – Approved 5 – 0**
- The Finance Committee voted 5 - 0 to approve the remainder of the transfers.**
3. **Order No. 16-1006466 – Salary Ordinance for the Assistant Building Inspector:** This was a joint meeting with Legislative and Legal. The Finance Committee reviewed the Mayors letter dated February 18, 2016 for a salary ordinance for the new Assistant Building Commissioner position. **The Finance Committee voted 5 - 0 to approve the salary ordinance and advertise the ordinance.**
4. **Order No. 16-1006456 – Adjust Minimum Exemption Value for Personnel Property:** The Finance Committee reviewed the order submitted on the February 8, 2016 City Council agenda to increase the minimum exemption value of \$5000.00 for personnel property subject to taxation set forth in City Council Order No. 05-100784A, dated April 11, 2005, by which Order the City accepted the provisions of M.G.L. chapter 59, § 5, clause 54th, be and is hereby modified under authority of said statute to a minimum exemption value of \$10,000 or less. **The Finance Committee voted 5 - 0 to approve the order. The effective date will be for FY17.**

Finance Committee adjourned at 9:06 PM

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

**City Council Legislative and Legal Affairs Committee
Monday, March 14, 2016– In Council Chambers
Minutes and Report**

Present: Chairman Katie Robey, Councilor Juairé and Councilor Delano. Also attending were Councilors Clancy and Doucette, Code Enforcement Officer Wilderman, Building Commissioner Camacho, and City Solicitor Rider.

Order No. 16-1006440 - Communication from Solicitor Rider regarding Howe's Landing Subdivision, Proposed Acceptance of Deed of Open Space Lot and Parcel A.

Reports of Committees Cont'd:

A letter from Solicitor Rider dated February 3, 2016 was read into the record. The details of the Planning Board's decision on the open space special permit were discussed, specifically Conditions 4, 5, & 6. Condition 4 requires conveyance to the City, a 2.84 parcel of land shown as Open Space, which shall be preserved for conservation, passive recreation use and preservation of open space prior to issuance of any building permit. Condition 6 requires the applicant to pay to the City the sum of five thousand dollars (\$5,000) to be allocated for the City's Conservation Maintenance Fund. Condition 5 discusses further land to be conveyed to the City to create a walking path connecting Bolton St. to Hudson St. This conveyance will occur upon completion of the subdivision.

Committee was informed there is now a signed deed, but there has been no payment to the City. Not wanting to hold up the acceptance of the open space land, the committee agreed it should approve this pending receipt of the payment.

Councilor Delano moved to recommend approval of Order No-16-1006440, Proposed Acceptance of Deed of Open Space Lot and Parcel A, providing the \$5,000 was paid to the City prior to the vote of full Council. Motion was seconded and carried 3-0.

Order No. 15-1006343A - (X04/15-100439) Communication from Solicitor Rider regarding Waters Edge Subdivision, Proposed Acceptance of Deed known as Open Space Parcel A, Open space Parcel B and Open Space Parcel C.

This order was held over from prior year's session. An order related to this was tabled in 2005 because of back tax issues; Committee was given signed deed and proof of taxes paid. Committee was also given an Environmental Report from 1997 showing no hazardous waste on the property as required in Condition 16 of the Special Permit granted by Planning Board for the Subdivision. Also, the Committee was told the \$5,000 payment to the Conservation Commission Maintenance Fund required in Item 15 of Special Permit has been paid.

Councilor Delano moved to recommend approval of Order No. 15-1006343A (X04/15-100439) Communication from Solicitor Rider regarding Waters Edge Subdivision, Proposed Acceptance of Deed known as Open Space Parcel A, Open Space Parcel B and Open Space Parcel C. The motion was seconded and carried 3-0.

Order No. 16-1006458 - That the City Council work with Building Commissioner, Code Enforcement Officer and City Solicitor on the drafting of an ordinance to ensure that prompt remedial action is taken after a devastating event. Such ordinance would provide tools for the Code Officer and other municipal officials to work with insurance companies and/or other professionals to expedite insurance and legal matters associated with such losses.

