



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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FEBRUARY 13, 2012

Regular meeting of the City Council held on Monday, FEBRUARY 13, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:10 PM.

ORDERED: Minutes of the City Council Meeting, JANUARY 23, 2011, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from National Grid to install 2 5" PVC electrical conduits concrete encased from manhole 1-1 to P.30, Robin Hill St., Order No. 11/12-1004012, hearing recessed at 8:05 p.m.; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 115 Onamog St, Order No. 12-1004032, **CONTINUED UNTIL FEBRUARY 27, 2012**; adopted.

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

MOTION made by Council Clancy to request applicant sent notices to all abutters regarding the CONTINUED PUBLIC HEARING so that abutters be made aware of the February 27, 2012 Public Hearing -**CARRIES**

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Nissan Automobiles of Marlborough, Inc. to modify of a portion of its building which includes its showroom, customer service, and offices to add a second story, Order No. 12-1004033, hearing recessed at 8:44 p.m.; adopted.

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

ORDERED: That the transfer request in the amount of \$4,000.00 which moves funds from Program Manager to Program Funding for the purpose of adding classes and programs, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 15410001-50191
Program Manager

\$4,000.00

TO:

Acct. # 15410006-57072
Program Funding

\$4,000.00

ORDERED: That the transfer request in the amount of \$1,000.00 which moves funds from Out of State Travel to In-State Travel, **APPROVED**; adopted.

FROM:

Acct. # 11210006-57200

\$1,000.00

Out-of State Travel

TO:

Acct. # 11210006-57100

\$1,000.00

In- State Travel

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Commonwealth's Executive Office of Public Safety and Security Grant in the amount of \$53,185.00 awarded to the Police Department for reimbursement for the FY12 State 911 Support and Incentive Grant Program; adopted.

ORDERED: That the appointment of Patricia Carlson and Cheryl Soucy to the Commission on Disabilities for a term of three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the appointment of Stephen P. Leduc and Sally Swartz to the Community Development Authority for a term of three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: Support of Waste Management/Trash Contract signed in December 2011, **FILE**; adopted.

ORDERED: That the City of Marlborough hereby accepts the provisions of Section 5K of Chapter 59 of the Massachusetts General Laws, as amended, which authorizes the City of Marlborough to establish a program for persons over the age of 60 to volunteer to provide services to the City in return for a reduction of their personal property tax exemption not to exceed \$1000.00 per property owner.

The Council on Aging, in cooperation with the Assessor's and Personnel Office of the City, shall have the responsibility to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the property tax obligation has been reduced, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the following paragraph in proper legal form from the City Solicitor **APPROVED** and added to the City Council Rules effective February 13, 2012:

All members of the Marlborough City Council shall be considered as members of each of the Council's standing committees. The President shall name those members of each committee, to include its chairman and vice chairman, who are authorized to vote on matters while pending in committee; all other members of each committee are not authorized to vote on such matters while pending in committee. A quorum of the committee shall be determined on the basis of the voting members only.

MOTION made by Councilor Oram to get final approval from the Attorney General's office prior to the Council approval-**DOES NOT CARRY**

ORDERED: That there being no objection thereto set **MONDAY, MARCH 12, 2012**, as date for a **PUBLIC HEARING** for the Application for Special Permit from Sprint for modification of a wireless facility located at 2 Mount Royal Dr., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MARCH 12, 2012**, as date for a **PUBLIC HEARING** on the Petition from National Grid to replace and relocate existing utility P.61 24' south east of present location toward property line of house 522 on Pleasant St. Along with this pole, P. 61-89 will be relocated to new location on private property, refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Minutes, Planning Board, January 9, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, October 25, 2011, **FILE**; adopted.

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

- A. Helen Quitt, 240 Main St. #309, pothole or other road defect
- B. Mike Morris, 39 Kings Grant Rd., other property damage
- C. Sharon Imperato, 46 Kings Grant Rd., other property damage
- D. Amy LaFreniere, 34 Goodnow Lane, residential mailbox claim 2(a)
- E. Nancy Seymour, 47 Bond St., pothole or other road defect

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 12-1004039 – Police Department Overtime Transfers for \$154,000.00. The Finance Committee reviewed the Mayor's letter dated January 18, 2012 requesting two transfers to fund the police department overtime account. The Police Chief stated that the \$25,000.00 transfer from the Stabilization Public Safety Account to fund Police Overtime is not needed at this time. **Recommendation of the Finance Committee is to approve the \$129,000.00 from Police Officers to Police Overtime, 5-0.**

Order No. 12-1004026 – Transfer \$34,000.00 for Fire Fighter Sick Leave Buy Back. The Finance Committee reviewed the Mayor's letters dated January 5 and 18, 2012 requesting the transfer of \$34,004.00 from Sewer Department Long Term Debt to Fire Fighter Sick Leave Buy Back account. The Mayor requested the order be withdrawn in a letter dated January 18, 2012. **Recommendation of the Finance Committee is to withdraw the transfer, 5-0.**

