



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
MARCH 9, 2009**

Regular meeting of the City Council held on Monday March 9, 2009 at 8:00 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 8:35 p.m.

ORDERED: Minutes, City Council Meeting, February 23, 2009, **FILE AS AMENDED**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on Application for a Special Permit from MetroPCS Massachusetts LLC to install a telecommunications facility onto an existing water tank located at 115 Onamog St., all were heard who wish to be heard, hearing recessed at 8:07.

ORDERED: Now being the time set for the PUBLIC HEARING on the by Petition from National Grid to install one new pole on Florence St. #14-50, all were heard who wish to be heard, hearing recessed at 8:09 p.m.

ORDERED: That the budget transfer request in the amount of \$7,500.00 which moves funds from Undesignated to Veteran's Benefits to cover recurrent monthly deficits in the Veterans' Benefit budget line item, **APPROVED**; adopted.

FROM:

Acct. # 100-35900	\$7,500.00
Undesignated	

TO:

Acct. # 15430006-57710	\$7,500.00
Veteran's Benefits	

ORDERED: That the budget transfer request in the amount of \$10,400.00 which moves funds from Equipment Operator to Temp. P.T. Help to provide funds needed to fill a temporary vacancy resulting from a workman's compensation injury, **APPROVED**; adopted.

FROM:

Acct. # 61090001-50740	\$10,400.00
Equipment Operator	

TO:

Acct. # 61090003-51240	\$10,400.00
Temp P.T. Help	

Councilors Vigeant, Pope and Levy requested to be recorded in opposition.

ORDERED: That the budget transfer request in the amount of \$15,000.00 which moves funds from Undesignated to Affordable Housing which represents payment by St. Mary's of French Hill Redevelopment LLC in satisfaction of condition #22 of Special Permit #07-1001500C, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$15,000.00
Undesignated Fund

TO:

Acct. # 83600-32718 \$15,000.00
Affordable Housing

ORDERED: That the grant awarded to the Marlborough Police Department from the Commonwealth of Massachusetts Executive Office of Public Safety and Security in the amount of \$69,262.00 to be used for Emergency Telecommunications expenses (including dispatcher salaries) and furniture replacement for dispatch center in accordance with MGL, Chapter 44, Section 53A for purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the appointment of James Confey to the Board of the Council on Aging with a term to expire May 1, 2010, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the appointment of Nancy Savoie for the position of City Planner which expires two years from the date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

Councilors Pope and Ferro requested to be recorded in opposition.

ORDERED: That the Department of Public Works be authorized to plow and remove snow from the following way, in accordance with the provisions of Massachusetts General Law Chapter 40, Section 6-C, provided, that said way be of such construction and condition that, in the opinion of the Commissioner of Public Works, said plowing can be safely and conveniently accomplished, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership, to **WITHDRAW** Application for Revised Special Permit to construct 80 retirement units on less than 14 acres and to revise current permit condition accordingly, Order No. 08/09-1001938D, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 6, 2009** as date for a **PUBLIC HEARING** on the Application for Revised Special Permit from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership, to construct 69 retirement units on less than 14 acres and to revise current permit conditions accordingly, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 6, 2009** as date for a **PUBLIC HEARING** on the Application for Special Permit from Hancock Associates, on behalf of Marlborough Savings Bank, for drive-thru teller and ATM at proposed 16,500 sq. foot bank/office building at 81 Granger Blvd., refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Communication from The Gutierrez Co. re: request to extend time limitations to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws, to June 8, 2009 at 5:00 PM, Order No. 08/09-1002051A, **APPROVED**; adopted.

ORDERED: That the minutes, Traffic Commission, February 24, 2009, **FILE**; adopted.

ORDERED: That the minutes, Planning Board, February 9, 2009, **FILE**; adopted.

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

- A. Marconi Cardoso, 99 Francis St., other property damage
- B. Kathryn Murdock, 103 Wagon Hill Rd., other property damage

Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08-1002071 – Communication from the Mayor with documents pertaining to the certification of Thomas Abel from the Massachusetts Collectors and Treasurers Association for an additional five years through December 31, 2013. Recommendation of the Personnel Committee is to accept and place on file.

Order No. 08-1002070 – Communication from the Mayor with the reappointment of Thomas Abel as the City Comptroller/Treasurer for a term of three years, expiring August 29, 2011. The City Solicitor advised that this position is for a two year term only, as set forth in the City Code. Recommendation of the Personnel Committee is to refer back to the City Council with a favorable recommendation, with clarification that the appointment is for a two year term, per City Code, order no. 88-1999A. This term shall expire two years from the date of confirmation in the year 2011.