Reports of Committees Cont'd:

Code Enforcement Officer Pam Wilderman, Solicitor Rider, and Building Commissioner Camacho were present to give input. Current City Code Chapter 485, Property Maintenance has two articles; Article I is Anti-blight/Nuisances, Article II is Registration and Maintenance of Abandoned and/or Foreclosing Residential Properties. It was suggested that a new Article III be developed that would delineate steps that property owners would need to take after a devastating event and consequences of failing to comply.

Councilor Delano moved that the Committee recommend to full Council that Mayor Vigeant work with the Building Dept., Code Enforcement Officer and Legal to create language for a new Article III of Chapter 485 and submit that language in an order to City Council. Motion was seconded and carried 3-0.

Chairman Robey called a recess at 6:55 PM.

Chairman Robey called the meeting back to order at 7:30 PM for joint meeting with Finance Committee.

Order No. 16-1006466 - Communication from Mayor regarding Assistant Building Commissioner position.

The Mayor's letter dated February 18, 2016 was read into the record. He is asking for a reorganization of the Building Dept. to be comprised of 3 full time inspectors – Building Commissioner, Assistant Building Commissioner and Local Inspector. Also the Job Description for Assistant Building Commissioner was discussed.

Councilor Delano moved to recommend approval of Order No. 16-1006466, Amending Code of City of Marlborough, Chapter 7, Article XIV Building Department by deleting section 7-76 in its entirety and replacing with new language with one change to add in language from the job description to the code change. Proposed language is “The Assistant Building Commissioner shall be certified as a Building Commissioner or a Local Inspector, and shall meet the requirements and qualifications established by the...” Amended language would read, “At the time of appointment, the Assistant Building Commissioner shall be certified as a Building Commissioner or shall be certified and working as a Local Inspector for at least two years prior to appointment and become a certified Building Commissioner within 18 months of appointment, the requirements and qualifications of said certifications being governed by the...” as well as to refer to Legal to be put in proper legal form and to ask for Suspension of Rules to Advertise the Code Change. In addition he moved approval of the Job Description with one change to add in “excellent” in front of “customer service skills” in paragraph entitled Related Qualifications. The motion was seconded and carried 3-0.

It was moved and seconded to adjourn the Legislative & Legal Committee meeting; seconded and carried 3-0. Meeting adjourned at 8:00 PM.

Reports of Committees Cont'd:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: March 15, 2016

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 5:30 PM

Adjourned: 5:34 PM

Present: Chairman Tunnera; Personnel Committee Member Councilor Irish

Absent: Councilor Elder

Order No. 16-1006439 - The Appointment of Gretta Holland as Parking Clerk effective upon approval. Recommendation of the Personnel Committee is to approve the appointment of Gretta Holland as Parking Clerk. **Motion made by Councilor Irish, seconded by Chair, to approve the appointment. The motion carried 2-0.**

Motion made by Councilor Irish, seconded by Chair, to adjourn. The motion carried 2-0. The meeting adjourned at 5:34 PM.

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

Meeting Name: City Council Public Services Committee

Date: March 14, 2016

Time: 6:30 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 7:00 PM

Adjourned: 7:10 PM

Present: Chairman Landers; Public Services Committee Members Councilors

Doucette and Clancy (President, ex-officio member); Councilor Irish recused.

Order No. 16-1006427 - Petition from National Grid and Verizon New England, Inc. to relocate existing P12 and install new guy P12-84, and relocating P15, P18, P27, P28, P30 & P31 to accommodate road widening project on West Hill Road, X14-1005672A.

Chairman Landers read a letter received from City Engineer, Evan Pilachowski, dated March 11, 2016 regarding the petition to relocate the utility poles on West Hill Road. His letter explained the petition submitted by National Grid and Verizon New England was at the request of the Marlborough Engineering Division to allow for the reconstruction of West Hill Road. Crystal Tognazzi, National Grid representative, provided an overview and timeline of the project and Chairman Landers read a list of standard conditions submitted by the City Engineer for this project.

