



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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NOVEMBER 21, 2011**

Regular meeting of the City Council held on Monday, NOVEMBER 21, 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 8:44 PM.

ORDERED: That the minutes of the City Council Meeting OCTOBER 17, 2011, **FILE**; adopted.

ORDERED: That the minutes of the City Council Meeting NOVEMBER 7, 2011, **TABLED UNTIL DECEMBER 5, 2011**; adopted.

ORDERED: It is moved, in conformance with the provisions of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the City Council conduct an executive session for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City and other defendants, and the chair hereby declares that an open meeting may have that effect. It is further moved and stated that the City Council will re-convene in open session after the executive session, **APPROVED** and returned to open meeting at 8:28 PM; adopted.

Yea: 11- Nay: 0

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

ORDERED: That the Other Post Employment Benefits (OPEB) transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to OPEB Stabilization, refer to the **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900	\$1,000,000.00
Undesignated Fund	

TO:

Acct. # 836000-62726	\$1,000,000.00
OPEB Stabilization	

ORDERED: That the October Nor'easter transfer request in the amount of \$50,000.00 which moves funds from Undesignated to Halloween Snow Storm, **APPROVED**; adopted.

FROM:

Acct. #10000-35900	\$50,000.00
Undesignated Funds	

TO:

Acct. # 11990006-53019	\$50,000.00
Halloween Snow Storm	

ORDERED: That the transfer request in the amount of \$39,850.24 which moves funds from Open Space Stabilization to Open Space account for annual payment to Ward Mountain LLC, **APPROVED**; adopted.

FROM:

Acct. #83600-11520

\$39,850.24

Open Space Stabilization

TO:

Acct. # 19300006-58170

\$39,850.24

Open Space Acquisition

ORDERED: That the Communication from the Mayor re: Update Concerning Request for Proposals for a New Senior Center, **FILE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Requested Conveyance of Two Parcels of Municipal Property off Pleasant St., refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Councilor Ossing read a disclosure statement as required by G.L.C. 268A §23(b)(3).

ORDERED: That the Communication from the Planning Board re: Proposed Zoning Amendment, Section 650-26 (A)(1)(a), Order No. 11-1002985A of which the Planning Board is sending a NEGATIVE recommendation to the City Council, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the communication from the Planning Board regarding acceptance of Perry Lane., refer to **PUBLIC SERVICES AND THE CITY SOLICITOR**; adopted.

ORDERED: That the Communication from Attorney Bergeron re: Notice of Application for Site Eligibility for Construction of 290 Units of Affordable Housing on a Site between Glenn St. and Ames St., Map 89, Parcel 3B, **FILE**; adopted.

ORDERED: Per communication from Rosella Mercuri, Agent for Sprint, That there being no objection thereto **RESCHEDULE TO THE SECOND REGULARLY SCHEDULED CITY COUNCIL MEETING IN 2012**, as date for a **PUBLIC HEARING** for the Application for Special Permit Application for Special Permit from Sprint for modification of a wireless facility located at 450-460 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: Per communication from Rosella Mercuri, Agent for Sprint, That there being no objection thereto **RESCHEDULE TO THE SECOND REGULARLY SCHEDULED CITY COUNCIL MEETING IN 2012**, as date for a **PUBLIC HEARING** for the Application for Special Permit Application for Special Permit from Sprint for modification of a wireless facility located at 157 Union St, refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

Councilor Seymour Abstained

ORDERED: That the Minutes, Traffic Commission, September 27, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, September 15, **FILE**; adopted.

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

A. Daniel Jenkins and Kelly Maloney, 6 Maplewood Ave., other property damage

B. Edward Philmon, 165 Dartmouth St., pothole or other road defect

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 11-1003069 – Grant for \$7,490.00 for the Marlboro Cultural Council. The Finance Committee reviewed the Mayor’s letter dated November 3, 2011 requesting the approval of a \$7,490.00 grant for the Marlboro Cultural Council for cultural programming in the city. **Recommendation of the Finance Committee is to approve 5 – 0.**

