



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
(508)460-3775 FAX (508)624-6504
JANUARY 28, 2008

Regular meeting of the City Council held on Monday JANUARY 28, 2008 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juaire, Clancy and Landers. Meeting adjourned at 8:42 p.m.

ORDERED: Minutes, City Council meeting, DECEMBER 17, 2007 & January 7, 2008, **FILE**; adopted.

ORDERED: That the appointments of the following persons to the positions indicated effective January 7, 2008, **FILE**; adopted.

Donald V. Rider, Jr. – City Solicitor

Karen A. Kisty – Executive Aide to the Mayor

Diane C. Halper – Executive Secretary to the Mayor

ORDERED: That Jean Peters' reappointment to the Library Board of Trustees for a term of three years expiring of February 1, 2011, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That Mark Gibbs' reappointment as Information Systems Director for a term of three years expiring January 1, 2011, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That Police Chief Mark Leonard's reappointment as Keeper of the Lock for a term of one year expiring the 1st Monday of February 2009, **FILE**; adopted.

ORDERED: That Stephen F. Reid's reappointment as Building Inspector for a term of three years expiring February 1, 2011, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That Deborah A. Puleo's reappointment as City Collector effective February 1, 2008, refer to **PERSONNEL COMMITTEE**; adopted.

Suspension of the Rules requested – granted, adopted to allow the Mayor to speak to inform City Council that the referral to the Personnel Committee would not adversely affect the bond renewal for Deborah Puleo.

ORDERED: That Daniel C. Brogie's reappointment to the Board of Assessors for a term of three years expiring on February 1, 2011, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That Dr. Kevin Cozzi's reappointment to the Board of Health for a term of three years commencing on February 4, 2008 and terminating on February 7, 2011, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That an oversight was made in the closing of the FY2007 books regarding funds in the amount of \$1,451,150.50 were not encumbered for the June 30th retirement fund payment and these funds were closed out at year end and became part of the free cash calculation, **REFER BACK TO MAYOR, COMPTROLLER AND AUDITOR AND TO BE PLACED ON THE FEBRUARY 11, 2008 AGENDA**; adopted.

MOTION: Councilor Schafer requested that the Mayor, Comptroller and Auditor can address City Council regarding the oversight.

ORDERED: That the following transfer of \$130,649.98 from Reserve for Salaries to Various Accounts, refer to **FINANCE COMMITTEE AND REQUEST THE MAYOR TO PROVIDE THE CITY COUNCIL WITH A SUMMARY OF CONTRACT CHANGES PRIOR TO THE ITEM BEING ADDRESSED IN FINANCE COMMITTEE**; adopted.

REQUEST TO FUND MARLBORO MUNICIPAL EMPLOYEE ASSOC CONTRACT

FROM : ACCOUNT 11990006-57820 RESERVE FOR SALARIES

\$130,649.98

TO: THE FOLLOWING ACCOUNTS

COMPTROLLER

11330002	-50062	FIN ASST	\$5,928.14
			0.00
11330003	-51430	LONGEV	0.00
	-51920	SICK BB	209.97

INSPECTION

12410001	-50260	AST BLD IN	\$5,788.43
	-50370	PLUMB INS	3,227.78
	-50380	ELEC INSP	2,196.00
12410002	-50770	SR CLK	6,123.50
12410003	-51430	LONGEV	0.00
	-51920	SICK BB	200.60

AUDITOR

11350002	-50550	HEAD CLK	\$ 2,703.10
	-50770	SR CLK	1,054.28
11350003	-51430	LONGEV.	185.14
	-51920	SICK BB	103.95

DPW ADMIN

14001002	-50550	HEAD CL	\$2,702.71
	-50770	SR. CLK	1,035.42
	-50520	PRIN CLK	2,447.66
14001003	-51430	LONGEV	250.00
	-51920	SICK BB	0.00
61090002	-50520	PRIN CLK	3,381.68
	-51430	LONGEV	1,085.00
	-51920	SICK BB	1,547.82

ASSESSORS

11410002	-50520	PRIN CLK	\$2,401.70
11410001	-50170	SR ASSR	3,469.34
11410002	-50550	HEAD CL	2,702.71
11410003	-51430	LONGEV	222.60
	-51920	SICK BB	195.93