Order No. 12-1004040 – Fire Department Transfers for Sick Leave Buy Back (3,140.00) and Vehicle Repair (\$20,000.00). The Finance Committee reviewed the Mayor's letter dated January 18, 2012 requesting three transfers to fund Sick Leave Buy Back and Vehicle Repair. **Recommendation of the Finance Committee is to approve the following three transfers, 5-0:**

- Transfer \$3,140.00 from Firefighter Longevity to Firefighter Sick Leave Buy Back
- Transfer \$4,568.00 from Firefighter Longevity to Vehicle Repair
- Transfer \$15,432.00 from Firefighter EMT to Vehicle Repair

Order No. 12-1004043 – Review State Decision not to Provide Grant for Memorial Beach Project. The Finance Committee reviewed the Mayor’s letter dated January 18, 2012 informing the City Council that the grant application for the Memorial Beach Project was not selected for funding in FY2012. The Finance Committee agreed to allow the Mayor to use up to \$100,000.00 of the bond in order #11-1002818 (previously approved \$1,000,000.00) to start the design phase of the project and re-apply for the grant in FY13. The Finance Committee also asked for the Mayor to report back to the Finance Committee on the status of the project and grant in November 2012.

Order No. 12-1004037 – Transfer \$878,045.70 to Purchase Containers for Trash Collection. The Finance Committee reviewed the Mayor’s letter dated January 18, 2012 requesting two transfers totaling \$878,045.70 to purchase the containers for the automated curbside collection of solid waste and recyclables. **Recommendation of the Finance Committee is to table the following two transfers, 5-0:**

- Transfer \$303,805.00 from Sewer Department Long Term Debt Interest to Curb Containers Capital Outlay account
- Transfer \$574,240.70 from Sewer Multi Purpose Bonds to Curb Containers Capital Outlay account

Suspension of the Rules requested – granted

ORDERED: That the Fire Department transfer requests as follows with details noted in the spreadsheet, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS									
DEPT: FIRE					FISCAL YEAR: 2012				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,514,055.76	\$25,000.00	12200001	50450	FIREFIGHTER	\$25,000.00	12200003	51300	OVERTIME	\$65,016.06
	Reason:	Transfer is available due to a retirement							
\$1,514,055.76	\$37,329.07	12200001	50450	FIREFIGHTER	\$37,329.07	12200003	51300	OVERTIME	\$65,016.06
	Reason:	Transfer is available due to 111F payments							
\$156,283.71	\$13,056.75	12200001	50335	DEPUTY CHIEF	\$13,056.75	12200003	51300	OVERTIME	\$65,016.06
	Reason:	Transfer is available due to 111F payments							

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$1,000.00 which moves funds from General Gov't/Fringes to Mayor/Sick Leave associated with the departure of an employee and \$1,124.75 from Sick Leave to several accounts noted on the communication to fund increases in Sick Leave Buy Back associated with January 2012 salary increases, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500

\$1,000.00

Fringes

TO:

Acct. # 11210003-51920

\$1,000.00

Sick Leave

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Sick Leave				Sick Leave		
			Collector				Various Departments		
\$ 1,499.73	\$ 1,124.75	11440003	51920	Sick Leave	\$ 26.22	11110003	51920	Sick Leave	\$ 2,173.44
					\$ 52.31	11330003	51920	Sick Leave	\$ 4,289.13
					\$ 24.13	11350003	51920	Sick Leave	\$ 1,955.49
					\$ 77.35	11410003	51920	Sick Leave	\$ 6,331.00
					\$ 831.63	11550003	51920	Sick Leave	\$ -
					\$ 55.81	12410003	51920	Sick Leave	\$ 8,252.29
					\$ 44.30	14001003	51920	Sick Leave	\$ 11,456.14
					\$ 13.00	15120003	51920	Sick Leave	\$ 3,819.24
					\$ 1,124.75				
Reason:		To fund increases in Sick Leave Buy Back associated with Jan 2012 salary increases.							

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$100,000.00 which moves funds from Long Term Debt Service to Water Service Fund due to an increase in water pollution from the Millham Treatment Plant, **APPROVED**; adopted.

FROM:

Acct. # 60075106-58964

\$100,000.00

Long Term Debt Interest

TO:

Acct. # 61090006-52322

\$100,000.00

Water Millham Reservoir Plant

Suspension of the Rules requested-granted

ORDERED: That as a result of the decision of Vestas Technology R&D Americas, Inc. not to construct a facility within the Crowley Drive Economic Opportunity Area, being a portion of Map 15, Lots 22 and 23, as well as Map 16, Lot 1A on the Marlborough Assessor's Map, the City Council requests that the Massachusetts Economic Assistance Coordinating Council decertify from the tax increment financing program the Certified Project of Vestas Technology R&D Americas, Inc. within the Crowley Drive Economic Opportunity Area, **APPROVED**; adopted.

Councilor Ossing abstained

ORDERED: That the reappointment of Deborah Puleo to the position of Collector effective February 1, 2012 for a period of one year, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:10 p.m.