



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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MAY 19, 2014

Regular meeting of the City Council held on Monday, MAY 19, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Absent: Oram. Meeting adjourned at 9:23 PM.

Presentation of Youth Service Awards to following recipients: Joseph Ciolino, Paige Lariviere, Alysha McGovern, Jaelyn Kassoy, Sydney Teele & Christina Furtado.

ORDERED: That the minutes of the City Council meeting MAY 5, 2014, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Mark Donahue of Fletcher Tilton on behalf of Chick-Fil-A, Inc. to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Rd. West, all were heard who wish to be heard, hearing recessed at 8:34 PM, adopted.

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

ORDERED: That the **PUBLIC HEARING** On the Proposed FY15 Municipal Operating Budget as submitted by Mayor Vigeant in the amount of \$137,433,613.00 for review and appropriation in which this spending plan reflects an increase of 3.98% over the approved Fiscal Year 2014 budget, all were heard who wish to be heard, hearing recessed at 8:38 PM; adopted.

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

ORDERED: That the Snow and Ice transfer request in the amount of \$1,640,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal and Operating Expenses, refer to **FINANCE COMMITTEE**; adopted.

DEPT:		DPW				FISCAL YEAR:		2014		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,851,941.00	\$1,640,000.00	10000	35900	Undesignated Fund	\$265,000.00	14001203	51390	Overtime-Snow & Ice	-\$264,378.63	
	Reason:	To fund the snow & ice deficit for FY14								
					\$734,000.00	14001206	52960	Snow Removal	-\$733,769.51	
	Reason:									
					\$641,000.00	14001206	57040	Operating Expenses	-\$632,509.13	
	\$1,640,000.00	Total			\$1,640,000.00	Total				

