



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
MAY 24, 2010**

Regular meeting of the City Council held on Monday, MAY 24, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Ferro, Elder, Juare, Seymour, Clancy, and Landers. Councilor Delano was absent. Meeting adjourned at 9:07 p.m.

ORDERED: That the minutes of the City Council Meeting May 10, 2010, **FILE AS AMENDED**; adopted.

ORDERED: That the following various year-end inter-departmental transfer requests necessary to balance FY10 accounts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Council on Aging					FISCAL YEAR: 2010				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$9,628.79	\$2,913.00	11210002	50590	Excutive Secretary	\$1,913.00	15410001	50190	Director of Ederly Affairs	\$1,980.37
Reason: Available funds due to no step increases in FY10					Funds needed for vacation buy-out due to employee's departure				
					\$1,000.00	15410003	51920	Sick Leave Buy Back	\$0.00
Reason:					Due to employee upon departure				

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
Interest on Ban					School Support				
\$ 55,000.00	\$ 23,152.00	13860006	59254	Int BAN	\$ 23,152.00	13100003	51753	Medicare Insurance	\$ 53,207.51
	\$ 4,127.00	13860006	59254	Int BAN	\$ 4,127.00	13100003	57406	Life Insurance	\$ 3,227.58
	\$ 27,279.00				\$ 27,279.00				
Reason: To fund shortfall in budgeted items									

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
				Interest on Ban				Unemployment	
\$ 55,000.00	\$ 4,624.00	13860006	59254	Int BAN	\$ 4,624.00	11970006	51730	Unemployment	\$ 2,620.00
Reason: To fund shortfall in budgeted item									

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
				Interest on Ban				Comptroller	
\$ 55,000.00	\$ 11,500.00	13860006	59254	Int BAN	\$ 11,500.00	11330006	53460	Postage	\$ 2,649.00

ORDERED: That the following various year-end intra-departmental transfer requests necessary to balance FY10 accounts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Library					FISCAL YEAR: 2010				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$427.25	\$169.00	16100001	50471	YOUNG ADULT LIBRARIAN	\$169.00	16100003	51920	SICK LEAVE BUYBACK	\$821
	Reason:	YOUNG ADULT LIBRARIAN HAS RESIGNED. NO ACTIVITY IS EXPECTED IN THIS ACCOUNT FOR THE REST OF THE FISCAL YEAR.				EXTRA FUNDING REQUIRED TO PAY EARNED SICK LEAVE FOR AN EMPLOYEE WHO HAS JUST RESIGNED.			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2010		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$5,765	\$1,000.00	60085006	54340	WWTP - Maintain Machinery	\$1,000.00	60085003	51310	WWTP - Overtime	\$2,570	
								Anticipated amount needed for emergency callouts		
\$400	\$200.00	60081003	51940	EWTP - Clothing Allowance	\$200	60081003	51310	EWTP - Overtime	\$2,594	
								Anticipated amount needed for emergency callouts		
\$14,328	\$8,600.00	61090001	50460	Water meter reader	\$8,600	61090003	51310	Water - Overtime	\$5,165	

CITY OF MARLBOROUGH BUDGET TRANSFERS MONTH OF MAY 2010									
DEPT: FIRE						FISCAL YEAR:		2010	
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
14,816.53	\$474.00	12200001	50130	FIRE CHIEF	\$474.00	12200001	50335	DEPUTY CHIEF	34,344.00
				Reason: Balance available due to new hire at a lower rate				Reason: deficit due to employee working as Acting Chief	
14,816.53	\$406.90	12200001	50130	FIRE CHIEF	\$406.90	12200001	50810	FIRE LIEUTENANT	55,889.60
				Reason: Balance available due to new hire at a lower rate				Reason: anticipated deficit based on FY09 payroll	
14,816.53	\$514.97	12200001	50130	FIRE CHIEF	\$514.97	12200003	51226	FIRST RESPONDER	\$3,174.55
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded	
14,816.53	\$52.82	12200001	50130	FIRE CHIEF	\$52.82	12200003	51430	LONGEVITY	\$5,609.74
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded	
14,816.53	\$2,794.03	12200001	50130	FIRE CHIEF	\$2,794.03	12200003	51450	NIGHT SHIFT	\$2,794.03
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded	

