



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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JUNE 6, 2011

Regular meeting of the City Council held on Monday, JUNE 6, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Ossing. Meeting adjourned at 10:40 PM.

ORDERED: That the minutes of the City Council Meeting, MAY 23, 2011, **TABLE UNTIL JUNE 20, 2011**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit US Wireless, LLC, to construct a Wireless Communications Facility consisting of 180' tall monopole tower with ancillary antennas and ground based telecommunications equipment at 402 Bolton St. (formerly known as 402 Hudson St.), Order No. 11-1002902, all were heard who wish to be heard, hearing recessed at 9:00 p.m.; adopted.

Councilors Present: Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Ossing

ORDERED: That the PUBLIC HEARING On the Application for Fuel Storage License, Finishmaster, at 272 Lincoln St., Order No. 11-1002903 all were heard who wish to be heard, hearing recessed at 9:03 p.m.; adopted.

Councilors Present: Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Ossing

MOTION made by Councilor Ferro to refer the \$5,000.00 transfer to Finance Committee – DOES NOT CARRY.

ORDERED: That the DPW transfer requests in the amounts of \$20,000.00 & \$5,000.00 which moves funds from F/P/C Equipment Operator to Water-Overtime Regular and from Streets Equipment Operator to Fleet Vehicle Repair & Maintenance respectively for purposes outlined on attached spreadsheet, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
--BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2011		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$65,971	\$20,000	14001503	50740	F/P/C Equipment Operator	\$20,000	61090003	51310	Water- Overtime -Regular	\$0	
				Money available due to WC case				Anticipated funds needed for hydrant flushing program -2-week time frame remaining and emergency coverage for remaining fiscal year		
\$68,150	\$5,000	14001303	50740	Streets Equipment Operators	\$5,000	14001406	52560	Fleet Vehicle Repair & Maint.	\$51	
				Money available due to WC case				Funds required to repair street sweepers (2)		

ORDERED: That the Fire Department transfer request in the amount of \$4,000.00 which moves funds from Holiday to Deputy Chief which is necessary to fund pay associated with the appointment of an acting chief, **APPROVED**; adopted.

FROM:

Acct. #12200003-51490

\$4,000.00

Holiday

TO:

Acct. # 12200001-50335

\$4,000.00

Deputy Chief

ORDERED: That the reappointment of Albert DeSimone as plumbing inspector for a three year term ending February 11, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE FOLLOWING DOCUMENTS RELATIVE TO THE CITY'S 2011 RE-PRECINCTING SHALL BE, AND HEREBY ARE, APPROVED:

1. Ward and Precinct Map (Final Draft), City of Marlborough, MA, 2011;
2. City of Marlborough Redistricting 2010 Population (by Ward and Precinct);
3. Ward Descriptions (Final Copy), and Ward and Precinct Descriptions (Final Copy); and
4. Marlborough 14 Precinct Plan-2010 Blocks.

APPROVED; adopted.

Councilors Elder, Ferro and Levy requested to be recorded in opposition.

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to New Cingular Wireless PCS, LLC, a Delaware limited liability company, by and through its manager AT&T Mobility Corporation (collectively "AT&T"), and both being indirect, wholly-owned subsidiaries of AT&T Inc., in the amount of \$48,857.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Director of Public Facilities and the approval of a Special Permit by the City Council, if applicable, pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHER ORDERED: that the Mayor is hereby authorized to negotiate a lease with AT&T for its existing Facility at the Sligo Hill Water Tank site, located at 97 Arnold Street, Extension, Marlborough, MA 01752, shown on Assessors' Map 68, Parcel 80. Said municipal property has been declared available for disposition by City Council Order No. 96-6861A, **APPROVED**; adopted.

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless (collectively “Verizon Wireless”), in the amount of \$48,857.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Director of Public Facilities and the approval of a Special Permit by the City Council, if applicable, pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHER ORDERED: that the Mayor is hereby authorized to negotiate a lease with Verizon Wireless for its existing Facility at the Sligo Hill Water Tank site, located at 97 Arnold Street, Extension, Marlborough, MA 01752, shown on Assessors’ Map 68, Parcel 80. Said municipal property has been declared available for disposition by City Council Order No. 96-6861A, **APPROVED**; adopted.

