



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.**

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
JUNE 20, 2011**

Regular meeting of the City Council held on Monday, JUNE 20, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 10:00 PM.

ORDERED: That the Mayor presented City Scholarships certificates to the following students **FILE**; adopted.

Jessica DeAmicis (not present)
9 Blaiswood Avenue
Assabet Valley High School

Akshat Patel
74 Dufresne Road
Marlborough High School

Kristin Perdue
631 Elm Street
Marlborough High School

Allison Richards (not present)
81 Roosevelt Street
Advanced Math and Science Academy

Eric Roberts
62 Gregoire Drive
Marlborough High School

ORDERED: That the minutes of the City Council Meeting, MAY 23, 2011, **TABLE UNTIL JULY 18, 2011**; adopted.

ORDERED: That the minutes of the City Council Meeting JUNE 6, 2011 **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from St. Mary's of French Hill Development LLC to modify an existing Special Permit (Order No. 07-1001500C) to allow rental of all proposed condominium units until first sale of each unit at 26 Broad St., Order No. 11-1002922, all were heard who wish to be heard, hearing recessed at 8:45 p.m.; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from 110 Pleasant LLC to modify an existing Special Permit (Order No. 10-1002683B) to allow rental of all proposed condominium units until first sale of each unit at 110-118 Pleasant St., Order No. 11-1002923, all were heard who wish to be heard, hearing recessed at 9:16 p.m.

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

ORDERED: That the IT transfer request in the amount of \$350,000.00 which moves funds from Undesignated to IS Equipment for FY12 capital appropriation, **DENIED**; adopted.

FROM:

Acct. #10000-35900 \$350,000.00

Undesignated

TO:

Acct. # 19300006-58618 \$350,000.00

IS Equipment

ORDERED: That the City Clerk transfer request in the amount of \$14,112.00 which moves funds from Undesignated to Senior Clerk and Sick Leave Buy Back in the amounts of \$12,631.00 and \$1,481.00 respectively, **DENIED**; adopted.

FROM:

Acct. #10000-35900 \$14,112.00

Undesignated

TO:

Acct. # 11610002-50770 \$12,631.00

Senior Clerk

Acct. # 11610003-51920 \$1,481.00

Sick Leave Buy Back

ORDERED: That the Fire Department transfer request in the amount of \$1,991.00 which moves funds from Undesignated to Deputy Chief which is necessary to fund additional pay associated with the appointment of an acting chief, **DENIED**.; adopted.

FROM:

Acct. #10000-35900 \$1,991.00

Undesignated

TO:

Acct. # 12200001-50335 \$1,991.00

Deputy Chief

ORDERED: That \$56,720,000 (fifty six million seven hundred twenty thousand) dollars is appropriated for the purpose of financing the construction and upgrade to the Easterly Wastewater Treatment Plant including without limitation all cost 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 is authorized to borrow \$56,720,000 dollars and issue bonds or notes therefore under Chapter 44 Section 8 (15) and/or Chapter 29C of the General Laws, as most recently amended by ST. 1998,c.78; that such bonds or note shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the Auditor 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 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 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 action necessary to carry out the project, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the appointment of Brenda Calder to the Parks and Recreation Commission to serve out the remaining term of Robert Lazaros which expires on May 6, 2013 and to reappoint Dennis Zilembo and Jeffrey Long to said Commission for three year terms upon approval refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Special Permit of St. Mary's Redevelopment LLC in proper legal form, Order No. 11-1002922, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Special Permit of 110 Pleasant LLC in proper legal form, Order No. 11-1002923, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Comptroller Tom Abel re: Competitive Bids from Note Underwriters, **FILE**; adopted.

ORDERED: That the Communication from Comptroller Tom Abel re: Competitive Bids from Bond Underwriters, **FILE**; adopted.

ORDERED: That Communication from Retirement Board Director, Margaret Shea re: FY12 Operating Budget, **FILE**; adopted.

ORDERED: That the Communication from Retirement Board Director, Margaret Shea re: Annual Statement of Financial Position, December 31, 2010, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 1, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 03-100112B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 445 Simarano Dr., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 1, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 97-6754F) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 75 Donald Lynch Blvd., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 1, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 08/09-1002083B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 860 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Traffic Commission, April 26, 2011, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 9 & 23, 2011, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, December 10, 2009, January 15, 28, February 3, 25, March 25, April 28, June 24, July 29, September 30, November 18, & December 21, 2010, February 8, & 24, March 31, April 12 & 28, 2011 and Public Hearing minutes, January 28, 2010, **FILE**; adopted.

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

A. Patricia Stewart, 361 Stow Rd., residential mailbox claim 2(a)

Suspension of the Rules requested – granted to allow the Mayor to submit following Communication:

ORDERED: That the Fire Department transfer request in the amount of \$5,000.00 which moves funds from Firefighter to Additional Gross O.T. be approved – **DOES NOT CARRY**; adopted.