RECREATION

14920001	-50166	PRG MR	\$6,277.97
14920002	-50770	SR. CLK	2,058.87
14920003	-51430	LONGEV	0.00
	-51920	SICK BB	189.03

COLLECTOR

11440002	-50770	SR CLK	\$4,117.74
11440003	-51430	LONGEV	38.00
	-51920	SICK BB	40.20

HEALTH & LICENSE

15120001	-50611	ASST SAN	\$1,566.38
15120002	-50770	SR. CLK	2,058.95
15120003	-51430	LONGEV	0.00
	-51920	SICK BB	0.00

INFO SYSTEMS

11550001	-50210	SYS ANYL	\$3,078.09
	-50213	NET ENG	4,043.53

CITY CLERK

11610002	-50770	SR. CLK	\$2,058.87
11610003	-51430	LONGEV	0
	-51920	SICK BB	0

COUNCIL ON AGING

15410001	-50312	OUTREACH	\$2,199.91
15410002	-50520	PRIN CLK	2,401.70
15410003	-51430	LONGEV	0.00
	-51920	SICK BB	91.70

ELECTION/REG

11620002	-50550	HEAD CL	\$2,702.88
	-50770	SR. CLK	0.00
11620003	-51430	LONGEV	0.00
	-51920	SICK BB	1,803.22

LIBRARY

16100001	-50470	CHILD LIB	0.00
	-50471	YNG ADULT	913.09
	-50480	CATALOG	2,402.05
	-50656	HD CIRCL	1,565.90
16100002	-50520	PRIN CLK	2,308.49
16100003	-50490	LIB STAFF	4,118.13
	51261	PT CLKS	0.00
	51262	PAGES	0.00
	51263	SUN STAFF	5,057.07
	-51430	LONGEV	236.63
	-51920	SICK BB	148.39

PROPERTY & BUILD

11920001	-50292	CRAFTMN	\$10,089.43
	-50385	ELECTRIC	5,506.57
11920002	-50520	PRIN CLK	1,255.09
11920003	-50560	CUSTOD	0.00
11920003	-51430	LONGEV	0.00
	-51920	SICK BB	0.00

FIRE

12200002	-51214	PUB AST	\$2,864.13
12200003	-51430	LONGV	50.00

POLICE

12100002	-50520	PRIN CLK	\$3,458.91
12100003	-50540	CHF DISP	2,622.22
	-51213	PBL DISP	0.00
	-51214	PUB ASST	2,863.38
	-51430	LONGV	1,000.00
	-51920	SICK BB	300.00

COLUMN SUB TOT = \$ 66,494.99

COLUMN SUB TOT = \$64,154.99

TOTAL TRANSFER REQUEST = \$130,649.98

ORDERED: That the following budget transfer in the amount of \$4,285.00 which would move funds from Undesignated Funds to Printing to cover the cost of programming voting machines for the upcoming Presidential Primary, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 100-35900	\$4,285.00
Undesignated Fund	

TO:

Acct. # 11620004-53930	\$4,285.00
Stabilization	

ORDERED: That the following budget transfer in the amount of \$2,125.44 which would move funds from Animal Inspector to Professional & Technical Services to allow payment to Critter Control, **APPROVED**; adopted.

FROM:

Acct. # 15120003-50830	\$2,125.44
Animal Inspector	

TO:

Acct. # 15120006-53180	\$2125.44
Professional & Technical Services	

ORDERED: That the following budget transfer in the amount of \$12,200.00 which would move funds from Equipment Operator-Streets to Interim Foreman-Streets to fill foreman position on an interim basis, and \$2,000.00 from Equipment Operator-Forestry/Parks/Cemetery to fill a temporary vacancy due to retirement, **APPROVED**; adopted.

FROM:

Acct. # 14001303-50740	\$12,200.00
Equipment Operator-Streets	

Acct. # 14001503-50740	\$2,000.00
Equipment Operator-Forestry/Parks/Cemetery	

TO:

Acct. # 14001303-51470	\$12,200.00
Interim Foreman-Streets	

Acct. # 14001503-51470	\$2,000.00
Interim Foremen-Forestry/Parks/Cemetery	

ORDERED: That the Marlborough Police Department has been awarded a Community Policing grant in the amount of \$35,952.00 from the Commonwealth's Executive Office of Public Safety for various expenses associated with the City's successful community policing efforts, **APPROVED**; adopted.