CITY OF MARLBOROUGH										
BUDGET TRANSFERS										
MONTH OF MAY 2010										
DEPT:	FIRE								FISCAL YEAR:	2010
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
14,816.53	\$710.23	12200001	50130	FIRE CHIEF	\$710.23	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: Balance available due to new hire at a lower rate					Reason: anticipated deficit based on FY09 payroll					
3521.63	\$3,266.63	12200003	51440	EDUCATION INCENTIVE	\$3,266.63	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: anticipated increased educational credits did not occur					Reason: anticipated deficit based on FY09 payroll					
8,370.42	\$8,370.42	12200003	51480	EMT	\$8,370.42	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: anticipated new EMT's not certified					Reason: anticipated deficit based on FY09 payroll					
9,477.43	\$9,477.43	12200003	51490	HOLIDAY	\$9,477.43	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: estimated surplus based on one remaining FY10 holiday					Reason: anticipated deficit based on FY09 payroll					
366,405.84	\$5,915.54	12200001	50450	FIREFIGHTER	\$5,915.54	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: unused salaries due to employees out on IOD					Reason: replenish overtime used for coverage of IOD					

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:									FISCAL YEAR:	
FROM ACCOUNT:					TO ACCOUNT:					
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:	Available Balance	
\$368.00	11510006	53880	Registry of Deeds		\$368.00	11510006	57100	Instate Travel	\$132	
Reason:	Fewer recordings than expected				More in-state travel than expected					

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:	Inspectional Services 2410								FISCAL YEAR:	10
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$375	\$285.00	12410003	51430	Longevity	\$285.00	12410002	51050	Board Secretary	\$58	
Reason:	Excess available in acct				Coverage remainder of Planning Board and Zoning Board meetings					
\$3,261	\$250.00	12410004	53180	Professional & Tech Services	\$250	12410002	51050	Board Secretary	\$58	
Reason:	Excess available in acct				Coverage remainder of Planning Board and Zoning Board meetings					

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Police			DATE:	17-May-10	FY:	2010		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$73,369	\$20,000.00	1210003	51310	Overtime - Regular	\$20,000.00	12100001	50420	Police Officers	\$223,067
	Reason:	Will have surplus due to return of injured officers				Will have deficit due to Fairfield officer's salaries			
\$73,369	\$2,905.00	12100003	51310	Overtime - Regular	\$2,905.00	12100003	51410	First Responder	\$3,219
	Reason:	Same as above				Had to pay 2 officers retro pay			
\$28,159	\$11,540.00	12100003	51360	Overtime - Training	\$11,540	12100003	51490	Holiday	\$13,600
	Reason:	Reduced training due to earlier budget concerns				Anticipated funds needed for final holiday of FY2010			
\$28,159	\$10,000.00	12100003	51360	Overtime - Training	\$10,000.00	12100001	50420	Police Officers	\$223,067
	Reason:	Same as above				Will have deficit due to Fairfield's officers salaries			
\$70,992	\$32,300.00	12100003	51320	Overtime - Court Time	\$32,300	12100001	50420	Police Officers	\$223,067
	Reason:	Unexpected surplus in account				Same as above			
\$783	\$783.00	12100003	51370	Overtime - Celebration	\$783	12100001	50420	Police Officers	\$223,067
	Reason:	Unused funds from Labor Day parade				Same as above			

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
				Water Legal Services				Water Audit	
\$	5,000.00	\$	4,500.00	61019904 53110 Legal Svs	\$	4,500.00	61019904 53080 Audit Svs	\$	1,000.00
Reason: To fund short fall in budgeted item									

ORDERED: That the following transfer requests totaling \$70,809.00 which moves funds from Undesignated to various accounts for the purpose of funding FY10 step increase, refer to **FINANCE COMMITTEE**; adopted.

