



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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FEBRUARY 23, 2015

Regular meeting of the City Council held on Monday, FEBRUARY 23, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Meeting adjourned at 9:18 PM.

Council President Pope invited the Mayor, Fire Chief and the new Deputy Fire Chief Jeffrey Gogan to come forward so Deputy Chief Gogan could be sworn in at this time.

Council President Pope called on Councilor Robey to explain the essay contest and to recognize the winners. The winners were: 3rd place Alexander Moe, 2nd place Brittany Garcia and 1st place Katherine White.

ORDERED: That the minutes of the City Council meeting FEBRUARY 9, 2015, **FILE**; adopted.

ORDERED: That the **RESCHEDULED PUBLIC HEARINGS** On the Application for Special Permit to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, to remove Condition #7 prohibiting LCD signs on the property, Order No. 14-1006011B, X03-10047B **and** On the Application for Sign Ordinance Special Permit, Digital Federal Credit Union, 865 Donald Lynch Blvd., to operate an electronic message center sign at its bank branch located at 865 Donald Lynch Blvd., Order No. 14-1006053A, X14-1006011B, X03-10047B, all were heard who wish to be heard, hearing recessed at 8:20 PM; adopted.

Councilors Present: Pope, Ossing, Oram, Robey, Page, Elder, Tunnera, Irish, Clancy & Landers.

Councilor Delano recused.

ORDERED: That the **RESCHEDULED PUBLIC HEARING** On the Application for Special Permit from Attorney Bergeron on behalf of NGP Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple St., Order No. 15-1006070A, all were heard who wish to be heard, hearing recessed at 8:55 PM; adopted.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

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 in excess of available appropriation up to \$2,000,000 for snow and ice removal for fiscal year 2015, **APPROVED**; adopted.

ORDERED: That the Veteran’s Services transfer request in the amount of \$30,000.00 which moves funds from Interest Expense-Sewer to Veteran’s Benefits to fund the increase in the number of clients who qualify for Veteran’s benefits, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Veterans					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$350,783.13	\$30,000.00	60075206	59050	Interest Expense-Sewer	\$30,000.00	15430006	57710	Veteran's Benefits	\$56,625.48	
	Reason:	Surplus					To cover increase in the number of clients			
	\$30,000.00	Total			\$30,000.00	Total				

ORDERED: That the following mid-year transfer requests from Comptroller’s Office, Police Department, DPW, Public Facilities, Legal Department, & Fire Department refer to **FINANCE COMMITTEE**; adopted with explanations noted within the following spreadsheets.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Comptroller					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$35,400.00	\$7,000.00	11330002	50770	Senior Clerk	\$520.00	11610002	50770	Senior Clerk	\$16,014.41	
	Reason:	Surplus					Treasurer Payroll Calculation Error			
\$32,667.86	\$16,000.00	11940006	51860	Widows Pensions	\$23,900.00	11410004	57038	Pers Prop Valuation Serv	\$33,000.00	
	Reason:	Surplus					Contractual Support on Personal Property Values			
\$350,783.13	\$55,900.00	60075206	59050	Interest Expense - Sewer	\$20,000.00	11930006	57410	Property Liability Insurance	\$20,833.25	
	Reason:	Surplus					Additional Coverage & Rate Increase			
					\$1,480.00	11550001	50213	Network Engineer	\$29,008.33	
	Reason:						Recalculate for step increase			
					\$33,000.00	11980006	51752	Medicare Insurance	\$74,244.29	
	Reason:						Recalculate for payroll costs			
	\$78,900.00	Total			\$78,900.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:	Police								FY:	2015	
		FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	Balance	
\$1,127,393	\$85,000.00	12100001	50420	Police Officers	\$85,000.00	12100003	51310	OT - Regular	\$87,905		
	Reason:	Surplus due to vacancies and injuries				Deficit due to high number of injuries and other leave					
\$174,684	\$1,000.00	12100001	50510	Police Lieutenants	\$1,000	12100006	55882	Meals for Prisoners	\$1,364		
	Reason:	Surplus due to injury				Higher than expected number of long term prisoners					
\$174,684	\$12,000.00	12100001	50510	Police Lieutenants	\$12,000	12100003	51490	Holiday	\$74,418		
	Reason:	Surplus due to injury				Deficit due to pay increases and weekday holidays					
\$174,684	\$1,000.00	12100001	50510	Police Lieutenants	\$1,000.00	12100006	57340	Dues and Subscriptions	\$2,300		
	Reason:	Surplus due to injury				Increased dues rates					
\$174,684	\$1,000.00	12100001	50510	Police Lieutenants	\$1,000	12100006	52010	Translation Service	\$1,300		
	Reason:	surplus due to injury				High translator usage					
	\$100,000.00	Total			\$100,000.00	Total					