ORDERED: That the Roman Kimyagarov d/b/a Arthur & Sons Shoe Repair, for Junk Dealer’s license at 107 Main St., refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Communication from Steve Morawski, Principal Environmental Representative re: Tennessee Gas Pipeline 2011 Vegetation Management Plan, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 25, 2011, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, May 10, 2011, **FILE**; adopted.

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

A. Linda Zimmerman, 24 McNeil Circle, pothole or other road defect

B. Alexandra Demers, 118G Broadmeadow Rd., pothole or other road defect

Reports of Committees:

Councilor Ferro reported the following out of the Finance Committee:

Order No. 11-1002914A- Transfer \$136,222.84 to Fund the Non-affiliated Employees and the Police Officer and MMEA Contracts. The Finance Committee reviewed the Mayor’s letter dated May 18, 2011 requesting the transfer of \$136,222.84 from surplus accounts to fund the following items:

- Police Officer contract - \$54,927 (supersedes Order #11-1002871)
- MMEA contract - \$45,251.98 (superseded Order #11-1002885)
- Non-affiliated employees - \$36,043.86 (supersedes Order #11-1002886)

The Finance Committee voted 3 – 1 (Ossing opposed and Seymour abstained) to go into executive session. The Finance Committee reconvened and took the following actions:

- Police Officer contract - \$54,927 – Finance Committee voted 5 – 0 to approve
- MMEA contract - \$45,251.98 Councilor Seymour abstained. Initial vote to deny did not pass (2 in favor – Councilors Ferro and Delano and 2 opposed – Councilors Pope and Ossing). The Finance Committee then voted 3 in favor and 1 opposed (Councilor Ferro) to report the contract out to the full council with no recommendation.
- Non-affiliated employees - \$36,043.86 – Finance Committee voted 5 – 0 to approve

Recommendation of the Finance Committee is to approve under Suspension of the Rules the Police Officer contract in the amount \$54,927.00 and Non-affiliated employees in the amount of \$36,043.86.

Order No. 11-1002799 – Transfer \$23,000 from Undesignated to Fund Senior Center Feasibility Study. The Finance Committee reviewed the Mayor’s letter dated January 20, 2011 requesting the transfer of \$23,000 from the Undesignated Fund to fund the Senior Center Feasibility Study. The Finance Committee reviewed the results of the May 2, 2011 Finance Committee meeting that recommended:

- Mayor to appoint a committee to review the existing plan and provide recommendations on the plan for a new senior center.
- Mayor to provide copies of the existing plan to the City Council and Senior Center.
- The Finance Committee tabled the order and will reconvene on June 13 to review the committee’s findings.

Recommendation of the Finance Committee is to table until the next Finance Committee meeting 4-0.

Order No. 11-1002818 – Memorial Beach Bond for \$1,000,000. The Finance Committee reviewed the Mayor’s letter dated February 8, 2011 requesting a \$1,000,000 bond for the design, permitting, renovation and rehabilitation of Memorial Beach. The Finance Committee was made aware that the City will be applying for \$500,000 reimbursement grant later in the year. The Finance Committee also discussed the possibility of using the remaining Revolving Fund accounts to offset the bond. The Finance Committee voted 3 – 1 (Councilor Ferro opposed and Councilor Seymour absent) to approve the bond. **Recommendation of the Finance Committee is to advertise Bond under Suspension of the Rules.**

Suspension of Rules requested – granted

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, with the approval of the Mayor, approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2012, **APPROVED**; adopted.

Suspension of Rules requested – granted

ORDERED: That the following transfer requests in the amount of \$54,927.00 to fund the Police Officer Contract and \$36,043.86 to fund Non-affiliated employees from various surplus accounts, **APPROVED**; adopted.