ORDERED: That the Year-end Intra-Departmental transfer requests as noted on the attached spreadsheets to cover remaining expenses and balance accounts for FY14, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Police				FISCAL YEAR:		FY 2014		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$15,049.87	\$5,475.00	12100003	51920	Sick Leave Buy Back	\$5,475.00	12100001	50140	Police Chief Salary	\$14,154.32	
Reason:		Money available for transfer				Money needed to pay retro pay and new contract				
	\$5,475.00	Total			\$5,475.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		FY14		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$18,161.84	\$98.07	12200003	51430	LONGEVITY	\$98.07	12200003	51450	NIGHT SHIFT DIFFERENTIAL	\$9,058.89	
Reason:		Transfer is available due to retirements				Funds needed to complete FY14				
	\$98.07	Total			\$98.07	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Police				FY:		2014		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$15,049	\$2,500.00	12100003	51920	Sick Leave Buy-Back	\$2,500.00	12100003	51490	Holiday	\$27,432	
Reason:		Account will have surplus - fewer ofcs. buying back				Will need additional amount for last holiday of yr.				
\$15,049	\$1,000.00	12100003	51920	Sick Leave Buy-Back	\$1,000	12100006	55882	Meals for Prisoners	\$563	
Reason:		Account will have surplus - fewer ofcs. buying back				More long term prisoners than expected				
	\$3,500.00	Total			\$3,500.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:	Public Facilities			DATE:	5/12/2014		FY:	2014		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,830	\$1,105.00	11920003	51430	Longevity	\$1,105.00	11920001	50292	Bldg Maint Craftsman	\$25,989	
	Reason:	Funds available					To cover salaries thru year end			
\$29,596	\$8,500.00	11920003	50560	Custodian	\$8,500.00	11920006	53999	Other Services	\$7	
	Reason:	Unfilled position					Renovations at DPW			
\$2,027	\$2,000.00	11920006	52250	Heating oil	\$2,000.00	11920006	53999	Other Services	\$7	
	Reason:	Decrease in use					Renovations at DPW			
\$39,901	\$20,000.00	11920006	52200	Natural Gas	\$20,000.00	11920006	53999	Other Services	\$7	
	Reason:	Decrease in cost per therm					Renovations at DPW			
\$48,840	\$15,000.00	11920006	53420	Telephone Services	\$15,000.00	11920005	54310	Building Repairs	\$2	
	Reason:	Decrease in verizon data lines					Renovations at Walker Building			
	\$46,605.00	Total			\$46,605.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:	Department of Public Works					FISCAL YEAR:	2014			
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$55,612	\$425	60085006	55980	West WWTF	\$425	60080003	51470	Interim Foreman	\$24	
	Reason:	Surplus anticipated					Anticipated cost to cover Chemist position scheduled time off.			
\$55,612	\$2,000	60085006	55980	West WWTF	\$2,000	60085006	52463	Rep/Maint. Westerly Plant	\$920	
	Reason:	Surplus anticipated					Anticipated cost to cover supplies for maintenance.			
\$55,612	\$4,000	60085006	55980	West WWTF	\$4,000	60085006	54340	Maint. Machinery	\$603	
	Reason:	Surplus anticipated					Anticipated cost to cover supplies for preventive maintenance.			
\$44,700	\$24,700	60080004	53110	Legal Services	\$24,700	60080006	55660	Pumping Station Main.	\$564	
	Reason:	Anticipated surplus					Anticipated cost for repair/maint. at Hosmer Street Pump Station because of pump failure.			
\$44,700	\$20,000	60080004	53110	Legal Services	\$20,000	61090006	54620	Maintenance-Trenches	\$14,515	
	Reason:	Anticipated surplus					Anticipated cost to permanently repair water trenches due to high number of winter water breaks.			
	\$51,125	Total			\$51,125	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
\$77,794	\$77,794	61090006	52320	Water-MWRA	\$77,794	61090006	55740	Water Meters	\$0
Reason: Anticipated surplus					Replacement for stopped residential meters.				
\$137,956	\$57,000	61090001	50740	Equipment Operators	\$57,000	61090006	54620	Maintenance-Trenches	\$14,515
Reason: Surplus due to vacancies.					Anticipated cost to permanently repair water trenches due to high number of winter water breaks.				
\$1,402	\$1,402	61090003	51920	Sick Leave Buy Back	\$1,402	61090006	54620	Maintenance-Trenches	\$14,515
Reason: Anticipated surplus					Anticipated cost to permanently repair water trenches due to high number of winter water breaks.				
\$1,590	\$340	61090003	51940	Clothing Allowance	\$340	61090006	54620	Maintenance-Trenches	\$14,515
Reason:					Anticipated cost to permanently repair water trenches due to high number of winter water breaks.				
\$800	\$800	61090004	53174	Contract Services/Lab Testing	\$800	61090006	54620	Maintenance-Trenches	\$14,515
Reason:					Anticipated cost to permanently repair water trenches due to high number of winter water breaks.				
\$137,336		Total			\$137,336	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
\$3,600	\$3,600	61090006	54280	Water Billings	\$3,600	60080006	55660	Pumping Station Main.	\$564
Reason: Anticipated surplus					Anticipated cost to cover required repair/maintenance at several sewer pump stations.				
\$800	\$800	60080003	51440	Educational Incentives	\$800	60080006	55660	Pumping Station Main.	\$564
Reason: Anticipated surplus					Anticipated cost to cover required repair/maintenance at several sewer pump stations.				
\$14,489	\$7,000	60080001	50580	Assistant Chemist	\$7,000	60080006	55660	Pumping Station Main.	\$564
Reason: Anticipated surplus					Anticipated cost to cover required repair/maintenance at several sewer pump stations.				
\$350	\$350	61090003	51440	Educational Incentives	\$350	61090003	51990	Meal Allowances	\$0
Reason: Anticipated surplus					100% expended due to high volume of water breaks over winter.				
\$30,000	\$30,000	61090006	55700	Water Treatment Plant	\$30,000	60080006	55660	Pumping Station Main.	\$564
Reason: Anticipated surplus					Anticipated cost to cover required repair/maintenance at several sewer pump stations.				
\$41,750		Total			\$41,750	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
\$610.00	\$610	60081003	51430	Longevity	\$610	60081006	52464	Repair/Maintain East Plant	\$26,688
		Reason: Anticipated surplus				Anticipated cost to cover end of year			
\$2,800.00	\$2,800	60081003	51440	Educational Incentive	\$2,800	60081006	52464	Repair/Maintain East Plant	\$26,688
		Reason: Anticipated surplus				Anticipated cost to cover end of year			
\$492.00	\$492	60081003	51920	Sick Leave Buyback	\$492	60081006	52464	Repair/Maintain East Plant	\$26,688
		Reason: Anticipated surplus				Anticipated cost to cover end of year			
\$1,265.00	\$1,000	60081003	51940	Clothing Allowance	\$1,000	60081006	52464	Repair/Maintain East Plant	\$26,688
		Reason: Anticipated surplus				Anticipated cost to cover end of year			
\$5,000.00	\$3,000	60081004	53174	Contract Services/Lab Testing	\$3,000	60085005	55014	Lab/Testing Supplies	\$2,305
		Reason: Anticipated surplus				Anticipated cost to cover end of year.			
	\$7,902	Total			\$7,902	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
\$26,953.00	\$500	14001101	50640	City Engineer	\$500	14001101	50700	Senior Engineer	\$14,078
		Reason: Money available due to previous vacancy				Anticipated cost to cover remainder of FY14			
\$14,590.00	\$250	60080001	50580	Assistant Chemist	\$250	60081001	50910	Head Treatment Operator	\$10,448
		Reason: Money available due to previous vacancy				Anticipated cost to cover remainder of FY14			
\$14,590.00	\$200	60080001	50580	Assistant Chemist	\$200	60085001	50910	Head Treatment Operator	\$10,455
		Reason: Money available due to previous vacancy				Anticipated cost to cover remainder of FY14			
	\$950	Total			\$950	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Board of Health					FISCAL YEAR: FY 2014				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$6,341.50	\$3,500.00	15120001	50391	P/TNurse	\$3,500.00	15120006	53180	Prof / Tech. Services	\$1,927.52
		Reason: Funds available due to retirement				Funds will pay for contract health inspections through June			
	\$3,500.00	Total			\$3,500.00	Total			