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:	Police								FY:	2015	
		FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	Balance	
\$16,130	\$1,300.00	12100001	50435	Police Specialists	\$1,300.00	12100006	53816	ACO Callout	\$192		
	Reason:	Surplus due to unfilled positions				Deficit due to higher call out frequency					
\$16,130	\$1,000.00	12100001	50435	Police Specialists	\$1,000	12100004	53817	Kennel Services	\$1,188		
	Reason:	Surplus due to unfilled positions				Higher than expected kenneling services					
	\$2,300.00	Total			\$2,300.00	Total					

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2015		
		FROM ACCOUNT:				TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$25,000	\$25,000	14001106	59570	Chapter 90 Construction	\$1,895	14001103	51240	Temporary Part-time (Eng)	\$3,865	
		Reason: Anticipated surplus				Anticipated funds for season help program				
\$329,399	\$8,040	14001303	50740	Equipment Operators	\$500	14001103	51310	Overtime-regular (Eng)	\$729	
		Reason: Money available due to previous vacancy				Anticipated cost to cover remainder of FY15				
					\$22,605.00	61090006	54620	Maintenance-trenches	\$9,756	
						Anticipated cost to permanently repair water trenches				
					\$6,500	14001301	50690	Foreman (Sts)	\$97,042	
						Anticipated cost to cover remainder of FY15				
					\$1,040	14001303	51240	Temporary Part-time (Sts)	\$1,760	
						Anticipated funds for seasonal help program				
					\$500	14001303	51310	Overtime-regular (Sts)	\$814	
						Anticipated cost to cover remainder of FY15				
	\$33,040	Total			\$33,040	Total				

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$329,399	\$36,610	14001303	50740	Equipment Operators	\$8,000	14001304	53140	Contract Services	\$0
	Reason:	Money available due to previous vacancy				Anticipated cost to cover remainder of FY15			
\$29,492	\$4,700	14001401	50690	Foreman	\$10,000	14001305	55310	Highway Construction Mat.	\$21,343
	Reason:	Money available due to previous vacancy				Anticipated cost to cover remainder of FY15			
					\$1,650	14001306	55400	Sidewalk Maintenance	\$108
						Anticipated cost to cover remainder of FY15			
					\$16,960	61090006	54620	Maintenance-trenches	\$9,756
						Anticipated cost to permanently repair water trenches			
					\$1,450	14001403	51240	Summer Part-time (FI)	\$3,560
						Anticipated funds for season help program			
					\$900	14001403	51470	Interim Foreman (FI)	\$664
						Anticipated cost to cover remainder of FY15			
					\$2,350.00	61090006	54620	Maintenance-trenches	\$9,756
						Anticipated cost to permanently repair water trenches			
	\$41,310	Total			\$41,310	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:						FISCAL YEAR:					
FROM ACCOUNT:						TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$138,599	\$25,000	14001501	50690	Foreman	\$15,000	14001503	51240	Temporary Part-time (FPC)	\$13,675		
	Reason:	Money Available due to W.C.					Anticipated funds for season help program				
\$310,185	\$7,900	14001503	50740	Equipment Operator	\$2,000	14001503	51310	Overtime-Regular (FPC)	\$5,005		
	Reason:	Money Available due to W.C.					Emergency response as well as weekend burials				
					\$2,000	14001503	51470	Interim Foreman (FPC)	\$2,281		
						Anticipated cost to cover remainder of FY15					
					\$6,000	14001504	53140	Contract Services	\$17,616		
						Anticipated cost to cover remainder of FY15					
					\$200	14001503	51990	Meal Allowance	\$108		
						Anticipated cost to cover remainder of FY15					
					\$1,700	14001504	53810	Insect & Pest Control	\$72		
						Anticipated cost to cover remainder of FY15					
					\$6,000	14001505	54610	General Material (FPC)	\$1,156		
						Anticipated cost to cover remainder of FY15					
	\$32,900	Total			\$32,900	Total					