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

Order No. 09-1002104 – Communication from the Assistant City Solicitor regarding Order of Acceptance for Eager Court and Municipal Easement in the Eager Court subdivision. Recommendation of the Legislative and Legal Affairs Committee is to accept Eager Court and Municipal Easement in the Eager court subdivision 3-0.

Councilor Delano reported the following out of the Wireless Communication Committee:

Order No. 08/09-1002023B - Application of Omnipoint Communications Inc. for a Special Permit to install, operate and maintain a wireless communications facility, including a 100-foot flagpole-style tower, at 249 Miles Standish Drive.

The Committee had been waiting since its last meeting in December for Omnipoint to provide further information which the Committee had requested concerning various issues of concern. At the February 25 meeting, Omnipoint announced that it was declining to provide that additional information on the following issues of concern:

- As to coverage –
 - No propagation maps for Omnipoint's nearby Hudson sites.
- As to drainage –
 - No clarification of Omnipoint's confusing first report, and no drainage mitigation plan.
- As to a potential tower collapse on the City's water tank –
 - No report as to the likelihood of collapse, nor as to an emergency plan either for catastrophic damage to the tank or for the safety of the residents.
- As to environmental impact -
 - No study of impact on the area's flora and fauna, nor on the ability of the residents to access the area and
- As to aesthetic or visual impact -
 - No crane test was performed, nor any photo simulations provided as had been promised at the public hearing, in order to give the Council and the residents any reasonable idea of the tower's visual impact on the neighborhood.

At the same time that it was declining to provide this information, Omnipoint also announced at the February 25 meeting that it was declining to request the Council's permission to withdraw its special permit application without prejudice. Recommendation of the Wireless Communication Committee is DENY the application 3-0 given the lack of information provided by Omnipoint concerning its proposed facility.

Suspension of the Rules requested - granted
ORDERED:

**TAX INCREMENT FINANCING AGREEMENT
BY AND BETWEEN
THE CITY OF MARLBOROUGH AND
SEPRACOR INC.**

This TAX INCREMENT FINANCING AGREEMENT (the "TIF Agreement") is entered into this [] day of [] 2009, by and between the City of Marlborough (the "City"), a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at Marlborough City Hall, 140 Main Street, Marlborough, MA 01752, acting through its city council (the "City Council") which designates and delegates the mayor of the City or one of her designees (the "Mayor") to execute this TIF Agreement in accordance with Massachusetts General Laws ("MGL") Chapter 40, Section 59; and Sepracor Inc., a Delaware corporation having a principal place of business at 84 Waterford Drive, Marlborough, MA 01752 ("Sepracor"). The effective date of this Agreement shall be [] [], 2009, the date of approval from the

Commonwealth of Massachusetts Economic Assistance Coordinating Council (the “EACC”).

WHEREAS, Sepracor is a developer and marketer of pharmaceutical products, and plans to increase the office space and building capacity of its principal place of business at the address above; and

WHEREAS, Sepracor's proposed project (the "Project") will involve the construction of a free standing, four story building ("Building 2"), of approximately 143,000 square feet, and a second building ("Building 3") of approximately 72,000 square feet, which will be connected to the south end of Sepracor's existing office building ("Building 1"), located on the Property (as that term is defined below); and

WHEREAS, Building 1 is located on and Buildings 2 and 3 will be constructed on the parcels described in a Quitclaim Deed recorded in the Middlesex County (South District) Registry of Deeds ("the Registry") in Book 36959, page 491 and also described and shown as the City's Assessor Parcel ID Nos. 0063-0001, 0063-0006-0001 and 0063-0006-0002 (such parcels and the improvements thereto are collectively defined as the "Property"); and

WHEREAS, Sepracor is seeking a Tax Increment Financing Exemption for the Property and Project from the City, in accordance with Section 3A, Chapter 23A; Section 59, Chapter 40; and Clause Fifty-first of Section 5, Chapter 59; of the MGL; and

WHEREAS the City strongly supports increased economic development as a means to expand the commercial and industrial tax base, provide additional employment opportunities for residents of the Framingham-Marlborough Regional Economic Target Area, as the term "Economic Target Area" is used in Chapter 23A, Section 3D of the MGL (the "ETA"), and contribute to a healthy, balanced economy and stronger tax base; and