ORDERED: That the Public Facilities transfer request in the amount of \$230,000.00 to and from various accounts as noted on the attached spreadsheet to cover unanticipated expenses in an electrical utility line item, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Public Facilities				DATE:	5/12/2014		FY:	2014	
	FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$50,467	\$30,000.00	60086006	52935	Solid Waste Disposal	\$30,000.00	11920006	52120	Electricity	\$204,107	
	Reason: Transfer to pay from correct account					Transfer to charge to correct account				
\$124,109	\$50,000.00	14001303	50740	Streets Equip Operator	\$200,000.00	11920006	52120	Electricity	\$204,107	
	Reason: Surplus due to vacancies					Transfer to cover underfunded costs				
\$168,371	\$90,000.00	14001503	50740	Forestry Equip Operator						
	Reason: Surplus due to vacancies									
\$198,239	\$60,000.00	11990006	51500	Fringes						
	Reason: Money available for transfer									
	\$230,000.00	Total			\$230,000.00	Total				

ORDERED: That the Mayor re: transfer request in the amount of \$32,500.00 which moves funds from Undesignated to Open Space Stabilization to move funds received in FY13 from wireless antenna receipts to the Open Space Stabilization account, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:					FISCAL YEAR:	2014				
	FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,851,941.00	\$32,500.00	10000	35900	Undesignated Fund	\$32,500.00	83600	32918	Stabilization-Open Space	\$820,642.22	
	Reason: To transfer annual wireless antennae payments received by the City in fiscal year 2013 to Open Space Stabilization									
	\$32,500.00	Total			\$32,500.00	Total				

ORDERED: That the Mayor's Office transfer request in the amount of \$850.00 which moves funds from Reserve for Salaries & Benefits to Executive Secretary to fund a step increase that was not factored in to the FY14 budget, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Mayor				FISCAL YEAR:	FY 2014				
	FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$521,561.00	\$850.00	11990006	57820	Reserve for Salaries & Ben.	\$850.00	11210002	50590	Exec Secretary	\$6,380.29	
	Reason: Money available for transfer					Money needed to cover step increase for FY 14				
	\$850.00	Total			\$850.00	Total				

ORDERED: That the City Council for the City of Marlborough, having voted on September 10, 1934 to accept a deed to acquire, for public playground purposes, land now known as Stevens Park, located at 20 Martin Street, Marlborough Massachusetts, and shown on the Marlborough Assessor's Maps as Map 68, Parcel 5, which deed was recorded on October 16, 1934 at the Middlesex South District Registry of Deeds in Book 5870, Page 33, does hereby vote, by a two-thirds vote of all its members pursuant to M.G.L. c. 40, § 15A, to transfer the care, custody, management and control of Stevens Park to the Parks and Recreation Commission for park purposes, refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

**A RESOLUTION
TO APPLY FOR AND ACCEPT A GRANT
FROM THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,
FOR THE RENOVATION OF STEVENS PARK**

WHEREAS, the City Council for the City of Marlborough voted on September 10, 1934 to accept a deed to acquire, for public playground purposes, land now known as Stevens Park, located at 20 Martin Street, Marlborough Massachusetts, and shown on the Marlborough Assessor's Maps as Map 68, Parcel 5, which deed was recorded on October 16, 1934 at the Middlesex South District Registry of Deeds in Book 5870, Page 33; and

WHEREAS, by vote of the City Council on _____, 2014, the care, custody, management and control of Stevens Park has been transferred to the Parks and Recreation Commission for park purposes, thereby permanently dedicating Stevens Park for park purposes;

WHEREAS, Stevens Park is a community-wide asset, and the preservation of and improvements to this facility are a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, Stevens Park's renovation will greatly enhance this facility with improved playground equipment, trees, benches, picnic tables, water bubbler, fencing, and a pavillion; and