TRANSFER REQUEST								
FROM ACCOUNT				TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP
								Police
\$ 121,896.36	\$ 54,627	61090001	50740	Water-Equipment Operator	\$ 39,040	12100001	50420	Police Officer
\$ 5,600.00	\$ 300	61090003	51440	Water-Educational Incentive	\$ 1,196	12100003	51342	Longevity
					\$ 781	12100003	51410	First Responder
	total \$ 54,927				\$ 4,601	12100003	51440	Edu Incent
					\$ 1,164	12100003	51450	Night Shift
					\$ 2,632	12100003	51490	Holiday
					\$ 1,440	12100003	51920	Sick Leave
					\$ 489	12100003	50435	Specialist
					\$ 149	12100003	51370	OT Celebration
					\$ 199	12100003	51360	OT Training
					\$ 2,214	12100003	51310	OT Reg
					\$ 904	12100003	51320	OT Court
					\$ 117	12100003	51329	On Call
					\$ 54,927	total		

		FROM ACCOUNT					To Account		
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	
\$24,748.50	\$2,873.00	15410001	50190	COA Director	\$ 1,148.43	11210001	50010	MAYOR	
\$25,688.00	\$25,688.00	15410001	50391	COA-P/T Nurse	\$ 834.76	11210001	50321	EX AIDE	
\$16,240.99	\$7,482.86	16100001	50230	Library Director	\$ 665.44	11210002	50590	EX SECY	
					\$ 1,368.15	11330001	50015	COMPTRROLLER	
					\$ 1,089.19	11350001	50020	AUDITOR	
					\$ 1,089.19	11410001	50160	ASSESSOR	
total	\$36,043.86				\$ 109.02	11410003	50177	CERTIFICATION	
					\$ 1,089.20	11440001	50042	COLLECTOR	
					\$ 1,564.30	11110003	50070	CITY COUNCILORS	
					\$ 834.76	11110002	50350	CITY COU SECY	
					\$ 40.95	11110003	51430	LONG	
					\$ 31.51	11110003	51920	SICK LEAVE	
					\$ 1,438.59	11510001	50030	SOLICITOR	
					\$ 1,164.46	11510001	50172	ASST SOLICITOR	
					\$ 887.21	11510001	50174	PROCURE. OFF.	
					\$ 1,051.32	11520001	50530	PERS DIRECTOR	
					\$ 716.05	11520001	50532	PER ASST.	
					\$ 335.21	11520002	50401	PT SR CLK	
					\$ 1,089.18	11610001	50050	CITY CLK	
					\$ 810.56	11610002	50290	ASST CITY CLK	
					\$ 24.62	11610003	51430	LONG	
					\$ 30.58	11610003	51920	SICK LEAVE	
					\$ 640.38	11920001	50291	DIRECTOR	
					\$ 38.44	11920003	51430	LONG	
					\$ 48.33	11920003	51920	SICK LEAVE	
					\$ 1,475.01	12100001	50140	POLICE CHIEF	
					\$ 92.20	12100003	51432	LONG	
					\$ 119.77	12100003	51920	SICK LEAVE	
					\$ 368.76	12100003	51440	EDUC	
					\$ 36.89	12100003	51410	FIRST RESP	
					\$ 1,365.26	12200001	50130	FIRE CHIEF	
					\$ 70.22	12200003	51480	EMT	
					\$ 168.53	12200003	51440	EDUC	
					\$ 28.10	12200003	51226	FIRST RESP	
					\$ 1,198.06	12410001	50090	BLDG INSP	
					\$ 1,001.38	12410001	50109	ENVIR. OFFICER	
					\$ 59.54	12410003	51430	LONG	
					\$ 45.21	12410003	51920	SICK LEAVE	
					\$ 1,611.30	14001001	50600	DPW COMM	
					\$ 1,334.20	14001001	50630	ASST COMM	
					\$ 144.51	14001003	51430	LONG	
					\$ 111.17	14001003	51920	SICK LEAVE	
					\$ 1,334.20	14001101	50640	ENGINEER	
					\$ 925.39	14920001	50110	REC DIRECTOR	
					\$ 947.58	15120001	50605	SAN/ADMIN	
					\$ 182.99	15120001	50220	SEALER	
					\$ 882.19	15120001	50390	NURSE	
					\$ 44.04	15120003	51430	LONG	
					\$ 33.29	15120003	51920	SICK LEAVE	
					\$ 953.15	15270001	50595	HUM SER DIR	
					\$ 645.66	15410001	50190	COA DIR	
					\$ 696.38	15430001	50080	VET DIR	
					\$ 719.41	16100001	50230	LIBRARY DIR	
					\$ 667.67	16100001	50657	REF LIB	
Dept Head signature: _____					\$ 641.99	16100003	51259	PT REF LIB	
Dept Head signature: _____									
					total \$	36,043.86			