WHEREAS the Property is located within the boundaries of the ETA and is proposed for designation as an Economic Opportunity Area (the "EOA"), as the term "Economic Opportunity Area" is used in Section 3E, Chapter 23A of MGL, by the EACC; and

WHEREAS the Project proposed by Sepracor furthers the economic development goals established for the ETA and meets the criteria for designation by the EACC as a "Certified Plan", as that term is defined in 760 CMR 22.05.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties do mutually agree as follows:

A. THE CITY'S OBLIGATIONS

1. The City Council, by vote at a City Council meeting duly called and held on [_____] [____], 2009, has approved the provisions of this TIF Agreement pursuant to the resolutions attached hereto as Exhibit A. The City hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by Sepracor with the terms of this TIF Agreement. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the EACC.

2. The term of this TIF Agreement is up to fourteen (14) years and will commence on the first day of fiscal year 2010 and will end as of the last day of the fiscal year determined in accordance with Section 3 of Paragraph A of the TIF Agreement.
3. A Tax Increment Financing Exemption (the "Exemption") is hereby granted to Sepracor by the City. This Exemption shall be coterminous with the term of this TIF Agreement.

The formula for calculating the Exemption for the Project and Property will be as prescribed by Section 3E, Chapter 23A; Section 59, Chapter 40; and Clause Fifty-first of Section 5, Chapter 59 of the MGL and as further prescribed by the Code of Massachusetts Regulations (the "CMR") Title 760, Section 22.00. The Exemption formula will apply to the incremental difference in the assessed valuation of the Property, calculated as the difference between the Adjusted Base Valuation (as defined below) in the Base Year (as defined below), and the assessed valuation of the Property for each of the next fourteen (14) fiscal years during the term of the TIF Agreement.

The "Base Valuation" is the assessed value of the Property for the Base Year. The "Base Year" is the fiscal year immediately preceding the fiscal year in which the Property becomes eligible for the Exemption. The City and Sepracor hereby agree that the Base Year for the TIF Agreement is fiscal year 2009.

The Base Valuation will be adjusted annually by an adjustment factor as defined in the version of 760 CMR 22.00 in effect as of January 31, 2009 (the "Adjusted Base Valuation"). This Adjusted Base Valuation will remain fully taxable (*i.e.*, the Exemption shall not apply to or be calculated with respect to the Adjusted Base Valuation and no portion of the Adjusted Base Valuation shall be eligible for exemption from property taxation under Chapter 59 of the MGL) throughout the term of the TIF Agreement.

The increased value, or "increment," created by the Project (including all improvements to the Property throughout the term of the TIF Agreement), is the amount eligible for the Exemption from property taxation under Chapter 59 of the MGL (calculated and applied as provided in this Section 3 of Paragraph A). Pursuant to 760 CMR 22.00, the increment is equal to the amount by which the Property's assessed value for each fiscal year during the term of the TIF Agreement exceeds the Adjusted Base Valuation. All Exemptions will be enacted upon realization of an increase in the assessed value of the Property that results from new investment specific to this Project throughout the term of the TIF Agreement.

Specifically, this TIF Agreement calls for the Exemption from property taxation under Chapter 59 of the MGL for the Project and the Property based on the following schedule:

<u>Fiscal Year</u>	<u>Building 2 Scheduled Exemption Percentage</u>	<u>Building 3 Scheduled Exemption Percentage</u>
2010	100%	100%
2011	70%	100%
2012	60%	100%
2013	50%	100%
2014	40%	100%
2015	30%	100%
2016	20%	60%
2017	20%	50%
2018	20%	40%
2019	10%	30%
2020	0%	20%
2021	0%	10%
2022	0%	10%
2023	0%	10%

4. The City represents to Sepracor and the EACC that it has complied with all substantive and procedural requirements in executing the TIF Agreement and it is a legal, valid and binding document in accordance with the laws of the Commonwealth of Massachusetts.

