



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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DECEMBER 20, 2010

Regular meeting of the City Council held on Monday, DECEMBER 20, 2010 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 8:22 p.m.

ORDERED: That the minutes of the City Council Meeting December 6, 2010, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install stub P. 81-50 as midspan pole to service new construction of Farm Commons Dr., Order No. 10-1002765, all were heard who wish to be heard, hearing recessed at 8:05 p.m.; adopted. **Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour & Clancy & Landers.**

ORDERED: That the transfer request in the amount of \$14,959.49 from Fringes to Asst. City Engineer, \$135.28 from Fringes to Longevity and \$26,927.08 from Fringes to Sick Leave necessary to fund benefits associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$42,021.85
Undesignated Fund

TO:

Acct. # 14001101-50660 \$14,959.49
Assistant City Engineer

Acct. # 14001103-51430 \$135.28
Longevity

Acct. # 14001103-51920 \$26,927.08
Sick leave

ORDERED: That the Emergency Management Performance Grant in the amount of \$12,500.00 awarded to the Department of Emergency Management to enhance the City's alerting/communications system to be used for purposes outlined in M.G.L., Chapter 44, Section 53A, **APPROVED**; adopted.

ORDERED; That the Traffic Enforcement and Equipment Grant in the amount \$6,000.00 awarded to the Marlborough Police Department for high visibility traffic enforcement patrols to be used for purposes outlined in M.G.L., Chapter 44, Section 53A, **APPROVED**; adopted.

ORDERED: That the reappointment of Police Chief Leonard as Keeper of the Lock to expire the 1st Monday of February 2012, **APPROVED**; adopted.

ORDERED: That the reappointment of Mark Gibbs as Director of Information Technology for a term to expire three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

- ORDERED: That the reappointment of Deborah Puleo as City Collector for a period of one year effective February 1, 2011, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the reappointment of Stephen Reid as the City of Marlborough Building Inspector for a term to expire three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the Application of Ronald Roza, d/b/a Techcell USA, for Junk Dealer's license at 276 Main St, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Minutes, Board of Assessors, December 1, 2010, **FILE**; adopted.
- ORDERED: That the Minutes, Insurance Advisory Committee, October 19, 2010, **FILE**; adopted.
- ORDERED: That the Minutes, Planning Board, November 22, 2010, **FILE**; adopted.
- ORDERED: That the Minutes, MetroWest Regional Transit Authority, September 13, 2010, **FILE**; adopted.
- ORDERED: That the Minutes, Traffic Commission, October 26, 2010, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Gilbert Weinstein, 397 Bolton St., B-5, other property damage
 - B. Lindsay Stokes, 18 Spring Ln., other property damage

Reports of Committees:

Councilor Clancy reported the following out of the Wireless Communications Committee:

Order No. 10-1002715: Application of MetroPCS for a Special Permit for a wireless communications facility at the Easterly Treatment Plant, 860 Boston Post Road. Discussion was begun on the application for a Special Permit from Metro PCS Massachusetts LLC to install a telecommunications facility on to an existing tower located at 860 Boston Post Road (Easterly Treatment Plant). A review of the Applicant's folder was conducted and all the inclusions were found to be proper. No new testimony was heard but an update and change to the plans was submitted. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the thirteen (13) Conditions, that would be applied. Minor changes were made to the wording for clarification and wording was added for the protection of the City owned equipment shelter, which would be located beside the proposed equipment pad. **Recommendation of the Wireless Communications Committee is to approve the application 2-0. Motion was made by Councilor Landers under Suspension of the Rules, to refer to the City Solicitor to be put in proper form, and place item on the January 3, 2011 City Council agenda.**

Councilor Seymour reported the following out of the Legislative and Legal Affairs Committee:

Order No. 10-1002667 – Communication from Councilor Clancy regarding proposed changes to the City Code relative to Junk Dealers. An email from Councilor Clancy was read into the record as he was unable to attend the meeting. The Committee reviewed the letter dated August 2, 2010 from Councilor Clancy. The Committee also reviewed a revised draft ordinance from the Assistant City Solicitor which incorporated the changes proposed by Councilor Clancy and additional modifications at the request of Chief Leonard.

Recommendation of the Legislative and Legal Affairs Committee is to approve 2-0, as amended, the proposed changes to Chapter 377 of the City Code and to approve 2-0, as amended, the proposed changes to Chapter 315 of the City Code. Motion was made by Councilor Seymour under Suspension of the Rules, to refer to the City Solicitor to put in proper form proposed changes to Chapter 377 and 315 of the City Code and place item on the January 3, 2011 City Council agenda.

Order No. 10-1002762 – Communication from the City Solicitor with a draft order for a proposed Home Rule Petition pertaining to the increased room occupancy excise from the rate of 4% to the rate of 6%. The Committee reviewed the letter dated December 2, 2010 from the City Solicitor as well as the revised draft order dated December 15, 2010. Recommendation of the Legislative and Legal Affairs Committee is to approve 2-0, as amended, for the submission of a Home Rule Petition. Motion was made by Councilor Seymour under Suspension of the Rules, to refer to the City Solicitor to put in proper form and place item on the January 3, 2011 City Council agenda.

ORDERED: That the Legal Services transfer request in the amount of \$25,000.00 from Undesignated Fund to Legal Services to fund outside labor services related to ongoing collective bargaining negotiations, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900	\$25,000.00
Undesignated Fund	

TO:

Acct. # 11510004-53110	\$25,000.00
Legal Services	

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the easements on FAHEY STREET be accepted as municipal easements as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled “Acceptance Plan Of Fahey Street Easements In Marlborough, MA; Prepared For: White Real Estate, 536 Lincoln Street, Marlborough, Ma; Prepared By: Thomas Land Surveyors & Engineering Consultants, Inc., 265 Washington Street, Hudson, MA; Scale 1” = 20’; Dated March 30, 2010,” to be recorded herewith in the Middlesex County South Registry Of Deeds Plan Book ____ as Plan ____ of ____;

Title to the easements, including sidewalk, utility, and highway purposes, as shown on said plan, has been granted to the City of Marlborough in a Quitclaim Deed from Gary J. White, Trustee of Fahey Street Realty Trust, 116 Broad Street, Marlborough, MA, said deed to be recorded herewith at the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

The sidewalk, utility, and highway easements on FAHEY STREET be accepted as municipal easements in the City of Marlborough, **APPROVED**; adopted.

Yea: 11- Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:22 p.m.