ORDERED: That the Marlborough Police Department has been awarded a reimbursement grant in the amount of \$3,609.60 from the Commonwealth's Executive Office of Public Safety for salary overtime charges related to underage alcohol enforcement, **APPROVED**; adopted.

ORDERED: That the Marlborough Fire Department has been awarded a grant in the amount of \$1,000.00 from the Wal-Mart Community Grants Program for the purpose of Fire Department staff attendance at grant writing seminars, **APPROVED**; adopted.

(Councilor Juare abstained)

ORDERED: That the correspondence from Public Facilities Director, John Ghiloni regarding the current lease allowing for a private school property to occupy the Bigelow School property will be expiring on June 30th of this year, refer to the **OPERATIONS & OVERSIGHT COMMITTEE**; adopted.

ORDERED: That a part-time Senior Clerk dedicated to the Code Enforcement Officer, **REFER BACK TO THE MAYOR AND TO BE PLACED ON THE FEBRUARY 11, 2008 AGENDA**; adopted.

MOTION: Councilor Ossing requested the Mayor provide the City Council with the salary associated with this position, thus the City Council will know the financial ramifications of the position.

ORDERED: That the summary as to the status of the property located at 110 Pleasant St., Corbin Plaza, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

MOTION: Councilor Juairé requested to amend the motion to include that the Mayor attend the Operations and Oversight Committee meeting to declare the intention of the City and long term plans regarding this property. Additionally request that the Building Inspector, Plumbing Inspector, Wiring Inspector, Fire Department and the Code Enforcement Officer thoroughly examine the property and report back to the Operations and Oversight Committee.

ORDERED: That the following budget transfer in the amount of \$6,000.00 which would move funds from Undesignated Funds to R911 support to accommodate an expansion of 12 additional voice ports (\$3,500.00) and payment for the balance of the MassCall requirements from August (\$2,500.00), refer to **FINANCE COMMITTEE AND REQUEST THAT THE MAYOR PROVIDE CORRECTED TRANSFER SHEETS WHICH ACCURATELY DEPICT THE ACCOUNTS THAT ARE AFFECTED IN THE TRANSFER**; adopted.

FROM:

Acct. # 100-35900	\$6,000.00
Undesignated Fund	

TO:

Acct. # 11210002-53182	\$6,000.00
R911 Support	

ORDERED: That a petition to the General Court, accompanied by a bill for a special act relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article II, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

SECTION 1. Chapter 275 of the acts of 1922 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Except as otherwise provided herein, and notwithstanding section 60 of chapter 43 of the General Laws pertaining to the appointment, removal and confirmation of the city solicitor, the city of Marlborough shall conduct its city government under the form provided in sections 56 to 63 inclusive of said chapter 43 of the General Laws, known as Plan B, and said sections 56 to 63 inclusive and sections 1 to 45 inclusive of said chapter 43, shall, except as otherwise provided herein and except to the extent that section 60 of said chapter 43 pertains to the appointment, removal and confirmation of the city solicitor, apply to the said city

government to the same extent as if said plan was accepted by the said city in the manner provided in said chapter 43. The city solicitor of the city of Marlborough shall have the term of 5 years beginning on the effective date of this act. Upon the expiration of the first 5 year term, the mayor of the city of Marlborough may reappoint the individual then holding the office of city solicitor, and such reappointment shall be subject to confirmation by the city council of said city. In the event that, upon the expiration of the first 5 year term, the individual then holding the office of the city solicitor is not reappointed by the mayor, or if reappointed, not confirmed by the city council, the mayor may appoint another individual subject to confirmation by the council.

SECTION 2. This act shall take effect upon its passage, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Note: Councilor Pope noted that if this ordinance is approved, hence amending the City of Marlborough's charter, that agenda Item 2 of January 28, 2008, regarding the appointment of the City Solicitor shall be null and void.

ORDERED: That City Council Order No. 06100-1337A, as adopted on November 6, 2006, and as amended on March 12, 2007, is hereby further amended by authorizing the Mayor, after having conferred collectively with two City Councilors, the Chief Procurement Officer and the Public Facilities Director, to have the exclusive authority to execute a binding agreement, for a period not to exceed a 5-year maximum term inclusive of any renewals or extensions of said agreement, with the selected supplier once pricing bids have been received and reviewed, as well as the exclusive authority to amend such agreement with regard to non-substantive issues and to report same to the Council, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

(Councilor Ossing and Councilor Schafer abstained)

ORDERED: That the Special Election for the Ward 5 seat to fill the vacancy caused by the unexpected resignation of Maura Navin Webster, **APPROVED**; adopted.