B. SEPRACOR'S OBLIGATIONS

1. The City is granting the Exemption for the Property and the Project in consideration of Sepracor's commitment to:
 - a. Maintain its current level of 613 jobs in the City and create 250 new permanent full-time jobs over the term of this TIF Agreement (which includes employees located at Building 1 as well as all employees located at other existing Sepracor offices in the City as of the date of this TIF Agreement), and pay all municipal permit fees required in connection with the improvements associated with the Project;
 - b. Invest a minimum of \$30 million in the construction of Building 2 on the Property and related improvement costs, and make on-going personal property expenditures of \$4 million;
 - c. Invest a minimum of \$17 million in the construction of Building 3;
 - d. Timely pay all of its taxes owed to the City over the term of this TIF Agreement; and
 - e. Specifically as to new jobs, create and, over the term of the TIF Agreement, maintain new jobs at the Property according to the following schedule:

<u>Fiscal Year</u>	<u>Building 2 Cumulative Minimum Total Permanent New Full-Time Job Requirements</u>	<u>Building 3 Cumulative Minimum Total Permanent New Full-Time Job Requirements</u>
2010	25	0
2011	50	0
2012	75	0
2013	100	0
2014	125	0
2015	125	25
2016	125	50
2017	125	75
2018	125	100
2019	125	125
2020	125	125
2021	125	125
2022	125	125
2023	125	125

For purposes of determining Cumulative Minimum Total Permanent New Full-Time Job Requirements as set forth in the table above: (i) newly created positions that are filled and then subsequently become open during a particular fiscal year, which Sepracor reasonably believes will be filled within three (3) months of becoming open (and in fact are filled within such three month period), shall continue to be counted as a new job during the term of the TIF Agreement; (ii) in determining whether the Cumulative Minimum Total Permanent New Full-Time Job Requirements have been met for a given fiscal year, the total number of new jobs created from the effective date of the TIF Agreement through the end of such fiscal year shall be aggregated such that if the total number of new jobs created through such period meets or exceeds the Cumulative Minimum Total Permanent New Full-Time Job Requirements for such fiscal year, then Sepracor shall be deemed to have met the Cumulative Minimum Total Permanent New Full-Time Job Requirements for such fiscal year; and (iii) the Building 3 Cumulative Minimum Total Permanent New Full-Time Job Requirements shall apply only upon the application of the Building 3 Scheduled Exemption Percentages as set forth and applied in accordance with Section 3 of Paragraph A.

During the duration of this TIF Agreement, Sepracor will work with the City and local employment agencies to achieve the job creation objectives set forth above

and Sepracor agrees to make commercially reasonable efforts to ensure that the newly created jobs at the Property are made available to residents of the ETA. Notwithstanding anything herein to the contrary, Sepracor may freely transfer new and existing employees among Buildings 1, 2, 3 or any other existing Sepracor office location in the City as of the date of this TIF Agreement in its sole discretion, although Sepracor acknowledges and agrees that each new job shall be counted only once for purposes of Determining Minimum New Job Requirements.

2. Sepracor agrees to submit annual reports on job creation, job retention and new investment to the Mayor by the end of September of each year with respect to the immediately preceding fiscal year during which the TIF Agreement is in effect. Reports shall be submitted for the fiscal year beginning on July 1, 2009, and for every fiscal year thereafter falling within the term of the TIF Agreement. The first report, therefore, shall be submitted by the end of September 2010. The annual report shall include:
 - a. employment levels at the Property at the beginning and end of the reporting period;
 - b. the specific number of ETA and Marlborough residents employed at the Property at the beginning and at the end of the reporting period;
 - c. Sepracor's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
 - d. a description of any private investment, including but not limited to donations and perpetual maintenance of land for recreational purposes, made by Sepracor for the benefit of the community during the reporting period.

During the term of this TIF Agreement, Sepracor will also provide the City with any information related to the Property and/or the Project which the parties mutually agree should be provided.

3. The Scheduled Exemption Percentages set forth in the table in Section 3 of Paragraph A will automatically be adjusted downward in any particular year that Sepracor does not meet the Cumulative Minimum Total Permanent New Full-Time Job Requirements described above. This Scheduled Exemption Percentage will be changed for the fiscal year beginning after the job requirement date, utilizing the following formulas:

Actual Total New Positions in the Given Year / Cumulative Minimum Total Permanent New Full-Time Job x Scheduled Exemption Percentage = actual Exemption Percentage.

For example, if the actual total new job level for Building 2 at the end of fiscal year 2011 is 45, then the Exemption Percentage for Building 2 in fiscal year 2012 will be $(45/50) \times 60\%$ or 54%.

The Exemption Percentage for later years will revert back to the original schedules set forth in the table in Section 3 of Paragraph A if Sepracor restores the job level based on the Cumulative Minimum Total Permanent New Full-Time Job Requirements for that later year. If Sepracor meets or exceeds its Cumulative Minimum Total Permanent New Full-Time Job Requirements, the Exemption Percentage will not change.