Suspension of Rules requested – granted

ORDERED: That the DPW transfer requests as follows with explanations noted on the spreadsheet, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
--BUDGET TRANSFERS --									
DEPT: PUBLIC WORKS					FISCAL YEAR: 2011				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$31,022	\$10,000	60080001	50580	Sewer- Assistant Chemist	\$10,000	61090006	54620	Water- Maintenance Trenches	\$2,015
				Funds available due resignation				Funds needed to repair trench areas resulting from emergency water main breaks and sewer blockages.	
\$31,022	\$5,000	60080001	50580	Sewer- Assistant Chemist	\$5,000	60080006	55660	Sewer- Pumping Station Maint.	\$307
				Funds available due resignation				Anticipated funds needed to repair and/or maintain pumping stations for remaining fiscal year.	
\$44,199	\$3,000	60080001	50630	Sewer- Assistant Commissioner	\$3,000	60085003	51310	WWTP Overtime - Regular	\$1,122
				Funds available due to retirement				Higher than expected use associated with plant upgrades.	
\$44,199	\$865	14001403	50745	Fleet- Motor Equipment Repairman	\$865	14001403	51940	Fleet- Clothing Allowance	\$200
				Funds available due to prior vacancy				New employee	
\$44,199	\$15,000	60080001	50630	Sewer- Assistant Commissioner	\$15,000	61090003	51310	Water- Overtime -Regular	\$12,590
				Funds available due to retirement				Anticipated funds needed for hydrant flushing program off hours ~5-week time frame and emergency coverage for remaining fiscal year	

Suspension of Rules requested – granted

ORDERED: That the Library transfer request in the amount of \$3,200.00 which moves funds from Library Director to part-time Reference Librarians to cover FY11 staff salaries for employees who worked in excess of budgeted hours, **APPROVED**; adopted.

FROM:

Acct. #116100001-50230 Library Director \$3,200.00

TO:

Acct. # 116100003-51259 Part Time Reference Librarians \$3,200.00

Suspension of Rules requested – granted

ORDERED: That the Green Communities Grant awarded to the City of Marlborough in the amount of \$217,125.00 from the Massachusetts Department of Energy Resources Green Communities Division to enable the City to make significant progress towards its energy and sustainability related goals to be uses for purposes outlined in MGL, Chapter 44, Section 53A, **APPROVED**; adopted.

Suspension of Rules requested – granted

MOTION made by Councilor Delano to approve \$30,000.00 – DOES NOT CARRY

ORDERED: That the CDA transfer request in the amount of \$60,000.00 from following accounts to Community Development Authority needed for Community Development Block Grant funding as the funding source is no longer available, **DENIED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Various					FISCAL YEAR: 2011				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$10,000.00	\$10,000.00	11110005	55825	Council-Investigative Services	\$60,000.00	89000	24995	Community Development	\$0.00
Reason: Services not needed during FY11					Partial funding for two existing CDA positions				
\$43,238.18	\$40,000.00	11620002	50550	Elections - Head Clerk					
Reason: Unfilled position									
\$26,246.34	\$10,000.00	15430006	57710	Veterans Benefits					
Reason: Benefits running slightly less than anticipated									

MOTION TO RECONSIDER CARRIES AND TO BE PLACED ON THE JUNE 20, 2011 AGENDA.