WHEREAS, the main focus of this renovation is to upgrade the facility to improve its functionality and appearance; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Our Common Backyards grant program; and

WHEREAS, the project cost as outlined in the application totals \$611,000 (six hundred eleven thousand dollars), with the balance of the funding being provided from the Sligo Antenna Revolving account that was approved by the City Council. The total funding is available from the FY 2014 account and the FY 2015 account.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Mayor be, and hereby is, authorized to apply for and to accept an Our Common Backyard grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the Our Common Backyard grant, which is to be administered by the Recreation Commission; and
3. That this Resolution shall take effect upon its passage.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Grant Acceptance in the amount of \$45,451.00 from the Massachusetts Department of Transportation (MassDOT) to the Marlborough Council on Aging to cover approximately 80% of the cost to purchase an eight passenger handicapped accessible vehicle, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Ezra M. Cutting Trust awarded to the City of Marlborough in the amount of 6,000.00 to sustain the City's partnership with the Rivers Edge Arts Alliance to support performances that are part of the "Family Fun Festivals" that will provide quality entertainment for families in the Marlborough-Hudson region; adopted.

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, to be effective during fiscal year 2015, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

(a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and

(b) expenditures from said fund shall be limited to public safety training; and

(c) the Mayor shall be the only officer authorized to approve expenditures from the same; and

(d) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

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

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Site Plan Review for a hotel within the Results Way Mixed Use Overlay District, in proper legal form, Order No. 14-1005727A, **MOVED TO ITEM 31**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 860 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 460 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Second Hand Article's License, Gerald Dumais d/b/a Dumais & Sons, 67 Mechanic St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Environmental Merit Award for 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, April 3, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, March 25, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Board, March 26, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, February 11, 2014; adopted.

ORDERED: That the Minutes, Planning Board, April 28, 2014; adopted.

ORDERED: That the Community Development Authority, April 24; adopted.

ORDERED: That the Council on Aging, April 10, 2014; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Steven Hibbard, 8 Cusella Dr., refer to **LEGAL DEPARTMENT**; adopted.

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

- A. Anton Teodorescu, 9 Woodcock Lane, other property damage and/or personal injury
- B. Michael Guidotti, 11 Lark Dr., Hudson, pothole of other road defect claim

Reports of Committees:

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

Convened: 5:17 PM

Recessed: 5:35 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish

- 1) **Order No. 14-1005743 - Application for Renewal of Junk Dealer License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street.** Police Chief Leonard has approved the CORI report for Roman Kimyagarov and has no objection to the renewal of his Junk Dealer License. Mr. Kimyagarov is in his third year of business as a purchaser of gold or silver jewelry and coins such as broken jewelry, estate jewelry, silver coins, silver dollars or half-dollars. He offers a price based on the current market value of gold or silver.
Recommendation of the Public Services Committee is to approve a Junk Dealer License to Roman Kimyagarov, Arthur & Sons Shoe Repair. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.
- 2) **Order No. 14-1005762 - Application for Renewal of Junk Dealer / Second Hand Article Dealer License by Theresa Denoncourt Smith, Hint of Class Consignment, 72A-B Hosmer Street.** Police Chief Leonard has approved the CORI report for Theresa Denoncourt Smith and has no objection to the renewal of her Junk Dealer/Second Hand Article Dealer License. Ms. Denoncourt Smith has been in business for six months and sells men's and women's clothing, costume jewelry, furniture such as wood tables and chairs, gift wares, lamps and dishware however no couches or bedding.
Recommendation of the Public Services Committee is to approve a Junk Dealer / Second Hand Article Dealer License to Theresa Denoncourt Smith, Hint of Class Consignment. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.
- 3) **Order No. 14-1005669 x 13-1005591 - Junk Dealer Application Renewal, Jean Rabelo, Post Road Used Auto Parts of Marlborough, Inc., 785 Boston Post Road.** Police Chief Leonard has approved the CORI report for Jean Rabelo and has no objection to the renewal of her Junk Dealer License. Post Road Used Auto Parts is an automotive recycler who takes in cars from auctions and charity donations. They remove all usable parts and sell them and every other remaining part is removed from the cars and recycled including batteries and tires.
Recommendation of the Public Services Committee is to approve a Junk Dealer License to Jean Rabelo, Post Road Used Auto Parts. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.

