



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

MAY 20, 2013

Regular meeting of the City Council held on Monday, MAY 20, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:37 PM.

ORDERED: That the minutes of the City Council Meeting MAY 6, 2013, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** on the Petition from National Grid to install conduit from manhole 15-22 to pole 50, Simarano Dr. and pole 50, D'Angelo Dr. and two pole installations on Simarano and D'Angelo Dr, Order No. 13-1005406, all were heard who wish to be heard, hearing recessed at 8:04 p.m.; adopted.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.

ORDERED: That the **PUBLIC HEARING** on the proposed FY2014 budget as submitted by Mayor Vigeant in the amount of \$132,923,877.00 in which this spending plan reflects an overall increase of 4.89% over the approved Fiscal Year 2013 budget, all were heard who wish to be heard, hearing recessed at 8:10 p.m.; adopted.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.

ORDERED: That the Snow and Ice transfer request in the amount of \$1,580,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal and Operating Expenses, refer to **FINANCE COMMITTEE**; adopted.

DEPT:	DPW			FISCAL YEAR:			2013	
FROM ACCOUNT:				TO ACCOUNT:				
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,580,000.00	10000	35900	Undesignated Fund	\$235,655.44	14001203	51390	Overtime-Snow & Ice	-\$235,655.44
Reason:	To fund the snow & ice deficit for FY13							
				\$603,556.13	14001206	52960	Snow Removal	-\$603,556.13
Reason:								
				\$740,788.43	14001206	57040	Operating Expenses	-\$737,520.73

ORDERED: That Various Year-End Intra-Department transfer requests in the amount of \$403,105.70 which moves funds from and to various accounts as noted on the attached spreadsheets to cover expenses and balance accounts for FY13, refer to **FINANCE COMMITTEE**; adopted.

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
\$3,162.00	\$2,000.00	14001503	51920	Sick Leave BuyBack -F/P/C	\$2,000.00	14001503	51470	Interim Foreman-F/P/C	\$2,586.00
Reason: Entitled employee ineligible for payment					Funds needed for contractual coverage for remainder of FY 13				
\$52,990.00	\$1,000.00	60081001	50850	Sewer Tr. Plt Operator	\$1,000.00	60081003	51310	Overtime-Regular	\$1,371.00
Reason: Due to vacancy					Higher than anticipated system repairs/storm event cost				
\$16,053.00	\$1,000.00	60085006	55980	West Waste Water Tr.	\$1,000.00	60085003	51310	Overtime-Regular	\$1,688.00
Reason: Due to reduction in chemical use					Higher than anticipated system repairs/storm event cost				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Police					FISCAL YEAR: FY2013				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$23,881.00	\$1,000.00	12100003	51920	Sick Leave BuyBack	\$1,000.00	12100003	51490	Holiday	\$26,981.00
Reason: Surplus due to less buy back than anticipated					Anticipate needing funds based on remaining holiday avg. pay				
\$23,881.00	\$1,500.00	12100003	51920	Sick Leave BuyBack	\$1,500.00	12100006	55882	Meals for Prisoners	\$23.48
Reason: Surplus due to less buy back than anticipated					More long term prisoners than anticipated				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Public Facilities					FISCAL YEAR: 2013				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$122,057.27	\$80,000.00	11920006	52200	Natural gas	\$80,000.00	11920006	52120	Electricity	\$210,193.87
Reason: Warm temperature/lower therm rate					insufficient budget				
\$39,915.48	\$8,000.00	11920001	50560	Custodian	\$8,000.00	11920006	53420	Telephone	\$36,783.07
Reason: open position									
\$39,915.48	\$1,116.55	11920001	50560	custodian	\$1,116.55	11920002	50520	Principal clerk	\$1,996.24
Reason: open position									
\$39,915.48	\$14,367.15	11920001	50560	Custodian	\$14,367.15	11920001	50292	Bldg Maint Craftsmen	\$14,621.25
Reason: open position									

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	
\$454,218.00	\$200,000.00	11990006	51500	Fringe	\$200,000.00	11960006	51710	Workers Comp	\$0.00	
		Reason: Funds available due to fewer employees retiring				More injuries then projected				
\$454,218.00	\$10,000.00	11990006	51500	Fringe	\$10,000.00	11330006	53460	Postage	\$23,463.47	
		Reason: Funds available due to fewer employees retiring				Required to mail FY 14 tax bills in June				
\$454,218.00	\$7,400.00	11990006	51500	Fringe	\$7,400.00	13102006	53080	Audit Services	\$0.00	
		Reason: Funds available due to fewer employees retiring				Audit services exceeded budgeted amount				
\$454,218.00	\$29,722.00	11990006	51500	Fringe	\$29,722.00	17110006	59964	2012 Multi Bond Pmt	\$474,833.00	
		Reason: Funds available due to fewer employees retiring				Bond Payments exceeded forecasted amount on new bond				
\$454,218.00	\$46,000.00	11990006	51500	Fringe	\$46,000.00	13100003	51753	Medicare Pmts	\$54,491.00	
		Reason: Funds available due to fewer employees retiring				More employees paying Medicare taxes				