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$310,185	\$21,100	14001503	50740	Equipment Operator	\$8,000	14001506	58420	Guardrail & Fencing (FPC)	\$934
	Reason:	Money Available due to W.C.				Anticipated cost to cover remainder of FY15			
\$6,160	\$6,000	60081004	52570	Service Contract	\$13,100.00	61090006	54620	Maintenance-trenches	\$9,756
	Reason:	Anticipated surplus				Anticipated cost to permanently repair water trenches			
\$116,197	\$12,900	60081006	55950	East Waste Water Treat Plt.	\$6,000	60080003	51380	Overtime-Water/Sewer (SS) Police	\$1,804
	Reason:	Anticipated surplus				Higher than anticipated system repairs			
\$30,338	\$720	60085006	55980	West Wastes Water Treat. Plt.	\$2,000	60081003	51310	Overtime-Regular (EWTP)	\$8,234
	Reason:	Anticipated surplus				Higher than anticipated system repairs			
					\$900	60081003	51470	Interim Foreman (EWTP)	\$41
						Anticipated cost to cover remainder of FY15			
					\$10,000.00	61090006	54620	Maintenance-trenches	\$9,756
						Anticipated cost to permanently repair water trenches			
					\$720	60085003	51470	Interim Foreman (WWTP)	\$33
						Anticipated cost to cover remainder of FY15			
	\$40,720	Total			\$40,720	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$56,293	\$50,000.00	60086006	52935	Solid Waste Disposal	\$20,000.00	60086006	53142	Protection Services	\$0
	Reason:	Anticipated surplus				Anticipated cost to cover remainder of FY15			
\$109,621	\$105,600.00	61090006	52322	Water-Marlboro Plant	\$30,000.00	61090006	54620	Maintenance-trenches	\$9,756
	Reason:	Anticipated surplus				Anticipated cost to permanently repair water trenches			
\$82,017	\$12,000.00	61090001	50690	Foreman	\$30,000.00	61090003	51310	Overtime-Regular	\$19,733
	Reason:	Money available due to retirement				Higher than anticipated system repairs			
					\$5,600.00	61090006	54620	Maintenance-trenches	\$9,756
						Anticipated cost to permanently repair water trenches			
					\$70,000.00	61090006	55740	Water Meters	\$5,001
						Replacement for stopped residential meters.			
					\$5,000.00	61090003	51240	Summer Part-time	\$3,062
						Adding additional temporary help for hydrant painting program			
					\$7,000.00	61090003	51380	Overtime-Water/Sewer Police	\$615
						Higher than anticipated system repairs			
	\$167,600	Total			\$167,600	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$82,017	\$9,000.00	61090001	50690	Foreman	\$4,000.00	61090003	51470	Interim Foreman	\$1,467
				Reason: Money available due to retirement				Anticipated cost to cover remainder of FY15	
					\$5,000.00	61090003	51990	Meal Allowance	\$42
								Anticipated cost to cover remainder of FY15	
\$50,000	\$50,000	60080004	53110	Legal Service	\$50,000.00	61090006	54620	Maintenance-trenches	\$9,756
				Reason: Anticipated surplus				Anticipated cost to permanently repair water trenches	
\$10,000	\$10,000.00	60086006	58654	Hazmat Collection Day	\$10,000.00	61090006	54620	Maintenance-trenches	\$9,756
				Reason: Anticipated surplus				Anticipated cost to permanently repair water trenches	
\$12,000	\$6,000.00	60086006	52940	Transfer Station	\$6,000.00	61090006	54620	Maintenance-trenches	\$9,756
				Reason: Anticipated surplus				Anticipated cost to permanently repair water trenches	
\$20,000	\$20,000.00	14001004	53140	Contract Services	\$20,000.00	61090006	54620	Maintenance-trenches	\$9,756
				Reason: Anticipated surplus				Anticipated cost to permanently repair water trenches	
\$40,096	\$3,500.00	14001001	50600	DPW Commissioner	\$3,500.00	61090006	54620	Maintenance-trenches	\$9,756
				Reason: Money available due to step increases				Anticipated cost to permanently repair water trenches	
	\$98,500	Total			\$98,500	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$39,525	\$6,000.00	14001101	50640	City Engineer	\$62,500.00	61090006	54620	Maintenance-trenches	\$9,756
				Reason: Money available due to step increases				Anticipated cost to permanently repair water trenches	
\$21,835	\$3,300.00	60080001	50580	Assistant Chemist					
				Reason: Money available due to previous vacancy					
\$34,475	\$800.00	60080001	50630	Assistant Commissioner					
				Reason: Money available due to step increases					
\$125,027	\$8,700.00	60081001	50850	Sewer Tr. Plt. Operator					
				Reason: Money available due to previous vacancy					
\$104,633	\$8,700.00	60085001	50850	Sewer Tr. Plt. Operator					
				Reason: Money available due to previous vacancy					
\$151,411	\$35,000.00	14001406	54830	Fuel & Lubricant					
				Reason: Anticipated surplus due to fluctuation in fuel cost					
	\$62,500	Total			\$62,500	Total			

BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$473	\$473.49	60081003	51430	Longevity	\$25,437.16	61090006	55740	Water Meters	\$5,001
	Reason:	Money available due to previous vacancy				Replacement for stopped residential meters.			
\$2,500	\$2,500.00	60081003	51440	Education Incentive					
	Reason:	Money available due to previous vacancy							
\$1,196	\$1,195.54	60085003	51920	Sick Leave Buy Back					
	Reason:	Money available due to vacancy							
\$14,000	\$14,000.00	60081004	53174	Contract Services/Lab Testing					
	Reason:	Anticipated surplus							
\$4,500	\$4,500.00	60081004	53180	Prof. & Tech Services					
	Reason:	Anticipated surplus							
\$2,500	\$2,200.00	60081003	51440	Educational Incentives					
	Reason:	Money available due to previous vacancy							
\$568	\$568.13	61090003	51430	Longevity					
	Reason:	Money available due to previous vacancy							
	\$25,437	Total			\$25,437	Total			

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:								FISCAL YEAR:		
		FROM ACCOUNT:						TO ACCOUNT:		
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$3,330	\$3,330.00	61090003	51440	Education Incentive	\$7,639.86	61090006	55740	Water Meters	\$5,001	
Reason:		Money available due to previous vacancy				Replacement for stopped residential meters.				
\$310	\$309.86	60080003	51920	Sick Leave BuyBack						
Reason:		Anticipated surplus								
\$4,226	\$4,000.00	61090006	54280	Water Billing						
Reason:		Anticipated surplus								
	\$7,640	Total			\$7,640	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		PUBLIC FACILITES						FISCAL YEAR:		2015
		FROM ACCOUNT:						TO ACCOUNT:		
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$44,148.00	\$2,000.00	11920001	50690	Foreman	\$500.00	11920002	50520	Principle Clerk	\$8,406.00	
Reason:		Suprlus due to vacancy				Anticipated funds to cover remainder of fiscal year				
					\$1,500.00	11920001	50385	Electrician	\$19,648.00	
		Anticipated funds to cover remainder of fiscal year								
	\$2,000.00	Total			\$2,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Legal					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$350,783.13	\$156,000.00	60075206	59050	Interest Expense-Sewer	\$136,000.00	11510004	53110	Legal Services		\$15,481.55
	Reason:	Surplus					Anticipated costs to cover thru year end			
\$11,422.30	\$500.00	11510006	57600	Claims & Judgements	\$20,000.00	11510006	53880	Registry of Deeds		\$175.00
	Reason:	Anticipated surplus					Anticipated costs to cover thru year end			
					\$500.00	11510006	57100	Instate Travel		\$52.26
	Reason:						Anticipated costs to cover thru year end			
	\$156,500.00	Total			\$156,500.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Fire Department					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$1,339,078.66	\$44,380.99	12200001	50450	Firefighter	\$32,389.25	12200001	50130	Fire Chief		\$22,588.51
	Reason:	Funds available due to vacant new hire position					To fund Fire Chief thru 6/30/15			
					\$11,991.74	12200001	50335	Deputy Chiefs		\$123,113.56
	Reason:						To fund Deputy Chief thru 6/30/15			
	\$44,380.99	Total			\$44,380.99	Total				