Motion made by Councilor Irish, seconded by the Chair, to recess the meeting and reconvene Wednesday, May 7th @ 5:15 PM. **Carries 3-0.**

Reconvened: 5:15 PM

Adjourned: 5:59 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish

Motion made by Councilor Clancy to reconvene the meeting, seconded by the Chair. **Carries 3-0.**

- 4) **Order No. 14-1005763 - Application for Renewal of Junk Dealer License by Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd.** Police Chief Leonard has approved the CORI report for Tony Bitar and has no objection to the renewal of his Junk Dealer License. Hannoush Jewelers purchases second hand gold from customers at a fair competitive price as a convenience to their customers. They only purchase gold or platinum jewelry, and coins for their gold value, not a collector's value.
Recommendation of the Public Services Committee is to approve a Junk Dealer License to Tony Bitar, Hannoush Jewelers. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.
- 5) **Order No. 14-1005764 - Application for Renewal of Junk Dealer/Second Hand Article Dealer License by Mary Giorgi, Giorgi's Consignment Boutique, 266 Main Street.** Police Chief Leonard has approved the CORI report for Mary Giorgi and has no objection to the renewal of her Junk Dealer/Second Hand Article Dealer License. Ms. Giorgi has been in business for just over a year and sells high end women's clothing on consignment. She only accepts current season merchandise and no more than two years past the current style. She has a sixty day consignment period, at the end of the consignment period, it is the consignor's responsibility to contact the store to arrange pick-up of their unsold merchandise. If not retrieved in a timely manner, the items are donated.
Recommendation of the Public Services Committee is to approve a Junk Dealer/Second Hand Article Dealer License Mary Giorgi, Giorgi's Consignment Boutique. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.
- 6) **Order No. 14-1005786 - Application for Renewal of Junk Dealer License by Robert Hognlund, CFO TVI, Inc., d/b/a Savers, 222A East Main Street.** Police Chief Leonard has approved the CORI report for Gary Zardas of Savers and has no objection to the renewal of their Junk Dealer License. Savers sells second hand merchandise, mostly clothing, also bedding and stuffed animals but no mattresses. They obtain their merchandise from two sources; they buy in bulk from any nationally recognized 503C charity and consumer donations at their drop off centers. They participate in a State licensed merchandise sterilization program and are also working with the City of Marlborough to have one of the first programs to monitor and prevent infestations of bed bugs.
Recommendation of the Public Services Committee is to approve a Junk Dealer License to TVI, Inc., d/b/a Savers. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.
- 7) **Order No. 14-1005787 - Application for Renewal of Junk Dealer's License, Michael Komapovsky, d/b/a Aarus Art Gallery, 305 Lincoln Street.** Police Chief Leonard has approved the CORI report for Michael Komapovsky and has no objection to the renewal of his Junk Dealer License. Mr. Komapovsky is a licensed auctioneer and his main business is online auctions powered by auction engines.
Recommendation of the Public Services Committee is to approve a Junk Dealer License to Michael Komapovsky, d/b/a Aarus Art Gallery. Motion made by Councilor Clancy, seconded by Chair, to approve the application. Carries 3-0.

Motion made by Councilor Clancy, seconded by Councilor Irish, to adjourn.

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram (Present for Agenda items 4-8), Elder, and Irish. Councilors Pope (Present for Agenda item #8), Landers and Delano were also in attendance. The meeting convened at 6:03 PM.

- 1. Order No. 14-1005736 – Transfer \$75,000.00 from the Undesignated Fund Account to Building Department Contract Services.** The Finance Committee reviewed the Mayor’s letter dated March 20, 2014 requesting the transfer of \$75,000.00 from the Undesignated Fund Account to the Building Department Contract Services Account to supplement the Building Department inspectional services for the Avalon Bay project. **The Finance Committee voted 4 – 0 to approve the transfer.**

- 2. Order No. 14-1005755 – Transfer \$152,246.17 from Firefighter Salary Account to Cover Three Retirements and Overtime.** The Finance Committee reviewed the Mayor’s letter dated April 3, 2014 requesting transfers from the Firefighter Salary Account in the amount of \$152,246.17 to fund three firefighter retirements (\$82,246.17) and overtime (\$70,000.00). The Fire Chief recommended that the overtime transfer be reduced by \$20,000. **The Finance Committee voted 4 – 0 to approve the following transfers:**
 - **\$82,246.17 from Firefighter salaries to sick leave buy back**
 - **\$50,000.00 from Firefighter salaries to overtime**

- 3. Order No.14-1005756 – Transfer \$70,000.00 from Undesignated Fund Account to Legal Services and \$3,800 in Internal Legal Department Transfers.** The Finance Committee reviewed the Mayor’s letter dated April 3, 2014 requesting a transfer of \$70,000.00 from the Undesignated Fund account to the Legal Services Account for higher than anticipated outside legal services. Additionally, the Finance Committee reviewed \$3,800.00 of transfers internal to the Legal Department. **The Finance Committee voted 4 – 0 to approve the transfers. The Finance Committee agreed to support suspending the rules at the May 19, 2014 City Council meeting to report out the recommendation to approve.**