TRANSFER REQUEST										
FROM ACCOUNT					TO ACCOUNT					
AVAILABLE BALANCE	AMOUNT	ORG C	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL	
		Undesignated Fund					VARIOUS DEPARTMENTS			
\$ 2,430,483.30	\$ 70,809.00	10000	35900	Undesignated Fund	\$ 2,768.00	14001101	50700	GR 2 ENG	\$ -	
					\$ 100.00	14001103	51310	OT		
					\$ 4,017.00	14001301	50660	GEN FOREMAN		
					\$ 240.00	14001303	51920	SICK BB		
					\$ 201.00	14001303	51430	LONG		
					\$ 1,190.00	14001303	50790	DISPATCHER		
					\$ 180.00	14001303	51310	OT		
					\$ 6,209.00	14001503	50740	EQUIP OP		
					\$ 572.00	14001503	51310	OT		
					\$ 1,252.00	14001101	50710	JR ENG		
					\$ 3,420.00	14001403	50745	EQUIP OP		
					\$ 309.00	14001403	51310	OT		
					\$ 999.00	14001002	50520	PRINC CLK		
					\$ 471.00	14001002	50550	HEAD CLK		
					\$ 137.00	14001003	51920	SICK BB		
					\$ 73.00	14001003	51430	LONG		
					\$ 14,056.00	12200001	50450	FIREFIGHTER		
					\$ 965.00	12200003	51480	EMT		
					\$ 395.00	12200003	51226	RESPONDER		
					\$ 575.00	12200003	51450	NIGHT DIF		
					\$ 1,406.00	12200003	51300	OT		
					\$ 879.00	11920001	50292	CRAFTSMAN		
					\$ 605.00	11920003	50560	CUSTODIAN		
					\$ 1,234.00	16100001	50470	CHILD. LIB.		
					\$ 1,270.00	16100002	50520	PRINC CLK		
					\$ 2,651.00	16100001	50230	LIB DIR		
					\$ 495.00	16100003	51261	PT CLK		
					\$ 155.00	16100003	51262	PAGE		
					\$ 378.00	16100003	51259	RELF PT		
					\$ 230.00	16100003	50860	LIB CLK		
					\$ 1,511.00	11350002	50062	FIN ASST.		
					\$ 432.00	12410001	50370	PLUMB INSPC		
					\$ 151.00	12410002	50770	SR CLK		
					\$ 447.00	11610002	50770	SR CLK		
					\$ 60.00	11610003	51920	SICK BB		
					\$ 23.00	11610003	51430	LONG		
					\$ 1,076.00	11620002	50770	SR CLK		
					\$ 1,080.00	11210002	50590	EXEC SCTRY		
					\$ 1,809.00	11520001	50530	PERSONNEL DIR		
					\$ 720.00	11520002	50401	PT SR CLK		
					\$ 7,420.00	12100001	50420	POLICE OFFICER		
					\$ 1,725.00	12100003	51213	PUB SAF DISP		
					\$ 288.00	12100003	51410	FIRST RESP		
					\$ 720.00	12100003	51450	NIGHT DIF		
					\$ 5,000.00	12100003	51440	EDU		
					\$ 915.00	12100003	51310	OT		
					\$ 70,809.00					

Reason: To fund city wide step increases

ORDERED: That the transfer request in the amount of \$13,896.00 which moves funds from Fringes to Sick Leave Buy Back to fund benefits associated with an employee's retirement, refer to the **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$13,896.00

Fringes

TO:

Acct. # 14001303-51920 \$13,896.00

Sick Leave Buy Back

ORDERED: That the transfer request in the amount of \$7,500.00 which moves funds from Junior Civil Engineer to Foreman to fund benefits associated with an employee's retirement, refer to the **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 14001101-50710 \$7,500.00

Junior Civil Engineer

TO:

Acct. # 14001301-50690 \$7,500.00

Foreman

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 2011, 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) no more than forty-five thousand dollars shall be expended during Fiscal Year 2011, 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 **BACK TO THE MAYOR FOR PROPER DOCUMENTATION CLARIFYING THE BASIS OF EXPENDITURES**; 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 2011, 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 2011, 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 back to the **MAYOR FOR PROPER DOCUMENTATION CLARIFYING THE BASIS OF EXPENDITURES**; 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 2011, authorize the establishment of a revolving fund to be utilized by the Department of Public Works.

It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to 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 (“WCF”) situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant (“EWTP”) at 860 Boston Post Road in Marlborough or any land adjacent thereto and unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and playgrounds; and,
- (c) the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and,
- (d) no more than \$75,000.00 shall be expended during Fiscal Year 2011, unless otherwise authorized by the City Council and Mayor; and,

(e) priority for expenditure of said payments, fees and/or rental income from the WCF at the EWTP shall, through Fiscal Year 2011, be utilized for the maintenance and improvement of Byrne Field; and,

(f) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and,

(g) 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 re-authorize a revolving fund during fiscal year 2011 for parks and playground improvement purposes to be administered through the Department of Public Works. 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 located on Fairmount Hill; and

(b) expenditures from said fund shall be limited to the maintenance and improvement of neighborhood parks and playgrounds, and that priority for such expenditures shall, through fiscal year 2011, be utilized for the maintenance and improvement of Artemus Ward Park; and