ORDERED: That the Fire Department transfer request in the amount of \$106,270.33 which moves funds from Firefighter to Overtime to fund overtime costs in the Fire Department, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		15		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$1,339,078.66	\$64,183.57	12200001	50450	FIREFIGHTER	\$64,183.57	12200003	51300	OVERTIME	\$12,065.41	
	Reason:	Transfer is available due to 111F payments								
\$1,339,078.66	\$42,086.76	12200001	50450	FIREFIGHTER	\$42,086.76	12200003	51300	OVERTIME	\$12,065.41	
	Reason:	Transfer is available due to a retirement								
	\$106,270.33	Total			\$106,270.33	Total				

ORDERED: That the Employee Retirements transfer request in the amount of \$58,170.18 which moves funds from and to various accounts as noted in the attached spreadsheets to fund sick leave buyback and unused vacation payouts for retiring employees, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Police				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$240,730.90	\$20,165.18	11990006	51500	Fringes	\$20,165.18	12100003	51920	Sick Leave Buy Back	\$8,886.30	
		Sick leave buy back					Retirement			
	\$20,165.18	Total			\$20,165.18	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Board of Health				FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$240,730.90	\$13,375.00	11990006	51500	Fringes	\$12,375.00	15120001	50605	Sanitarian/Admin	\$12,954.06	
		Vacation and sick leave buy back					Retirement			
					\$1,000.00	15120003	51920	Sick Leave Buy Back	\$3.82	
						Retirement				
	\$13,375.00	Total			\$13,375.00	Total				

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
	DEPT:	DPW - Streets Division					FISCAL YEAR:	2015			
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance	
\$240,730.90	\$24,630.00	11990006	51500	Fringes	\$24,630.00	14001303	51920	Sick Leave Buy Back		\$0.00	
	Reason:	Sick Leave Buy Back					Retirement				
	\$24,630.00	Total			\$24,630.00	Total					

ORDERED: That the Assistant Sanitarian’s starting step commence at Step 1, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Appointment of Paul Sliney as the tenant’s representative on the Community Development Authority (CDA) for a three year term to commence at the expiration of Ms. Swartz’s term which is March 12, 2015, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Police Chief Mark Leonard as the Keeper of the Lockup, **APPROVED**; adopted.

ORDERED: That the Appointment of David Manzello as Principal Assessor for a term to expire three years from date of confirmation. He is replacing Bradford Dunn, refer to **PERSONAL COMMITTEE**; adopted.

ORDERED: That the Notification designating Personnel Director David Brumby as the ADA Compliance Officer, **APPROVED**; adopted.