Reports of Committees Cont'd:

List of Standard Petition Conditions

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

Motion made by Councilor Clancy, seconded by Chair, to approve Order No. 16-1006427. The motion carried 3-0. Motion made by Councilor Doucette, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:10 PM.

Suspension of the Rules requested-granted

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, March 21, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 7 entitled “**BUILDING DEPARTMENT**”, of Article XIV, having been read was **ORDERED ADVERTISED** as follows:

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 7, ENTITLED “BUILDING DEPARTMENT,” OF ARTICLE XIV, AS FOLLOWS:

- A. Chapter 7 is hereby amended by deleting section 7-76 in its entirety and replacing it with the following:

§ 7-76 Assistant Building Commissioner; Appointment of Local Inspectors.

- A. The Mayor may employ an Assistant Building Commissioner who shall assist in the performance of the duties of the Building Commissioner. At the time of appointment, the Assistant Building Commissioner shall be certified as a Building Commissioner or shall be certified and working as a Local Inspector for at least two years prior to appointment and become a certified Building Commissioner within 18 months of appointment, the requirements and qualifications of said certifications being governed by the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.
- B. The Mayor shall employ local inspectors, as necessary, to support the mission and duties of the Building Department. Local inspectors shall be under the direction of the Building Commissioner and the Assistant Building Commissioner. Local inspectors shall meet the requirements and qualifications of the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.

Suspension of the Rules requested-granted

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, March 21, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 125 entitled “PERSONNEL” Section 6, entitled “COMPENSATION SCHEDULE”, having been read was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE “CITY CODE”), AS AMENDED, BE FURTHER AMENDED BY AMENDING IN CHAPTER 125, ENTITLED “PERSONNEL,” SECTION 6, ENTITLED “COMPENSATION SCHEDULE,” AS FOLLOWS:

| Position | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 / Max |
|---------------------------------|--------------|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | <i>Start</i> | <i>6 months of service</i> | <i>1 year of service</i> | <i>2 yrs. of service</i> | <i>3 yrs. of service</i> | <i>4 yrs. of service</i> | <i>5 yrs. of service</i> |
| Assistant Building Commissioner | \$70,000.00 | \$71,400.00 | \$72,828.00 | \$74,284.56 | \$75,770.25 | \$77,285.66 | \$78,831.37 |

Suspension of the Rules requested-granted

ORDERED: That the Appointment of Gretta Holland as Parking Clerk effective upon approval, **APPROVED**; adopted.

ORDERED: That the City Council, working with the Council on Aging and the Mayor’s office, explore the steps necessary and the benefits of becoming a member of AARP’s Network of Age-Friendly Communities. AARP created a Network of Age-Friendly Communities as an affiliate of the World Health Organization’s Age-Friendly Cities and Communities Program, an international effort to help cities prepare for rapid population aging and parallel trend of urbanization. Their participation in the program advances efforts to help people live easily and comfortably in their homes and communities as they age. There is a rigorous membership assessment cycle to become a member of AARP’s Network of Age-Friendly Communities which includes acquiring a written pledge by the mayor to commit to a continual cycle of improvement. It is therefore, Ordered, to refer this matter to the Mayor, the Council on Aging and the City Council Human Services Committee, refer to **MAYOR, COUNCIL ON AGING, & HUMAN SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Junk Dealer’s License, Gerciele Costa, Brazcom Wireless Inc., 223b Main St., **APPROVED**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

Section 125-27, entitled "Use of sick leave" is hereby amended by deleting paragraph C in its entirety and inserting in place thereof the following new paragraph C:

- C. Upon the termination of employment of a non-union employee, except where the termination is by the City for cause, or upon the death of a non-union employee, the City shall pay to said employee or said employee's beneficiary or estate, whichever is applicable, the value of the employee's accumulated and unused sick leave, not to exceed the amount of \$5,000.00.