(c) the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than \$100,000.00 shall be expended during fiscal year 2011, 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 hereby re-authorize a revolving fund during fiscal year 2011 for Geographical Information System (GIS) purposes to be administered by the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to payments and fees due the City from those who purchase data and related copy-written material that has been created by the City of Marlborough Geographical Information System, unless otherwise directed by the General Laws; and

(b) expenditures from said fund shall be limited to the maintenance, improvement and related expenses for the maintenance and improvement of the City of Marlborough Geographical Information System; and

(c) the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than \$10,000.00 shall be expended during fiscal year 2011, 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.

FY2011 SUPPLEMENTAL BUDGET:

ORDERED: MOTION made by Councilor Seymour to fund the Human Services Department as follows:

Acct. # 1527001-50595	Director's Salary	\$31,665.91
Acct. # 1527005-54220	Office supplies	\$75.00

CARRIES WITH A HAND VOTE; adopted.

Suspension of the Rules requested to move agenda item #20 to #12 – granted

ORDERED: That the Mayor be requested to submit for City Council consideration a reorganization plan and funding request for delivering human services for FY11.

MOTION made by Councilor Seymour to amend the order to add the following text after FY11, "said plan should be submitted by September 30, 2010", **APPROVED**; adopted.

ORDERED: That Pursuant to Section 12(b) of M.G.L. c. 30B (Uniform Procurement Act), the City Council hereby authorizes the Chief Procurement Officer to award a contract for a term not to exceed five years, including any renewal, extension, or option, if the Chief Procurement Officer deems such term to be in the best interest of the City for any procurement subject to Chapter 30B.

Said authorization shall allow the Chief Procurement Officer to determine the costs and benefits of the City entering into contracts for a term not to exceed five years, as appropriate. The Chief Procurement Officer shall cancel any contract if funds are not appropriated or otherwise made available to support continuation of performance in any fiscal year succeeding the first year as required by Chapter 30B. The City shall retain sole discretion in exercising any renewal, extension, or option. The City shall not exercise any renewal, extension, or option unless, after reasonable investigation of costs and benefits, the procurement officer has determined in writing that the exercise of the renewal, extension, or option is more advantageous than alternate means of procuring comparable supplies or services as required by Chapter 30B refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the following notification from the City Clerk re: Special Ward Four Preliminary Election Call, **FILE**; adopted.

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **SPECIAL WARD FOUR PRELIMINARY ELECTION** will be held in the polling locations as noted below on **TUESDAY, JUNE 15, 2010** as follows:

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

WARD FOUR: Prec. 1 Boys and Girls Club, 169 Pleasant Street
WARD FOUR: Prec. 2 Boys and Girls Club, 169 Pleasant Street

ORDERED: That the communication from the Gary White, White Real Estate, re: Street Acceptance for Fahey St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: The communication from Attorney Bergeron, on behalf of Melanson Development, requesting to **WITHDRAW WITHOUT PREJUDICE** Special Permit application to allow preservation and adaptive reuse of the Walker home on Framingham Rd., while also allowing construction of 17 new homes, **APPROVED**; adopted.

ORDERED: That the communication from Mosquito Control Project re: investigating resident's mosquito complaints during May 2010 on May 26 and June 3, 9, 16, 23 and 30, **FILE**; adopted.

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

A. Frank Cosolito, 1 Tannery Dr., pothole or other road defect

Suspension of the Rules requested-granted

ORDERED: That the communication from Andy Candiello, on behalf of Metro PCS Massachusetts, LLC, re: request to extend time limitations to install a Telecommunications Facility onto the existing utility pole at 257 Donald Lynch Blvd. to July 27, 2010 at 11:00 PM, **APPROVED**; adopted.

Reports of Committees:

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

Order No. 10-1002576 – Application of Tony Bitar, d/b/a Hannoush Jewelers for Junk Dealer's License at 601 Donald Lynch Blvd. Chief Leonard had no objection. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 10-1002560 – Application of Andrew Youngman, d/b/a Arch Stanton LLC for Junk Dealer's License at 225 Cedar St. Chief Leonard had no objection. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 10-1002501 - Communication from John Crowe Associates, Inc. re: Extension of Time for Sewer Connection Permit, Boston Scientific, Boston Scientific Way to December 1, 2011. Commissioner LaFreniere was in support.