ORDERED: That the City of Marlborough grant a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a “NGrid”), as described in the attached Grant Of Easement and as shown on the sketch attached to said Grant as “Exhibit A,” entitled “Massachusetts Electric Southeast District, Hopedale; Feeder: 311W4; District Engineer: Bruce Kut; Work Location: 32 New Street, Marlboro, Ma; DATE: 02/09/15; EASEMENT DRAWING: 17321479,” for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating the transmission of high and low voltage electric current and for the transmission of intelligence by means of overhead and underground systems, consisting of, but not limited to, approximately three (3) poles with wires and cables strung upon and all necessary anchors, guys and appurtenances, consisting of buried wires and cables and lines of wires and cables installed in underground conduits, manholes, transformers, and vaults, said overhead and underground systems being further described in the attached Grant Of Easement which shall be recorded at the Middlesex South District Registry of Deeds, and as located in, through, over and across and upon certain parcels of land situated on the southerly end of New Street, the southerly side of Orchard Street, and the northerly side of South Street, being more particularly shown on Assessor’s Map 69, Parcel 394 and on Assessor’s Map 81, Parcel 190A.

APPROVED; adopted.

ORDERED: That the Minutes, Conservation Commission, December 18, 2014 & January 8, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Youth Commission, August 7, September 30, October 21 & December 16, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, November 25, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, January 5, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, June 3, July 15, October 7, November 5, December 2, 2014 & January 6, 2015, **FILE**; adopted.

ORDERED: That the Communication from Amica, on behalf of Ketan Shah, 33 Peltier St., refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Samuel Lombardo, 23 Shelly Lane, refer to **LEGAL DEPARTMENT**; adopted.

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

- a. Reginaldo Rabello, 656 Farm Rd., residential mailbox claim (2(a)).
- b. Lakeside Hair Boutique, 25 Lakeside Ave., residential mailbox claim (2(b)).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Monday February 10, 2015
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Elder, Oram and Irish. Councilors Pope, Landers, and Delano were also in attendance. The meeting convened at 7:03 PM.

1. Order #14-1006054 – Transfer \$150,000.00 from Undesignated Funds to fund Sewer Maintenance: The FINCOM reviewed the Mayor's letter dated December 11, 2014 requesting the transfer of \$150,000.00 from the Undesignated Funds account to the Sewer Maintenance account. The payment results from mutually agreed upon mitigation payments from Atlantic Management to fund needed sewer upgrades in the Forrest Street area. The Finance Committee voted 5 - 0 to approve the transfer.

2. Order #14-1006055 – Transfer \$53,214.30 to Fund Fire Department Retirement: The Finance Committee reviewed the Mayor's letter dated December 11, 2014 requesting the transfer of \$53,214.30 to fund sick leave buy back for a retiring member of the Fire Department. The Finance Committee voted 5 - 0 to approve the transfer.

3. Order #14-1005997 – Turf Field Bond for \$3,855,059.00: The Finance Committee continued the review of the Mayor's letter dated October 30, 2014 for bond request in the amount of \$3,855,059.00 to fund the city's first synthetic turf athletic field at the Whitcomb Middle School. Funding for this bond will be from the local option meals tax that is dedicated to the city parks and recreation facilities. The Finance Committee voted 4-0-1 (Councilor Elder abstained from participating) to approve the bond for 3,855,059.00 and to advertise the bond. The Finance Committee requested that process be obtained for both the rubber and organic filler material for the fields.

Reports of Committees cont'd:

4. Order #14-1006005A, 14-1006005B and 15-1006068 – Non Union Compensation Proposal and Proposed Job Title Changes: The Finance Committee reviewed the Mayor's letters dated October 30, 2014, November 13, 2014 and December 31, 2014 involving the updating of the salaries and compensation of several Department heads and non union positions. The Finance Committee took the following actions:

- The Finance Committee voted 5 – 0 to approve the Fire Chief salary up to \$160,000.00 and advertise the change to the salary ordinance.
- The Finance Committee voted 4-0-1 (Councilor Irish abstained from participating) to approve the Building Commissioner salary (starting at \$87,021.00 to a maximum step increase of \$98,000.00) and advertise the change to the salary ordinance.
- The Finance Committee voted 5 – 0 to approve the title change of “Sanitarian” to “Director of Public Health”, approve the Director of Public Health salary (starting at \$78,142.00 to a maximum step increase of \$88,000.00), and advertise the change to the salary ordinance.
- The Finance Committee voted 5 – 0 to table the balance of the three orders.