ORDERED: That the Public Facilities transfer request in the amount of \$100,000.00 which moves funds from Hurricane Sandy and Sewer-Loan Origination Fee to Electricity to cover increased utility costs for the remainder of the fiscal year, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Public Facilities						FISCAL YEAR:		2013
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$35,093.17	\$35,000.00	11990006	53023	Hurricane Sandy	\$100,000.00	11920006	52120	Electricity	\$210,193.87	
		Reason: Excess funds				Insufficient budget				
\$153,315.00	\$65,000.00	60019906	58891	Sewer-Loan Origination Fee						
		Reason: Excess funds								

ORDERED: That the Building Department transfer request in the amount of \$17,500.00 which moves funds from Stabilization-Building Department and Stabilization-Inspectional Services to Inspections-Contract Services to allow the Building Commissioner to hire professional consultants to assist his office in completing several complex design reviews so that building permits may be issued in a timely manner, refer to **FINANCE COMMITTEE**; adopted.

DEPT:		Inspections						FISCAL YEAR:		2013
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$17,000.00	\$17,000.00	83600	32703	Stabilization-Building Dept	\$17,500.00	12410004	53140	Inspections-Contract Services	\$0.00	
		Reason: To fund additional inspections								
\$500.00	\$500.00	83600	32717	Stabilization-Inspectional Services						
		Reason: To fund additional inspections								

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 for snow and ice removal for fiscal year 2014, refer to **FINANCE COMMITTEE**; 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 2014, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and

(b) expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and

(c) the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and

(d) no more than three hundred thousand dollars shall be expended during Fiscal Year 2014, unless otherwise authorized by the City Council and Mayor; and

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

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

Refer to **FINANCE COMMITTEE**; 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 hereby authorize a revolving fund during fiscal year 2014 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$50,000.00 shall be expended during fiscal year 2014, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; 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 2014, 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) no more than forty-five thousand dollars shall be expended during Fiscal Year 2014, unless otherwise authorized by the City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Health and Human Services (EOHHS) Grant in the amount of \$2,000.00 awarded to the Fire Department to further train and enhance the department's readiness as a contributing member of the Massachusetts Decontamination Unit during times of public emergency; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore-Griffin re: **Revised** Proposed Other Post-Employment Benefits (OPEB) Acceptance and Agreement Order, Order No. 13-1005335, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Gadbois re: Site Plan Review Application AvalonBay Communities, Inc. – Results Way Mixed Use Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Andy Candiello, Agent for MetroPCS Massachusetts, LLC. Re: Withdrawal Without Prejudice, Application for Special Permit, 98 Pleasant St., Order No. 12/13-1005122F, **APPROVED**; adopted.

Councilor Tunnera abstained

ORDERED: That there being no objection thereto set **Monday, June 3, 2013** as date for a **PUBLIC HEARING** on the Petition from National Grid and Verizon to:

1. Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Approximately 535 ft. north of the center line of the intersection of Houde St. and Peltier St. and continuing approximately 515 ft. in a southerly direction.
2. Locate manholes, wires, and ducts, including the necessary sustaining fixtures along the following public way: approximately 150 ft. west of the centerline and continuing approximately 130 ft. in a east direction. Heavy duty hand holes #12, 11 and conduit on Duca Dr. and Houde St.
3. Erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: Petition to install two new heavy duty hand holes on Bergeron Rd. between houses 64 & 56 and between houses 34 and 20. This petition is also to install 2-3" conduits to the souther side on Bergeron Rd. from Evelina Dr. to 20 Bergeron Rd.
4. Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Approximately 195 ft. west of the centerline of the intersection of Houde St. and Rogers Ave. Heavy duty hand holes #10, #5 Rogers Ave. and 2-3" conduits on Rogers Ave. and Houde St.

Refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Pope abstained

ORDERED: That the Application by Robert Hoglund, CFO TVI, Inc. d/b/a Savers, 222A East Main St. for Junk Dealer's License, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, March 25 and April 22, 2013, **FILED**; adopted.

ORDERED: That the Minutes, Council on Aging, April 9, 2013, **FILED**; adopted.

ORDERED: That the Minutes, Recreation Commission, April 17, 2013, **FILED**; adopted.

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

A. Ellen Smith, 97 Worster Dr., residential mailbox claim 2(a)

B. Rob Veneziano, 233 Church St., other property damage

Reports of Committees:

Councilor Ossing reported the following out of Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Delano, Seymour, Oram and Jenkins. Councilors Pope, Clancy, Landers, Robey, and Elder were also in attendance. The Finance Committee took up 5 orders during the FY14 Budget Hearings conducted on May 7 and 8, 2013.