- *See email from DPW Commissioner LaFreniere in support of the extension of the Sewer Connection Permit previously granted to Boston Scientific:*

From: LaFreniere, Ron

Sent: Monday, May 17, 2010 7:44 AM

To: City Council

Subject: Boston Scientific; Request to extend the period of time to utilize their sewer connection permit

To Councilor Juare:

Councilor, my office has reviewed and hereby supports the request by Boston Scientific to further extend the period of time the council has granted to the company to connect future facilities to the city's sewer system.

Should you have any questions regarding the above, please do not hesitate to contact me.

Ron

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

Councilor Ossing reported the following out of the Finance Committee:

Order No. 10-1002568 – Transfer \$4,000 for Part Time Library Clerks: The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting two transfers in the amount of \$4,000.00 to fund the part time library clerk's line item. **Recommendation of the Finance Committee is to table 5-0 the following two transfers pending discussion with the Library Director:**

- **\$2,000.00 from Library Pages to Part Time Library Clerks**
- **\$2,000.00 from Full Time Library Clerk to Part Time Library Clerks**

Order No. 10-1002570 – Transfer \$3,000.00 from Personnel Medical Exams to the Advertising and Conference & Training Accounts: The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting the transfer of \$3,000.00 in the Personnel Department Medical Exam account to the Advertising and Conference and Training Accounts. **Recommendation of the Finance Committee is to approve 5-0 the following two transfers:**

- **\$1,000.00 from Medical Exams to Advertising**
- **\$2,000.00 from Medical Exams to Conference and Training**

Order No. 10-1002571 – Transfer \$31,308.63 to Fund Police Retirement: The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting the transfer of \$31,308.63 from Fringes and Council on Aging Nurse accounts to the Police sick leave buy back account to cover an employees retirement. **Recommendation of the Finance Committee is to approve 5-0 the following two transfers:**

- **\$5,620.63 from Fringes to Police sick leave buy back.**
- **\$25,688.00 from COA Nurse to Police sick leave buy back**

Order No. 10-1002565-3 - Order to Approve Expenditures in Excess of Available Appropriation in the Snow and Ice Accounts: The Finance Committee reviewed the Mayor's letter dated May 6, 2010 requesting the City Council approve an order to over spend the appropriations in the FY11 snow and ice accounts. The Finance Committee approved the expenditure of \$500,000.00 over the FY11 appropriations. The Mayor will be required to request prior City Council approval to expend more than \$1,000,000.00 in the snow and ice accounts for FY11. **Recommendation of the Finance Committee is to approve 5-0 the revised order below (revision in bold text):**

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 the expenditures of **\$500,000.00** in excess of available appropriation for snow and ice removal for fiscal year 2011.

Councilor Ferro reported the following out of the Veterans Affairs Committee:

Order No. 10-1002447A - Be it ordained by the City Council of the City of Marlborough that the 4-7 School located at 25 Union Street shall be named after 1st Lt. Charles Willis Whitcomb, a resident of Marlborough killed in action in 1864 during the Civil War Battle of Spotsylvania Courthouse and that it shall henceforth be known as the 1st LT Charles Willis Whitcomb School.

Vote: Motion made, and seconded, to recommend the addition of the word "Intermediate" to the name so that it reads as follows:

The 1st Lt. Charles Willis Whitcomb Intermediate School

Recommendation of the Veterans Affairs committee is to approve 3-0 as amended.

ORDERED: That the Public Safety Committee meet with the staff of the Marlboro Airport to determine if there are methods to obtain federal funding to repair the damaged sustained during the President of the United States landing at the Marlboro Airport on April 1, 2010, refer to **PUBLIC SAFETY COMMITTEE**; adopted.

ORDERED: That the transfer request in the amount of \$30,500.00 which moves funds as follows for expenses associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500 \$4,715.00

Fringes

Acct. # 11990006-51500 \$25,785.00

Fringes

TO:

Acct. # 12100001-50510 \$4,715.00

Police Lieutenant

Acct. # 12100003-51920 \$25,785.00

Sick Leave Buy Back

ORDERED: That the transfer request in the amount of \$7,637.56 from Firefighter to Gross Overtime to fund coverage for an injured employee, **APPROVED**; adopted.

FROM:

Acct. # 12200001-50450

\$7,637.56

Firefighter

TO:

Acct. # 12200003-51300

\$7,637.56

Gross Overtime

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:07 p.m.; adopted.