Order No. 11-1002997B – Transfer \$168,654.80 to Fund DPW Engineers’ Union Contract. The Finance Committee reviewed the Mayor’s letter dated October 14, 2011 requesting the transfer of \$168,654.80 to fund the DPW Engineers’ Union contract and reorganize positions at the Westerly Waste Water Treatment Plant. The Finance Committee reduced the transfer from Reserve for Salaries from 3,977.94 to 461.93 to fund the Sick Leave Buy Back Engineering Account 14001103-51920. **Recommendation of the Finance Committee is to approve 5 – 0.**

Order No. 11-1003068 – Fire Department Intra-departmental Transfer of \$57,267.04 from Firefighters Account to Firefighter Overtime. The Finance Committee reviewed the Mayor’s letter dated November 3, 2011 requesting the transfer of \$57,267.04 from the Firefighter account to the Fire Fighter Overtime account. **Recommendation of the Finance Committee is to approve 5 – 0.**

Order No. 11-1003048 – Transfer \$150,000.00 from Economic Development Special Revenue to Marlboro Economic Development Corporation (MEDC) Funding. The Finance Committee reviewed the Mayor’s letter dated October 13, 2011 requesting the transfer of \$150,000.00 from the Economic Development Special Revenue account to the MEDC account. Councilor Ferro requested confirmation that the initial \$200,000 approved from Undesignated Funds in February 2011 has been reimbursed to the General Fund. The Finance Committee Chairman will work with the Comptroller to get a full accounting of the funds received to date from the additional hotel tax and money’s disbursed from the account. This information will be provided to the full City Council. **Recommendation of the Finance Committee is to approve 5 – 0.**

Councilor Levy reported the following out of the Urban Affairs Committee:

Order No. 11-1002922 – Application by Attorney Bergeron on behalf of St. Mary's of French Hill Development LLC to modify an existing Special Permit (Order No. 07-1001500C) to allow rental of all proposed units until first sale of each unit at 26 Broad St. The Applicant addressed concerns raised at the public hearing including the election of a Board of Trustees, the impact of rental units on condo values, and FHA financing concerns. A Board of Trustees has been elected, the question of allowing additional rental units was approved by a majority of condo owners, and the applicant has resolved the issue of FHA restrictions on ownership. The draft conditions were updated to reflect changes to the term “Applicant, its successors or assigns” related to the FHA issue. **Recommendation of the Urban Affairs Committee is approve the application as amended and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form.**

Order No. 11-1002923 - Application by Attorney Bergeron on behalf of 110 Pleasant LLC top modify an existing Special Permit (Order No. 10-1002683B) to allow rental of all proposed units until first sale of each unit at 110-118 Pleasant St. (Corbin Plaza). The Applicant addressed concerns raised at the public hearing regarding maintenance of the property and the impact of rental units on neighborhood home values. The applicant has cleaned up the site, hired a landscaper and met with neighbors regarding their concerns. The ward councilor confirmed that neighbors are now agreeable to the proposed changes in the special permit. The draft conditions were updated to reflect changes to the term "Applicant, its successors or assigns" related to FHA financing issues. **Recommendation of the Urban Affairs Committee is approve the application as amended and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form.**

Suspension of the Rules requested- granted

ORDERED: That the DPW Snow Equipment transfer request in the amount of \$298,000.00 which moves funds from Undesignated to DPW Equipment as two of the City's sidewalk plows have been decommissioned, **APPROVED**; adopted.

FROM;

Acct. # 10000-35900 \$ 298,000.00

Undesignated Funds

TO:

Acct. # 19300006-58731 \$ 298,000.00

DPW Equipment

Suspension of the Rules requested-granted

ORDERED: That the Application for Special Permit by Attorney Bergeron on behalf of St. Mary's of French Hill Development LLC top modify an existing Special Permit (Order No. 07-1001500C) to allow rental of all proposed units until first sale of each unit at 26 Broad St., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM**; adopted.

Suspension of the Rules requested-granted

ORDERED: That the Application for Special Permit by Attorney Bergeron on behalf of 110 Pleasant LLC top modify an existing Special Permit (Order No. 10-1002683B) to allow rental of all proposed units until first sale of each unit at 110-118 Pleasant St. (Corbin Plaza), **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:44 p.m.