



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
FEBRUARY 23, 2009**

Regular meeting of the City Council held on Monday February 23, 2009 at 8:06 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juair, Seymour, Clancy and Landers. Meeting adjourned at 9:27 p.m.

ORDERED: Minutes, City Council Meeting, February 9, 2009, **FILE**; adopted.

Suspension of the Rules requested - granted to allow the City Solicitor to speak.

ORDERED: That the communication from the Mayor responding to City Council Order 09-1002118 pertinent to appointment of Karen Kisty for the position of Personnel Director for a term of three years expiring from the date of confirmation; refer to the **RULES COMMITTEE**.

MOTION MADE TO ACCEPT AND PLACE ON FILE, THEN SUBSEQUENTLY WITHDRAWN

MOTION MADE AND SECONDED TO TABLE – DOES NOT CARRY

MOTION MADE TO SUSPEND THE RULES TO ALLOW THE MAYOR TO SPEAK – DOES NOT CARRY

ORDERED: That the following two grants; **SFY 2009 S.A.F.E. GRANT**, which provides funding for student awareness of fire education programs and **SFY 2009 FIREFIGHTING EQUIPMENT GRANT**, be awarded to the Marlborough Fire Department from the Commonwealth of Massachusetts Executive Office of Public Safety and Security in the amounts of \$5,464.62 and \$10,992.00 respectively, **APPROVED**; adopted.

ORDERED: That the Communication from the Mayor re: response to Order No. 09-1002131 pertinent to investigating green-building laws that meet industry-accepted standards and alternate power sources, refer to **ASSISTANT DPW COMMISSIONER CROUSE TO BE IMPLEMENTED WITH A CORRESPONDING TIMETABLE**; adopted.

ORDERED: That the recently approved Sepracor TIF agreement and related documents which were submitted to the state's Economic Assistance Coordinating Council (EACC) for review require necessary changes to advance the agreement and certified project for EACC approval, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: Pursuant to City Council Order No. 08-1001774B, the approval of the School Committee which is attached hereto and incorporated herein, and the terms and conditions of the lease to the Assabet Valley Collaborative of the former Bigelow School, 57 Orchard Street, said lease is hereby renewed for a one-year lease from (July 1, 2009 to June 30, 2010) in the amount of \$149,500.00 (\$10.00 per square foot), **APPROVED**; adopted.

ORDERED: That the extension of time for a sewer connection permit for Boston Scientific Corporation, 55 Fairbanks Boulevard, to June 1, 2010, **APPROVED**; adopted.

ORDERED: That the application of Bernard Novitch d/b/a Collector's Paradise, for Junk Dealer's License, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Juaire abstained

ORDERED: That the minutes, Planning Board, January 12 & 26, 2009, **FILE**; adopted.

ORDERED: That the minutes, Conservation Commission, December 18, 2008, January 8 & January 22, 2009, **FILE**; adopted.

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

- A. Paula Turgeon, 669 Pleasant St., residential mailbox claim
- B. Deborah Hudson, 165 Highland St., other property damage

Reports of Committees:

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

Order No. 09-1002122 – Be it ordained by the City Council of the City of Marlborough that the previously unnamed recreation area at the Hildreth School shall be named after Jeduthan Alexander, a resident of Marlborough who was killed in action during the War of Independence at the Battle of Bunker Hill on June 17, 1775, that it shall henceforth be known as the Jeduthan Alexander Recreation Complex. Recommendation of the Veterans Affairs Committee is to approve 2-0. Councilor Ossing was absent.

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 09-1002121 - Reappointment of Tom Evangelous to the Parks and Recreation Committee for a term expiring on March 5, 2014. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 09-1002119 - Reappointment of Mark Leonard as Police Chief for a four year term expiring on March 1, 2013. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 09-1002103 - Appointments to the Recreation Commission of Robert Kays for a term expiring May 6, 2013 and Dennis Zilembo who will fill the unexpired term of David Gadbois whose term will expire May 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.

Councilor Ossing reported the following out of the Finance Committee:

Order No. 09-1002113 - Transfer \$109,000.00 from Police Officers Salary account to Various Police Accounts: The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$109,000.00 from the Police Officers salary line item to Police Officers Overtime (\$95,000), Dispatchers (\$9,500) and Holiday Pay (\$4,500). **Recommendation of the Finance Committee is to approve 5-0.**

Order No. 09-1002115 - Transfer \$12,000.00 from Public Facilities Custodian Account to Overtime Account: The Finance Committee reviewed the Mayor's letter dated January 29, 2009 requesting the transfer of \$12,000 from the Public Facilities Custodian account to the overtime account. **Recommendation of the Finance Committee is to approve 5-0.**

Order No. 09-1002116 - Transfer \$20,000.00 from Firefighter Salary account to Overtime: The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$20,000.00 from the Firefighters salary account to firefighter's overtime. **Recommendation of the Finance Committee is to approve 5-0.**

Order No. 09-1002117 - Transfer \$93,500.00 from DPW Salary Line Items to Various DPW Overtime and Interim Foreman Accounts: - The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$93,500 from DPW salary line items to various overtime and interim foreman accounts. **Recommendation of the Finance Committee is to approve 5-0.**

Suspension of the rules requested – granted

ORDERED: That the DPW Commissioner address the City Council regarding the trucking of salt piles from the DPW to the old dump site on Hudson Street on Saturday, February 21, 2009 resulting in the utilization of several municipal dump trucks and overtime manpower hours; specifically, the Commissioner is requested to explain the necessity for this project to take place on a Saturday when overtime rates would apply, especially when municipal departments are operating under a spending "soft freeze" initiated by Mayor Stevens on February 3, 2009. Said "soft freeze" requires approval by the Mayor for any discretionary spending, **APPROVED;** adopted.

DPW Commissioner addressed City Council pertinent to the incident.

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 2009, **APPROVED;** adopted.

Councilors Vigeant and Pope requested to be recorded in opposition.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:27 p.m.