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

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, MARCH 7, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 125 entitled "**PERSONNEL**", Section 6 entitled "**COMPENSATION SCHEDULE**" having been read was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- A. Section 6 is hereby retitled "Salary Schedule"
- B. This salary schedule shall take effect July 1, 2016.
- C. Any new hires to the positions listed below who are appointed to their position will begin at Step 1.
- D. The Mayor shall have the authority and discretion to waive any two steps of the salary schedule for all positions, subject to available appropriation.
- E. The positions of City Solicitor, Executive Aide to the Mayor, Executive Secretary to the Mayor, and Secretary/Research Assistant to the City Council, as at-will employees, shall be compensated reasonably in any amount up to but not to exceed their Step 7 Maximum.
- F. As allowed under Massachusetts General Law Chapter 41, Section 108O, the positions of Police Chief and Fire Chief are eligible to receive employment contracts provided that their total compensation, including but not limited to salary, stipends and educational incentives does not exceed their Step 7 Maximum.

| Position | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 / Max |
|--|--------------|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | <i>Start</i> | <i>6 months of service</i> | <i>1 year of service</i> | <i>2 yrs. of service</i> | <i>3 yrs. of service</i> | <i>4 yrs. of service</i> | <i>5 yrs. of service</i> |
| Comptroller - Treasurer | \$109,014 | \$111,194 | \$113,418 | \$115,686 | \$118,000 | \$120,360 | \$122,767 |
| Police Chief | - | - | - | - | - | - | \$166,464 |
| Human Resources Director | \$87,765 | \$89,521 | \$91,311 | \$93,137 | \$95,000 | \$96,900 | \$98,838 |
| City Auditor | \$89,613 | \$91,405 | \$93,234 | \$95,098 | \$97,000 | \$98,940 | \$100,919 |
| City Solicitor | - | - | - | - | - | - | \$117,565 |
| City Clerk | \$81,298 | \$82,924 | \$84,583 | \$86,274 | \$88,000 | \$89,760 | \$91,555 |
| Executive Aide to the Mayor and Secretary/Research Assistant to the City Council | - | - | - | - | - | - | \$68,666 |
| Executive Secretary to the Mayor | - | - | - | - | - | - | \$53,009 |
| Assistant City Solicitor | \$82,125 | \$83,767 | \$85,443 | \$87,152 | \$88,895 | \$90,673 | \$92,486 |
| Chief Procurement Officer | \$76,679 | \$78,213 | \$79,777 | \$81,372 | \$83,000 | \$84,660 | \$86,353 |
| Library Director | \$91,461 | \$93,290 | \$95,156 | \$97,059 | \$99,000 | \$100,980 | \$103,000 |
| Paralegal | \$40,335 | \$41,142 | \$41,965 | \$42,804 | \$43,660 | \$44,533 | \$45,424 |
| Assistant Recreation Director | \$57,279 | \$58,424 | \$59,593 | \$60,785 | \$62,000 | \$63,240 | \$64,505 |
| Senior Clerk (nonunion) | \$40,335 | \$41,142 | \$41,965 | \$42,804 | \$43,660 | \$44,533 | \$45,424 |

G. Any changes to the salary of the Mayor and City Council shall not take effect until January 1, 2018.

| Position | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 / Max |
|--------------|--------------|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | <i>Start</i> | <i>6 months of service</i> | <i>1 year of service</i> | <i>2 yrs. of service</i> | <i>3 yrs. of service</i> | <i>4 yrs. of service</i> | <i>5 yrs. of service</i> |
| Mayor | | | | | | | \$100,000 |
| City Council | | | | | | | \$10,000 |

Be and is herewith TABLED UNTIL THE APRIL 4, 2016 CITY COUNCIL MEETING AS THE LEGAL ADS WERE ADVERTISED ON SATURDAY, MARCH 7, 2016 THEREFORE CAN NOT BE BEEN FURTHER ADDRESSED UNTIL THE APRIL 4, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:32 PM.