Suspension of Rules requested – granted

ORDERED: That the Various Year End Inter-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Public Facilities					DATE: 15-May-11		FY: 2011		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$31,074	\$25,000.00	11920003	52250	Heating oil	\$25,000.00	11920006	52120	Electricity	\$4,644
Reason: Conversion to natural gas					Electricity costs				
\$54,762	\$35,000.00	11920001	50292	Building Maintenance Craftsman	\$35,000	11920006	52120	Electricity	\$4,644
Reason: Vacant position					Electricity costs				
\$26,199	\$26,198.00	60080001	50630	Sewer-Assistant Commissioner	\$184,000	11920006	52120	Electricity	\$4,644
Reason: Unfilled position					Electricity costs				
\$69,863	\$69,863.00	60080001	50890	Sewer-Sr Chemist					
Reason: Unfilled position									
\$73,500	\$73,500.00	60080004	53110	Sewer-Legal Services					
Reason: Legal services to be addressed in FY12									
\$17,312	\$14,439.00	15410001	50190	COA-Director Elderly Affairs					
Reason: Funds available when position was unfilled									
total	\$244,000.00				total	\$244,000.00			

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
				BAN Other Interest				School Support & Medicare	
\$ 40,000.00	\$ 9,000.00	17520006	59253	Other Int	\$ 9,000.00	13100003	51753	Medicare School	\$ 73,172.00
	\$ 5,482.00				\$ 5,482.00	13100003	57406	Life iNsurance	\$ 1,518.00
	\$ 5,000.00				\$ 5,000.00	11980006	51752	Medicare City	\$ 22,852.00
	\$ 19,482.00				\$ 19,482.00				

Suspension of Rules requested – granted

That the Various Year End Intra-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Police			DATE:	16-May-11		FY:	2011	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$25,509	\$8,000.00	12100003	51450	Night Shift Differential	\$8,000.00	12100003	51490	Holiday	\$18,719
	Reason:	Account will have surplus				Not enough in account to cover final holiday pay			
\$9,732	\$700.00	12100006	57380	Conference and Training	\$700	12100004	52820	Paging/Telephone	\$338
	Reason:	Able to utilize alternate sources for some funding				Increases in paging costs			
\$9,732	\$600.00	12100006	57380	Conference and Training	\$600.00	12100006	57340	Dues & Subscriptions	\$66
	Reason:	Same				Increased subscription costs - Westlaw			
\$9,732	\$1,500.00	12100006	57380	Conference and Training	\$1,500	12100006	52560	Vehicle Maintenance	\$2,535
	Reason:	Same				More repairs needed - some due to winter damage			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Inspectional Services 2410			FISCAL YEAR:	11				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,584	\$38.00	12410004	53180	Professional & Technical	\$38.00	12410002	50770	Senior Clerks	\$17,754
	Reason:	Savings realized on technical supply purchases				Coverage for remainder of year (Calculation error)			
\$1,584	\$186.00	12410002	51050	Professional & Technical	\$186	12410004	53180	Board Secretary	\$110
	Reason:	Savings realized on technical supply purchases				Coverage remainder of Planning Board and Zoning Board meeting			
\$1,584	\$60.00	12410002	51050	Professional & Technical	\$60	1241003	51185	Fence Viewers	\$28
	Reason:	Savings realized on technical supply purchases				Payment for pending decisions			
	Reason:								

CITY OF MARLBOROUGH BUDGET TRANSFERS									
	DEPT: FIRE					FISCAL YEAR: FY11			
	FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$48,087.53	\$2,500.00	12200003	51490	HOLIDAY	\$2,500.00	12200001	50335	DEPUTY CHIEF	\$38,630.19
	Reason:	Excess due to 1 resignation & 1 retirement				More needed for Acting Chief pay when Chief is on vacation			
\$48,087.53	\$3,500.00	12200003	51490	HOLIDAY	\$3,500.00	12200001	50450	FIREFIGHTER	\$413,156.95
	Reason:	Excess due to 1 resignation & 1 retirement				Had a Lieutenant on injury leave causing additional out of grade pay			
\$5,546.37	\$1,266.71	12200003	51226	FIRST RESPONDER	\$1,266.71	12200003	51430	LONGEVITY	\$7,866.72
	Reason:	Excess due to 1 resignation & 1 retirement				3 employees became eligible 5/7/11			
\$48,087.53	\$15.69	12200003	51450	HOLIDAY	\$15.69	12200003	51430	LONGEVITY	\$7,866.72
	Reason:	Excess due to 1 resignation & 1 retirement				3 employees became eligible 5/7/11			
	Reason:								