The Finance Committee adjourned at 9:29 PM.

Suspension of the Rules requested – granted

ORDERED:

TURF FIELD BOND

At the Regular Meeting of the Marlborough City Council on February 23, 2015, the following bond was ordered **ADVERTISED**; adopted.

That the sum of \$3,855,059.00 (three million eight-hundred fifty-five thousand and fifty-nine) dollars be and is hereby appropriated for the construction of a synthetic turf athletic field, new track and concession stand at the Whitcomb Middle School Field and 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 \$3,855,059.00.

Pursuant to the provisions of Chapter 44, Section 7 (3) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

Councilor Elder recused.

Suspension of the Rules requested – granted

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, February 23, 2015 at 8:00 PM in the City Council Chambers, City Hall, the following proposed salary ordinance to the Code of the City of Marlborough having been read was ordered **ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL, 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>
Fire Chief	-	-	-	-	-	-	\$160,000.00
Building Commissioner	\$87,021.00	\$88,761.42	\$90,536.65	\$92,347.38	\$94,194.33	\$96,078.21	98,000.00

Councilor Irish recused.

Suspension of the Rules requested – granted

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, February 23, 2015 at 8:00 PM in the City Council Chambers, City Hall, the following proposed salary ordinance to the Code of the City of Marlborough having been read was ordered **ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL, SECTION 6, ENTITLED COMPENSATION SCHEDULE,” AS FOLLOWS:

- A. The title of "Sanitarian" shall be replaced with "Director of Public Health."
- B. This salary schedule shall take effect upon passage.

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 years. of service</i>	<i>3 years. of service</i>	<i>4 years. of service</i>	<i>5 years. of service</i>
Director of Public Health	\$78,142.00	79,704.84	\$81,298.94	\$82,924.91	\$84,583.41	\$86,275.08	\$88,000.00

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, February 23, 2015 at 8:00 PM in the City Council Chambers, City Hall, the following proposed ordinance to the Code of the City of Marlborough having been read was ordered **ADVERTISED**; adopted.

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 AS FOLLOWS:

- A. Section 7-35, entitled "Duties", is hereby amended by deleting the words "City Solicitor" wherever it appears and inserting in place thereof the words "City Auditor."

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 the City acquire the legal interest in certain portion of D'Angelo Drive, being a cul-de-sac located at the westerly terminus thereof, by which the City accesses the Cedar Hill Pumping Station, and that said access requires the taking by eminent domain of the fee simple interest in said certain parcel of land located on D'Angelo Drive, 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 the fee simple interest in 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 the fee simple interest in the following described land and all trees and brush thereon.

DESCRIPTION OF LAND TAKEN

A certain parcel of land located at the westerly terminus of D'Angelo Drive in Marlborough, Middlesex County, Massachusetts and being shown as Lot 1B on a plan entitled "Plan of Land In Marlborough, Mass. Property of the Johnson Trust, Scale 1:40", dated Sept. 25, 1983, Surveyed by Drake Associates, Inc. Civil Engineers, Land Surveyors, 770 Grove Street, Framingham, Mass." and recorded with the Middlesex South Registry of Deeds as Plan 1074 of 1984.

Meaning and intending to take and taking by Eminent Domain the fee simple interest in the land shown as Lot 1B as described on the aforementioned plan, which land is a portion of the land described in the deed recorded at the Middlesex South Registry of Deeds in Book 11533, Page 556.

OWNER: Johnson Trust

The land consisting of Lot 1B, as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of D'Angelo Drive on Map 118. The total land area being taken consists of 8,761 +/- square feet.