- 4. Order No. 14-1005776 – Transfer \$295,000.00 from the Reserve for Salaries Account to Fund Medicare Insurance and Workers Compensation Insurance.** The Finance Committee reviewed the Mayor’s letter dated April 25, 2014 requesting three transfers from the Reserve for Salaries Account to the following accounts:
 - \$35,000.00 to Medicare Insurance – Schools
 - \$125,000.00 to Medicare Insurance – City
 - \$135,000 to Workers Compensation Insurance

The Medicare accounts require the transfers to cover anticipated expenses directly linked to the cost of living and salary step increases. The workers compensation transfer is necessary to fund anticipated claims running higher than projected. **The Finance Committee voted 5 – 0 to approve the three transfers.**

5. Order No. 14-1005777 – Transfer \$52,000.00 from DPW Accounts to Fund Hydrant Flushing Overtime and Sweeper Repairs. The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting two transfers internal to the DPW department to fund the following:

- \$30,000.00 to fund overtime for hydrant flushing
- \$22,000.00 to fund major repairs to a 12 year old street sweeper

The Finance Committee voted 5 – 0 to approve the transfers.

6. Order No. 14-1005778 – Gift of \$30,000.00 from Atlantic Management Simarano Grant. The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting the acceptance of a \$30,000.00 gift from Atlantic Management to support the Simarano Drive upgrade project. **The Finance Committee voted 5 – 0 to Accept the Gift.**

7. Order No. 14-1005780 – Bond for \$6,000,000.00 to Upgrade the Millham Water Treatment Plant. The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting the approval of a \$6,000,000.00 bond to upgrade the Millham Water Treatment Plant. The bond is required to fund upgrades to the plant due to newly enacted water regulations. **The Finance Committee voted 5 – 0 approve the following:**

- **Report out bond order with no recommendation to put in front of the City Council for a vote at the June 2, 2014 meeting**
- **Mayor to provide order with duration of loan in a format for advertising at the May 19, 2014 City Council meeting**
- **The FINANCE COMMITTEE agreed to support suspending the rules at the May 19, 2014 City Council meeting to recommend the advertising of the bond. (Bond was advertised on May 22, 2014).**

8. Order No. 14-1005781 – SanDisk Corporation Tax Increment Financing (TIF). The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting the approval of the TIF proposal from SanDisk Corporation. The Finance Committee voted 5 - 0 to approve the following:

- The economic opportunity area
- The TIF plan and zone
- The TIF agreement
- Economic Development Incentive Program (EDIP) Preliminary Application
- The City Council Resolution

The Finance Committee agreed to support suspending the rules at the May 19, 2014 City Council meeting to have the Solicitor place in proper format to support a City Council vote at the June 2, 2014 City Council meeting.

The Finance Committee adjourned at 8:15 PM.

Suspension of the Rules requested – granted

ORDERED: That the Draft TIF Proposal between City of Marlborough and SanDisk Corporation, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM AND PLACE ON JUNE 2, 2014 AGENDA**; adopted.

Suspension of the Rules requested – granted

ORDERED: Ordered: that \$6,000,000 is appropriated for the purpose of financing the construction of improvements to the Millham Water Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor and the (Auditor, Finance Committee or other appropriate local body or official) is authorized to borrow \$6,000,000 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the (Auditor, Finance Committee or other appropriate local body or official) determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Mayor [and the (Auditor, Finance Committee or other appropriate local body or official)] is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project, **ORDERED ADVERTISED AND PLACE ON JUNE 2, 2014 AGENDA**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Legal Department transfer request in the amount of \$73,800.00 which moves funds from and to various accounts as noted on the spreadsheet to fund higher than anticipated outside legal expenses, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Legal				FISCAL YEAR:		2014		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,851,941.00	\$70,000.00	10000	35900	Undesignated Fund	\$70,000.00	11510004	53110	Legal Services	\$37,573.35	
Reason:						Legal expenses running higher than anticipated				
\$12,844.82	\$500.00	11510006	57600	Claims & Judgements	\$500.00	11510006	53880	Registry of Deeds	\$725.00	
Reason:		Fewer claims than anticipated				Fund account through end of fiscal year				
\$12,844.82	\$800.00	11510006	57600	Claims & Judgements	\$800.00	11510006	57100	Instate Travel	\$58.00	
Reason:		Fewer claims than anticipated				Fund account through end of fiscal year				
\$12,844.82	\$2,500.00	11510006	57600	Claims & Judgements	\$2,500.00	11510006	57350	Lawbook Updates	\$1,330.00	
Reason:		Fewer claims than anticipated				Fund account through end of fiscal year				
	\$73,800.00	Total			\$73,800.00	Total				

Suspension of the Rules requested – granted

ORDERED: That the FY15 budget of \$137,086,523.00 which represents a 3.71% increase from the FY14 budget or an increase of \$4,904,195.00, **APPROVED**; adopted.