CITY OF MARLBOROUGH BUDGET TRANSFERS									
	DEPT: FIRE					FISCAL YEAR: FY11			
	FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$48,087.53	\$3,669.20	12200003	51490	HOLIDAY	\$3,669.20	12200003	51300	OVERTIME	\$33,329.41
	Reason:	Excess due to 1 resignation & 1 retirement				Funds needed to complete FY11 based on average			
\$17,586.55	\$4,647.75	12200003	51480	EMT	\$4,647.75	12200003	51300	OVERTIME	\$33,329.41
	Reason:	Less than expected personnel took EMT class				Funds needed to complete FY11 based on average			
\$29,243.50	\$5,000.00	12200003	51440	EDUCATIONAL	\$5,000.00	12200003	51300	OVERTIME	\$33,329.41
	Reason:	Less than expected personnel took college courses				Funds needed to complete FY11 based on average			
\$7,782.40	\$1,683.05	12200003	51450	NIGHT SHIFT	\$1,683.05	12200003	51300	OVERTIME	\$33,329.41
	Reason:	The amount varies depending on unscheduled leave this varies night shifts worked				Funds needed to complete FY11 based on average			

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2011		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$600	\$100	14001403	51440	Fleet- Educational Incentive	\$100	14001403	51470	Fleet- Interim Foreman	\$283	
				Funds available funds due to retirement.				Funds needed for contractual coverage for the remainder to the fiscal year.		
\$23,021	\$5,000	14001406	54830	Fleet- Fuel & Lubricants	\$5,000	14001406	54810	Fleet- Repair/Maintenance	\$564	
				Funds available due to reduced fuel prices earlier this year.				Anticipated funds needed to repair and maintain vehicles for remainder of fiscal year.		
\$13,852	\$13,852	60086006	52925	Solid Waste & Sludge Removal Curbside Recycling	\$13,852	60086006	52920	Solid Waste & Sludge Removal Rubbish Collection	\$0	
				Funds available due contract extension revised pricing.				Anticipated funds required based on contract extension pricing and fuel adjustments.		
\$26,198	\$5,000	60080001	50630	Sewer Assistant Commissioner	\$5,000	60080003	51380	Sewer- O. T -Water/Sewer Police	\$0	
				Funds available due to retirement.				Anticipated funds needed for emergency details for the remainder of the fiscal year		
\$24,868	\$10,000	60081006	55950	East Wastewater Plant- East WWTP	\$10,000	60080006	55660	Sewer Pumping Station	\$257	
				Funds available due to price decrease in Alum.				Funds needed to rebuild and/or replace pumps at the Matheson Drive & Hosmer Street sewer pumping stations.		

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
				Comptroller & Sewer				Comptroller & Sewer	
\$ 24,400.00	\$ 5,000.00	11330006	57850	Bond Exp	\$ 5,000.00	11330006	53460	Postage	\$ 13,311.00
\$ 20,000.00	\$ 5,000.00	60019904	53110	Legal Services	\$ 5,000.00	60019906	53460	Postage	\$ 4,317.00
\$ 20,000.00	\$ 4,500.00	60019904	53110	Legal Services	\$ 4,500.00	60019904	53080	Audit Services	\$ -

Reason: To fund postage required to mail bills and additional audit service charges

Suspension of Rules requested – granted

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 2012 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) that no more than one hundred thousand dollars shall be expended during fiscal year 2012, 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) that no provisions of this order shall be changed unless approved by the Mayor and City Council.

APPROVED; adopted.

Suspension of Rules requested – granted

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 2012, 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) that expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and

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

(d) that no more than one hundred thousand dollars shall be expended during Fiscal Year 2012, unless otherwise authorized by the City Council and Mayor; and

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

APPROVED; adopted.

Suspension of Rules requested – granted

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 2012, 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) that expenditures from said fund shall be limited to public safety training; and

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

(d) that no more than forty-five thousand dollars shall be expended during Fiscal Year 2012, unless otherwise authorized by the City Council and Mayor; and

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

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

APPROVED; adopted.