Order No. 13-1005418 - Transfer \$499,000.00 to Fund the MEDC for FY14. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the transfer of \$499,000.00 from Economic Development to the MEDC account. This transfer will fully fund MEDC activities for FY14. **Recommendation of the Finance Committee is to approve the transfer 5-0.**

Order No. 13-1005380 - Transfer \$96,569.40 for Employee Retirements. The Finance Committee reviewed the Mayor's letter dated April 4, 2013 requesting the transfer of \$96,569.40 from the Fringes account to fund the retirement of three employees from the Assessor's Office, Collector's Office, and Police Department. **Recommendation of the Finance Committee is to approve the transfers 5-0.**

Order No. 13-1005420 - Transfer \$28,834.20 for Employee Retirement. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the transfer of \$28,834.20 from the Fringes account to fund the retirement of an employee in the Comptroller's Office. **Recommendation of the Finance Committee is to approve the transfer 5-0.**

Order No. 13-1005417 - Comptroller Salary Ordinance. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the approval of the Comptroller's salary ordinance effective 7/1/13 with a minimum salary of \$101,695.70. **Recommendation of the Finance Committee is to approve the salary ordinance effective 7/1/13, 4-0. Councilor Seymour abstained.**

Councilor Ossing reported the following out of Finance Committee:

Order No. 13-1005406 - The Finance Committee met for over 10 hours on the following dates to review the FY14 budget submitted by Mayor Vigeant in a letter dated May 2, 2013.

- May 7, 2013 – 6:07 PM to 9:15 PM
- May 8, 2013 – 6:03 PM to 9:20 PM
- May 13, 2013 – 6:06 PM to 9:50 PM

A summary of the Finance Committee recommendations as a result of these meetings is presented in Attachment 1.

Attachment 2 contains the projected tax implications based on the Mayor's FY14 budget. Based on the Finance Committee's recommended reduction, the typical average house tax bill will increase by less than \$69.00. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2013.

Attachment 3 contains the projections for the state and local revenues for FY14 that were used in developing the tax implications.

Attachments 1-3 are available for viewing in the City Clerk's Office.

The Finance Committee voted 4 – 0 (Councilors Delano, Jenkins, Oram and Ossing) to approve a \$741,549.00 reduction to the proposed Mayor's FY14 budget of \$132,923,877.00. The Finance Committee voted 4 – 0 (Councilors Delano, Jenkins, Oram and Ossing) to approved a FY14 budget of \$132,182,328.00. This represents a 4.3% increase from the FY13 budget or an increase of \$5,452,474.00.

Councilor Delano reported the following out of Operations and Oversight Committee:

Order No. 13-1005338 - Communication from Mayor Vigeant with proposed Fuel Efficient Vehicle Policy Amendment as part of the Green Communities Program.

-REFER TO OPERATIONS AND OVERSIGHT

Motion made, and seconded, to recommend approval as requested. 2-1 (Elder opposed)

Order No. 13-1005335 - Communication from Mayor Vigeant requesting authorization to establish a trust for the City's Other Post-Employment Benefits (OPEB) under certain terms and conditions as provided under the proposed "City of Marlborough Other Post-Employment Benefits (OPEB) Trust" Trust Agreement.

-REFER TO OPERATIONS AND OVERSIGHT

Motion made, and seconded, to recommend approval as amended. City Solicitor Panagore Griffin will prepare a final draft of the OPEB Trust in proper legal form for the City Council's agenda. 3-0. Recommendation of the Committee Chair is to table Item 13, Communication from Assistant City Solicitor, Cynthia Panagore Griffin regarding Revised OPEB Acceptance and Agreement Order until June 3, 2013.

Suspension of Rules requested – granted

ORDERED: That the Fire Department transfer request in the amount of \$46,931.99 which moves funds from and to various accounts as noted below to fund overtime costs incurred due to injuries and other medical absences in the department and upgrades and repairs needed for some of the older equipment and vehicles in the Fire Department's fleet, **APPROVED;** adopted.

BUDGET TRANSFERS --									
DEPT: FIRE					FISCAL YEAR: FY13				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$66,461.25	\$6,055.02	12200001	50800	Fire Captain	\$6,055.02	12200006	52560	Vehicle repair & maint.	\$2,895.49
	Reason:	Transfer is available due to 111F payments				Aging fleet requiring more repairs			
\$615,771.24	\$13,944.98	12200001	50450	Firefighter	\$13,944.98	12200006	52560	Vehicle repair & maint.	\$2,895.49
	Reason:	Transfer is available due to 111F payments				Aging fleet requiring more repairs			
\$615,771.24	\$26,931.99	12200001	50450	Firefighter	\$26,931.99	12200003	51300	Overtime	\$79,087.62
	Reason:	Transfer is available due to 111F payments							

Suspension of Rules requested – granted

ORDERED: That the Grant of Easement to National Grid for Easterly Wastewater Treatment Plant, **APPROVED;** adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:06 PM.