Sepracor will be in default of its obligations under the TIF Agreement if Sepracor fails to meet or comply with any of the requirements of Sections 1 or 2 above or Section 4 below of Paragraph 0, and such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to Sepracor, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by Sepracor has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce Sepracor's obligations under the TIF Agreement, including but not limited to a request that EACC decertify the Property and/or Project for eligibility for the Exemption; any such request would be in addition to the automatic downward adjustment of the Scheduled Exemption Percentages described in Section 3 of Paragraph 0 above. Upon any such decertification, the City shall have the right, upon written notice to Sepracor, to terminate the Exemption benefits described in Section 3 of Paragraph A above, commencing as of the fiscal year in which Sepracor is in default or, if such benefits have already been received by Sepracor for the fiscal year in which Sepracor is in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, via certified mail, return receipt requested, or delivered in hand, to Sepracor at the address of its principal office referred to above. Said notice shall be effective upon receipt.

4. Sepracor shall give the City two (2) months' written notice prior to any proposed disposition of the Property or any portion thereof by Sepracor, which identifies the prospective new owner; said notice may include information about such prospective new owner which is not otherwise subject to a confidentiality agreement; and said notice shall be given to: Mayor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. The City shall not, except as required by law, disclose any information provided by Sepracor regarding any proposed disposition of the Property or any portion thereof by Sepracor.

C. OTHER CONSIDERATIONS

1. This TIF Agreement shall be binding upon all parties to it, shall be binding upon Sepracor and its successors and assigns, and shall be binding upon subsequent owners of the Property so long as the Project has not been decertified by EACC.

[Signature Page to Follow]

WITNESSETH the execution and delivery of the TIF Agreement by the City of Marlborough and Sepracor Inc. as an instrument under seal as of the date first written above.

SEPRACOR INC.

CITY OF MARLBOROUGH

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date of Signature

Date of Signature

Exhibit A
(City Council Resolution)

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough strongly supports increased economic development to provide additional jobs for qualified residents of the City and the Marlborough-Framingham Regional Economic Target Area (“ETA”), to expand commercial and industrial activity within the City, and to promote and develop a healthy economy and stronger tax base; and

WHEREAS, the City of Marlborough is a part of the regional ETA; and

WHEREAS, the City Council of the City of Marlborough supports and endorses the economic development goals for the Economic Target Area; and

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents and increasing light industrial activity for Map 63, Parcels 1 and 6 (Lots 1 and 2) on the Marlborough Assessors Map; and

WHEREAS, the City Council of the City of Marlborough desires that the area be designated as the 84/158 Waterford Drive Economic Opportunity Area; and

WHEREAS, the City Council of the City of Marlborough finds that the proposed 84/158 Waterford Drive Economic Opportunity Area meets the criteria for economic goals by creating jobs; and

WHEREAS, the City Council of the City of Marlborough finds that the proposed 84/158 Waterford Drive Economic Opportunity Area meets the local criteria set forth in the Economic Target Area application; and

WHEREAS, the City Council of the City of Marlborough further supports and endorses the economic development goals contained in the Economic Opportunity Area application; and

WHEREAS, the City Council intends to use tax increment financing or special tax assessment economic development tools created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue an application for an Economic Opportunity Area designation in the City of Marlborough be authorized:

1. The City Council of the City of Marlborough hereby authorizes the submission of the 84/158 Waterford Drive Economic Opportunity Area application (attached hereto as Exhibit 1) to the Massachusetts Economic Assistance Coordinating Council;
2. The 84/158 Waterford Drive Economic Opportunity Area is defined to be Map 63, Parcels 1 and 6 (Lots 1 and 2) on the Marlborough Assessors Map;
3. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Development Incentive Board approve Sepracor Inc.'s application for a "Certified Project;" and
4. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing (attached hereto as Exhibit 2) for the Sepracor Inc. Certified Project located within said Economic Opportunity Area.

ORDERED: 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, **APPROVED**; adopted.

ORDERED: That the reappointment of Tom Evangelous to the Parks and Recreation Committee for a term expiring on March 5, 2014, **APPROVED**; adopted.

ORDERED: That the reappointment of Mark Leonard as Police Chief for a four year term expiring on March 1, 2013, **APPROVED**; adopted.

ORDERED: That the 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, **APPROVED**; adopted.