Suspension of Rules requested – granted

ORDERED: That the sum of \$1,000,000 (one million) dollars be and is hereby appropriated for the reconstruction of municipal outdoor recreational facilities.

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 \$1,000,000.

Pursuant to the provisions of Chapter 44, Section 7 (25) 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, **ADVERTISED**; adopted.

ORDERED: That item 18, Special Permit by Verizon Wireless in proper legal form, be moved after Reports of Committees, **APPROVED**; adopted.

**NOTICE OF DECISION
DENIAL OF SPECIAL PERMIT**

In City Council
Order No. 10/11-1002623J

Application of:

Bell Atlantic Mobile of Massachusetts Corporation, Ltd. and Cellco Partnership, d/b/a Verizon Wireless
400 Friberg Parkway
Westborough, MA 01581

Locus:

Kane Self Storage Facility
800 Bolton Street
Marlborough, MA
(Marlborough Assessors Map 16, Parcel 6)

DECISION

The City Council of the City of Marlborough, by a vote of seven to three (with one absent) in favor of approval, DENIES a Special Permit to Bell Atlantic Mobile of Massachusetts Corporation, Ltd. and Cellco Partnership, d/b/a Verizon Wireless, 400 Friberg Parkway, Westborough, MA 01581 (“Verizon Wireless”), to permit, construct, operate and maintain, at the above Locus, a wireless communication facility consisting of a 120-foot antenna monopole-type tower, which would support the antenna/cable equipment of Verizon Wireless and up to four other wireless carriers, along with a fenced compound area enclosing a 12’ x 8’ generator room, a 12’ x 22’ equipment room, a storage shed, and future equipment areas for the other wireless carriers. Verizon Wireless failed to carry its burden under the Telecommunications Act of 1996 of developing a record demonstrating that it had made a full effort to evaluate all other available alternative sites, including the City of Marlborough’s site located at 402 Bolton Street f/k/a 402 Hudson Street, and further, that the available alternative sites were not technically feasible for Verizon Wireless’ purpose of closing the gap in coverage between Verizon Wireless’ site at Sligo Hill in Marlborough and its site at or near Route 62 in Hudson.

Yea: 7 – Nay: 3 – Absent: 1

Yea: Clancy, Landers, Pope, Levy, Elder, Tunnera & Seymour

Nay: Delano, Ferro, Vigeant

Absent: Ossing

ORDERED: That the City Council review the methods, rules and regulations, systems, and practices regarding the communication of city departments and city employees with the residents and businesses of Marlborough, and to recommend changes if necessary. The review shall include notifications to and from the public regarding emergencies such as power outages, and sewer, water and road problems, outages or emergencies, weather related issues or other natural disasters, flooding, routine road and other miscellaneous repair projects which may affect traffic or otherwise inconvenience residents and businesses, and any other timely information of necessity or interest to the general public.

Included in the review shall be the reverse 911 system, the city website, road signage and traffic control at repair sites, and any other systems or practices which play a role in such communications, and those systems or practices which are not being utilized and may be beneficial to the proper and convenient two-way communication with the public, refer to **PUBLIC SAFETY COMMITTEE**; adopted.

ORDERED: That the Marlborough City Council meet with appropriate city officials, including the Mayor and the Community Development Authority, to consider an audit of existing Comprehensive Permit Projects for excess profits. Such audit shall assess the likelihood of recovering excess profits and provide an evaluation of certified cost and income statements and an evaluation of the project, and an estimated cost for future action and the likelihood of success, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the application of Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery for Junk Dealer's license at 149 Main St, **APPROVED**; adopted.

At President Vigeant's request to recess at 10:20 PM and returned to open meeting at 10:29 PM, **APPROVED**; adopted.

At President Vigeant's request to recess at 10:35 PM and returned to open meeting at 10:40 PM, **APPROVED**; adopted.

MOTION made by Councilor Clancy to Suspend the Rules to reconsider item #18, Special Permit by Verizon Wireless vote to place on the JUNE 20, 2011 agenda – DOES NOT CARRY

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:40 p.m.