ORDERED: That the Mayor provides the status of the 2013 Tax Increment Finance (TIF) reports. Include copies of the reports, dates reports submitted, and remaining duration of the TIFs by June 30, 2014, refer to the **MAYOR AND REPORT BACK TO CITY COUNCIL BY THE END OF JUNE**; adopted.

ORDERED: That the City Council Operations and Oversight Committee be charged with the review of any departmental function which may not have been reviewed as a result of the streamlined approval of Mayor Vigeant’s FY2015 Municipal Budget. The Operations and Oversight Committee, after posting and proper notification to the Mayor and appropriate department manager(s), will undertake a collaborative review of any city department requested by individual City Councilors. This will allow for Councilors to ask any questions they may have regarding operations and/or finances, and for the public to be informed on said operations and finances. It has often been suggested during finance meetings that another forum would be more appropriate for City Councilors to ask questions not directly related to finance and this would provide a proper forum for such, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED:

Site Plan Permit # _____

Site Plan Approval with Conditions

Applicant: CSM Corporation, 500 Washington Ave., Ste. 3000, Minneapolis, MN 55415

Property Owner: Atlantic-Marlboro Realty LLC, 205 Newbury Street, Framingham, MA 01701

Location: 170 Forest Street (the "Site") being Lot 1C shown on an ANR plan entitled: "Plan of Land in Marlborough, Massachusetts (Middlesex County); Scale: 1" = 60'; April 16, 2014, Revised May 2, 2014; The BSC Group, Inc., 33 Waldo Street, Worcester, Massachusetts; Owned By: Atlantic-Marlboro Realty LLC"

Zoning District: Limited Industrial (LI) underlying district and Results Way Mixed Use Overlay District (RWMUOD)

The following Site Plan Approval Final Conditions are based on the plans entitled:

"Hilton Garden Inn Marlborough, Hills, Marlborough, MA, Dated March 6, 2014, Revised April 15, 2014" with a list of drawings as follows: C-101 Existing Conditions Plan, C-111 Site Preparation & Erosion Control Plan, C-121 Layout & Materials Plan, C-141 Grading & Utilities Plan, C-151 Planting Plan, C-311 Profiles, C-501 Details I, C-502 Details II, C-503 Details III, C-504 Details IV, and ES110 Site Plan Foot Candle Calculations (collectively, the "Plans").

SITE PLAN APPROVAL FINAL CONDITIONS

1. Construction of the Site shall be in conformance with the above referenced Plans, said Plans being incorporated herein by reference, and with the provisions of Chapter 270 of the Code of the City of Marlborough.
2. Four additional inspection ports shall be included in each of the subsurface detention area stormtech chambers for better inspection. These shall be located in the main chamber area in addition to those shown in the isolator rows.

Preconstruction meeting:

3. Prior to construction, a preconstruction meeting shall be held on-site with the Building Inspector, City Engineer, Conservation Officer, and site contractor responsible for the work. At the preconstruction meeting, said participants will review the Plans and conditions, exchange contact information including emergency contact numbers, and inspect erosion controls.
4. Prior to construction, the Applicant and the site contractor will provide to the Chief of Police a map showing the defined haul routes for the large amounts of materials to be removed from, or added to, the site. The Chief of Police will determine what, if any, details or restrictions will be placed on said haul routes.

Stormwater:

5. During construction, the site contractor and the person responsible for the Stormwater Pollution Prevention Plan and the NPDES general permit shall also be responsible for reporting (by e-mail) on a weekly basis to the Conservation Officer and the City Engineer, which reports will summarize the work that has been completed and compliance of the project with the site preparation and erosion control plan (sheet C-111 of the Plans). The weekly reports shall begin as soon as the work begins on the Site.
6. The Applicant, property owner, and site contractor shall be responsible for notifying the Conservation Officer in an expeditious manner if any visible siltation to the existing drainage system, and ultimately the wetlands, occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.
7. Prior to requesting the Certificate of Occupancy, the Applicant or its agent shall clean the detention basin, and all drainage pipes and catch basins, of accumulated sediment and debris. The underground detention areas shall also be inspected, and if necessary, cleaned. A site meeting with the Conservation Officer to inspect these structures is required before the Conservation Officer will provide a final signoff.
8. Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide to the City Engineer and the Conservation Officer the final Stormwater Management Maintenance Plan, as outlined in the project's drainage report. The name, address and phone number of the contact person who will be in charge of authorizing the annual maintenance shall be provided to the Conservation Officer.
9. By June 1st of each year, an annual maintenance report shall be provided to the City Engineer and the Conservation Officer, which report shall describe the maintenance and operation procedures, as outlined in the Stormwater Management Maintenance Plan, that have been accomplished for that year. This reporting requirement will begin after the issuance of the Certificate of Occupancy.