AWARD

The City Council hereby makes the following award of damages for the owner of record:

<u>Owner:</u>	Johnson Trust
<u>Assessors' Map/Parcel:</u>	D'Angelo Drive, shown on Map 118
<u>Area:</u>	8,761±SF
<u>Award:</u>	\$1.00

ORDER TO ACCEPT AS A PUBLIC WAY THE CUL-DE-SAC AT THE WESTERLY TERMINUS OF D'ANGELO DRIVE

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the CUL-DE-SAC AT THE WESTERLY TERMINUS OF D'ANGELO DRIVE be accepted as a public way, the roadway of said D'ANGELO DRIVE having been accepted by the City of Marlborough as a public way by Order No. 23073, dated July 11, 1983.

DESCRIPTION

Being the cul-de-sac located at the westerly terminus of D'Angelo Drive in Marlborough, Middlesex County, Massachusetts and shown as Lot 1B on a plan entitled "Plan of Land In Marlborough, Mass. Property of the Johnson Trust, Scale 1:40', dated Sept. 25, 1983, Surveyed by Drake Associates, Inc. Civil Engineers, Land Surveyors, 770 Grove Street, Framingham, Mass.", recorded with the Middlesex South Registry of Deeds as Plan 1074 of 1984, described in the deed recorded with the Middlesex South Registry of Deeds in Book 11533, Page 556 and an Order of Taking By Eminent Domain by the City of Marlborough, said order to be recorded herewith at the Middlesex County South Registry of Deeds.

OWNER (prior to Taking By Eminent Domain): Johnson Trust

The land consisting of said Lot 1B, as provided in the description above, is also shown on the City of Marlborough Assessors Map as a portion of D'Angelo Drive on Map 118. The total land area being accepted as a public way consists of 8,761 +/- square feet.

IT IS THEREFORE ORDERED THAT:

the CUL-DE-SAC AT THE WESTERLY TERMINUS OF D'ANGELO DRIVE be accepted as a public way in the City of Marlborough.

APPROVED; adopted.

ORDERED:

That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT EXEMPTING CERTAIN POSITIONS
IN THE MARLBOROUGH SCHOOL DEPARTMENT
FROM THE PROVISIONS OF CIVIL SERVICE**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all positions in the School Department of the City of Marlborough, classified in the Munclass Manual within the General Administrative, Clerical, and Office Services Group, identified as Occupational Group 0300; within the Manual Labor Group, identified as Occupational Group 3500; within the Food Preparation and Service Group, identified as Occupational Group 7400; and within the Equipment, Facilities and Services Group, identified as Occupational Group 1600, shall be exempt from the provisions of chapter thirty-one of the General Laws and from any civil service rules promulgated by the Human Resources Division of the Executive Office for Administration and Finance of the Commonwealth of Massachusetts.

SECTION 2. The provisions of section 1 of this act shall not affect the rights or status under chapter thirty-one of the General Laws of any person who was hired by the School Department of the City of Marlborough prior to July 1, 2014.

SECTION 3. This act shall take effect upon its passage.

APPROVED; adopted.

Councilor Delano recused and President Pope requested to be recorded in opposition.

ORDERED: That the Department of Public Works be **AUTHORIZED** to plow and remove snow from the following way, in accordance with the provisions of Massachusetts General Law Chapter 40, Section 6-C, provided, that said way be of such construction and condition that, in the opinion of the Commissioner of Public Works, said plowing can be safely and conveniently accomplished; adopted.

Reagin Lane-Mauro Farms Subdivision, off Cook Lane

ORDERED: That the Petition of NGrid and Verizon New England, Inc. to install new primary riser P20-50 to be located 23' off roadway in between existing P20 and P21 Ames St., **APPROVED;** adopted. Also to install 2-4" conduits encased in concrete, one primary pull box and underground cable along Ames St. Conduit system will be installed 3' back of curb on the north side of the roadway. This installation is required to provide electrical service to new multifamily residential development – The Preserve at Ames.

ORDERED: That the Petition of National Grid and Verizon New England, Inc. to relocate joint owned P.5 on Norwood St. 4' north and install sidewalk guy, **APPROVED**; adopted. Existing pole is deteriorated and will be relocated further away from customer's driveway entrance.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:18 PM.