FROM:

Acct. #12200001-50450	\$5,000.00
Firefighter	

TO:

Acct. # 12200003-51300	\$5,000.00
Additional Gross O.T.	

Reports of Committees:

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

Order No. 11-1002935 - Application of Roman Kimyagarov d/b/a Arthur & Sons Shoe Repair for Junk Dealer's License at 107 Main Street. Chief Leonard is without objection to issuance of the license. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 11-1002903 - Application of Application for FUEL STORAGE LICENSE, Finishmaster, 272 Lincoln Street - PUBLIC HEARING: JUNE 6, 2011

- Deputy Chief Flynn is without objection to issuance of the license.
- Petitioner submitted that storage on the property is less than 500 gallons.

Recommendation of the Public Services Committee is to approve 3-0.

Order No. 11-1002924 - Application of Thomas Travers d/b/a Village Clocksmith for Junk Dealer’s License at 1015 Boston Post Road East Unit #1.

- Chief Leonard without objection to issuance of the license.
- Note: Mr. Travers requested tabling of the application pending word from his landlord.

Recommendation of the Public Services Committee is to table in Committee 3-0.

ORDERED: That the City of Marlborough Police Department take all necessary steps to participate in the Federal Secure Communities program at the earliest possible date, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the following transfer requests in the amount of \$45,251.98 to fund the newly ratified agreement with the Marlborough Municipal Employees Association, **APPROVED**; adopted.

REQUEST TO FUND MARLBORO MUNICIPAL EMPLOYEE ASSOC CONTRACT								
FROM ACCOUNT					TO ACCOUNT			
AVAILABLE	AMOUNT	ORG CODE	OBJECT	ACCOUNT	AMOUNT	ORG CODE	OBJECT	
BALANCE				DISCRIP				
								COMPTROLLER
\$9,236.12	\$9,236.00	11620003	51460	Elections-Constables	\$ 1,647.57	11330002	-50062	FIN ASST
\$4,540.56	\$4,540.00	11620004	53930	Elections-Printing	\$ 54.72	11330003	-51430	LONGEV
\$20,937.64	\$10,868.00	14001101	50660	Asst City Engineer	\$ 62.17	11330003	-51920	SICK BB
\$21,357.13	\$15,680.48	14001101	50705	Asst Civil Engineer				AUDITOR
\$4,927.50	\$4,927.50	14001103	51440	Educational Incentive	\$ 823.78	11350002	-50062	FIN ASST
					\$ 751.26	11350002	-50550	HEAD CLK
total	\$45,251.98				\$ 286.07	11350002	-50770	SR CLK
					\$ 37.61	11350003	-51430	LONGEV.
					\$ 28.35	11350003	-51920	SICK BB
								ASSESSORS
					\$ 667.68	11410002	-50520	PRIN CLK
					\$ 1,001.38	11410001	-50170	SR ASSR
					\$ 751.26	11410002	-50550	HEAD CL
					\$ 60.71	11410003	-51430	LONGEV
					\$ 91.33	11410003	-51920	SICK BB
								COLLECTOR
					\$ 1,144.27	11440002	-50770	SR CLK
					\$ 18.44	11440003	-51430	LONGEV
					\$ 43.18	11440003	-51920	SICK BB
								INFO SYSTEMS
					\$ 893.80	11550001	-50210	SYS ANYL
					\$ 1,147.64	11550001	-50213	NET ENG
								CITY CLERK
					\$ 572.12	11610002	-50770	SR. CLK
					\$ 53.44	11610003	-51430	LONGEV
					\$ 52.18	11610003	-51920	SICK BB
								ELECTION/REG
					\$ 572.12	11620002	-50770	SR. CLK
					\$ 37.61	11620003	-51430	LONGEV
					\$ 28.35	11620003	-51920	SICK BB

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, **APPROVED**; adopted.

Yea: 9 – Nay: 2

Yea: Delano, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, & Vigeant

Nay: Ferro & Levy

MOTION made by Councilor Delano to reduce the CDA transfer from \$60,000.00 to \$30,000.00– **CARRIES** therefore;

ORDERED: That the CDA transfer request in the amount of \$30,000.00 from following accounts to Community Development Authority needed for Community Development Block Grant funding as the funding source is no longer available, **APPROVED WITH FOLLOWING CONDITIONS**:

- ✓ Provide a status report of CDA projects by the August 29, 2011 City Council meeting.
- ✓ Provide a transition plan for CDA by September 30, 2011.

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	\$30,000.00	89000	24995	Community Development	\$0.00
Reason:		Services not needed during FY11				Partial funding for two existing CDA positions			
\$43,238.18	\$10,000.00	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							

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:00 p.m.