Landscaping:

10. All modifications to approved C-151 Planting Plan which concern changes to the kind, size and placement of plant material shall receive the prior written approval of the Conservation Officer and shall be considered a minor change.
11. Prior to the final signoff, the Conservation Officer shall confirm by a site visit that the planting has been installed according to the approved landscaping plans, including C-151 Planting Plan, C-501 Details I and C-503 Details III, or according to a revision of said landscaping plans previously approved by the Conservation Officer.
12. Following 18 months of the final signoff of the site work by the Conservation Officer, the Property Owner shall replace any plant material that has died or is dying with a species of the same kind and size.
13. Any large rocks or boulders encountered while excavating the site shall be properly disposed of off-site.

14. At the time of planting and thereafter, mulch shall be placed so that it is not in contact with the trunk of newly planted trees and shrubs, as shown in the details on the C-151 Planting Plan.
15. At all times, landscaping will be properly maintained, replaced if necessary, and kept in good condition and in compliance with the C-151 Planting Plan.

Building Permit issuance and review:

16. Prior to the issuance of a Building Permit for the building to be located on the Site, Applicant shall pay to the City of Marlborough, in addition of any permit fees or costs, thirty thousand (\$30,000.00) for the purpose of the Building Inspector engaging the services of a third party consultant to review the building permit application, review reports and associated reviews incidental to the building permit, and to conduct inspections of the work performed under the building permit to include, but not limited to, inspection and review of fire blocking and fire stopping penetrations throughout the building, and to report findings to the Building Inspector.

Prior to issuance of Certificate of Occupancy:

17. An as-built plan must be submitted to the City Engineer for review prior to issuance of a final Certificate of Occupancy or a temporary Certificate of Occupancy. The as-built plan shall be prepared in accordance with the As-Built Plan Standards established by the City Engineer, which standards may be found on the City's website.
18. Work as provided for on the approved Plans shall be carried into effect and completed within three (3) years following the date of issuance of the Building Permit, unless the City Council, in writing, has granted an extension of time for completion of the work.
19. The City Council hereby retains jurisdiction over all signage of the project (pursuant to Section 650-33(H) (1) of the Code of the City of Marlborough) to the extent such signage requires a sign permit under the Sign Ordinance. The final design, material, dimensions, content and location of all such signage, including any freestanding entry signs and the project's internal signage, shall be subject to further review and sign permit approval from the City Council.

Extended Stay:

20. Except as provided herein, occupancy of the hotel shall be limited to temporary and short term occupancy, ordinarily and customarily associated with hotel use. Extended stay may be permitted beyond thirty days with approval of the Building Inspector. Such approval shall be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested. Extended stay is permitted where the unit is rented by a business entity for use of its employees (customarily referred to as a Corporate Unit), so long as the occupant is an employee or guest of the business entity.

General Provisions:

- Construction Control: Due to the size of the building, the construction of the building is governed by the Construction Control provisions of the Massachusetts State Building Code, as amended.
- Use of crushed stone: Crushed stone shall be placed around the perimeter of the building to reduce exposure to fire due to lit smoking material.
- Proposed monument sign: As presented to the City Council, the proposed monument sign conforms to the Sign Ordinance of the City of Marlborough without variance and shall be externally lit.
- Minor changes: The City Council delegates to the Building Inspector the authority to approve minor changes to the approved Plans.
- Enforcement: The City Council designates the Building Inspector as the enforcing authority for violations of this permit.
- Parking Areas: (i) Parking areas will be swept, as necessary; and (ii) Pursuant to the provisions of M.G.L c.90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. The Applicant shall be responsible for providing, installing and maintaining all signage and/or markings required by the Marlborough Traffic Commission. Such signage and/or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.
- Local Job Fair: In order to promote local jobs for local residences, the Applicant shall hold a Local Job Fair and shall give preference, where practical and reasonable, to the residents of the City of Marlborough.
- Prohibition of Cell Towers: Except for the sole benefit of the public safety departments, the school district, the public works department, and other departments of the City of Marlborough with the approval of the City Council, no wireless communication tower or device is permitted on the Site outside the building.
- Address on signage: Signage for the Site shall include the entire address, which is 170 Forest Street.

Yea: 10 – Nay: 0

Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Pope, Ossing, & Robey

Absent: Oram

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:24 PM.