ORDERED: That the budget transfer request in the amount of \$109,000.00 which moves \$95,000.00 from Police Officers to OT Regular, \$9,500.00 from Police Officers to Public Safety Dispatchers and \$4,500.00 from Police Officers to Holiday Pay accounts for anticipated Police overtime deficits for the remainder of the fiscal year, be and is herewith **APPROVED**; adopted.

FROM:

Acct. # 12100001-50420	\$95,000.00
Police Officers	
Acct. # 12100001-50420	\$9,500.00
Police Officers	
Acct. # 12100001-50420	\$4,500.00
Police Officers	

TO:

Acct. # 12100003-51310	\$95,000.00
Overtime-Regular	
Acct. # 12100003-51213	\$9,500.00
Public Safety Dispatchers	
Acct. # 12100003-51490	\$4,500.00
Holiday Pay	

ORDERED: That the budget transfer request in the amount of \$12,000.00 which moves funds from Custodian to Gross Overtime as a result of snow removal and work performed while an employee is out on worker's compensation, **APPROVED**; adopted.

FROM:

Acct. # 11920003-50560	\$12,000.00
Custodian	

TO:

Acct. # 11920003-51300	\$12,000.00
Gross Overtime	

ORDERED: That the budget transfer request in the amount of \$20,000.00 which moves funds from Firefighter to Additional Gross Overtime to cover an anticipated deficit based on figures for the last 22 pay periods of FY08, **APPROVED**; adopted.

FROM:

Acct. # 12200001-50450	\$20,000.00
Firefighter	

TO:

Acct. # 12200003-51300	\$20,000.00
Additional Gross Overtime	

ORDERED: That the budget transfer request in the amount of \$93,500.00 which moves funds from and to various DPW accounts which represent actual and anticipated overtime deficits for the remainder of FY09, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Public Works

FISCAL YEAR: FY 09

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$304,522.00</u>	<u>\$3,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$3,000.00</u>	<u>14001303</u>	<u>51310</u>	<u>OT-Reg</u>	<u>\$4,618.42</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Projected need to cover overtime for remainder Fy 09.</u>				
<u>\$304,522.00</u>	<u>\$22,800</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$22,800</u>	<u>14001303</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>(\$4,803.11)</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Estimation based on one foreman promoted as acting division supervisor until 5-Feb-09 and Foreman on medical leave for hip replacement.</u>				
<u>\$304,522.00</u>	<u>\$700</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$700</u>	<u>14001403</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$574.60</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Anticipated time off by foreman (contractual)</u>				
<u>\$304,522.00</u>	<u>\$9,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$9,000</u>	<u>1400503</u>	<u>51310</u>	<u>OT-Reg</u>	<u>\$4,081.51</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Projected need to cover overtime for remainder Fy 09.</u>				
<u>\$304,522.00</u>	<u>\$7,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$7,000</u>	<u>14001503</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$6,202.59</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Estimation based on Cemeteries Division Foreman and Parks Foreman undergoing surgery (3 weeks & 8 weeks recovery time respectively) (contractual)</u>				

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Public Works

FISCAL YEAR: FY 09

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$49,516.00</u>	<u>\$28,000</u>	<u>91090001</u>	<u>50460</u>	<u>Meter Reader</u>	<u>\$28,000.00</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$20,233.66</u>
	Reason:	<u>Funds available from W. C. injury.</u>				<u>Anticipate need to cover normal overtime needs to cover underfunding.</u>			
<u>\$253,113.27</u>	<u>\$15,000</u>	<u>61090001</u>	<u>50740</u>	<u>Equip. Operator</u>	<u>\$15,000</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$20,233.66</u>
	Reason:	<u>Funds available from W. C. injury.</u>				<u>Anticipate need to cover normal overtime needs to cover underfunding.</u>			
<u>\$49,516.00</u>	<u>\$5,500</u>	<u>91090001</u>	<u>50460</u>	<u>Meter Reader</u>	<u>\$5,500</u>	<u>60081003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$4,958.82</u>
	Reason:	<u>Funds available from W. C. injury.</u>				<u>Power outages and storms have placed heavy demand on account.</u>			
<u>\$9,851.13</u>	<u>\$2,500</u>	<u>60085006</u>	<u>54340</u>	<u>Maintenance Machinery</u>	<u>\$2,500.00</u>	<u>60085003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$6,585.65</u>
	Reason:	<u>Anticipate adequate funds for rest of year.</u>				<u>Power outages and storms have placed heavy demand on account.</u>			

Councilor Vigeant requested to be recorded in opposition.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:35 p.m.