ORDERED: That the following notification from the City Clerk re: the **PRESIDENTIAL PRIMARY ELECTION CALL, FILE**; adopted.

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **PRESIDENTIAL PRIMARY ELECTION** will be held in the polling locations as noted below on **FEBRUARY 5, 2008** as follows:

Presidential Preference, State Committee Man, State Committee woman and City Ward Committees.

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

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 & 2 Francis J. Kane School, 520 Farm Rd,
 WARD TWO: Prec. 1 & 2 Francis J. Kane School, 520 Farm Rd,
 WARD THREE: Prec. 1 Masonic Hall, 8 Newton St, corner of Main/Newton Sts,
 WARD THREE: Prec. 2 Raymond J. Richer School, 80 Foley Rd,
 WARD FOUR: Prec. 1 & 2 Boys & Girls Club, 169 Pleasant St,
 WARD FIVE: Prec. 1 Senior Center, 250 Main St,
 WARD FIVE: Prec. 2 Masonic Hall, 8 Newton St, corner of Main/Newton Sts,
 WARD SIX: Prec. 1 & 2 Marlborough Middle (Intermediate) School, 25 Union St,
 Library,
 WARD SEVEN: Prec. 1 & 2 Hildreth School Gymnasium, 85 Sawin St

ORDERED: That the Department of Public Works be authorized to remove snow and ice from the following private ways, in accordance with the provisions of Chapter 225 of the Acts of 1943, provided said ways be of such construction and condition that, in the opinion of the Commissioner of Public Works, snow and ice removal may be performed safely and conveniently and with no potential risks to city personnel and equipment, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Du Fresne Dr. – West Ridge Estates, off West Hill Rd.

Goodwin St. – Cider Mill Estates, off West Hill Rd.

Joseph North Rd. – O’Leary’s Landing, off Berlin Rd.

Blake Circle – Acre Bridge Estates, Off Cook Lane

ORDERED: That the communication from Andrew Pearsall, consultant for Verizon Wireless, who is currently researching areas for a Telecommunications facility within areas of Rt. 85 and the Marlborough Fort Meadow Reservoir area, refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: That the communication from the Sudbury Companies of Militia and Minute requesting permission to place a temporary sign on city property at the corner of US Route 20 and Hagar Rd. at the Wayside Inn turn from September 20, 2008 to September 28, 2008, **APPROVED**; adopted.

ORDERED: That the communication from the Central Massachusetts Mosquito Control Project, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, December 3, & 17, 2007, **FILE**; adopted.

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

- | | |
|---|--|
| 1. Nick Traitoris, 191 DeSimone Dr., property damage | 20. Doris Felch, 713 Farm Rd., property damage |
| 2. Judy Proteau, 30 Lafayette Dr., property damage | 21. Robert Gibson, 743B Farm Rd., property damage |
| 3. Thelma Balsler, 125 Framingham Rd., property damage | 22. Murray P. Reiser, c/o Cesar Sacoto, vehicle accident |
| 4. Ellen Desautels, 500 Bigelow St., property damage | 23. Jeffrey, Kisty, 273 DeSimone Dr., property damage |
| 5. First Church, 37 High St., property damage | 24. Mark Estabrook, 287 West Hill Rd., property damage |
| 6. Dennis Burianek, 22 Wright Dr., property damage | 25. Richard Roscoe, 82 Peltier St., property damage |
| 7. Paul Zompetti, 38 Wellington St., vehicle damage | 26. Frederick Weixel, 119 Barnard Rd., vehicle damage |
| 8. May Ling Chung, 161 Simpson Rd., property damage | 27. Christine Burgarella, 76 O’Grady Rd., property damage |
| 9. Paul Connor, 297 DeSimone Dr., property damage | 28. Roger Nelson, 760 Stevens St., property damage |
| 10. Donna DiCicco, 41 Demers Dr., property damage | 29. Diane Insani, 58 Concord Rd., property damage |
| 11. Michael Shields, 47 Woodridge Rd., property damage | 30. Charles Sarian, 51 Bouffard Dr., property damage |
| 12. Ann M. Maichin, 63 Simpson Rd., property damage | 31. Ada Arenstrup, 18 Parmenter Rd., Hudson, vehicle damage |
| 13. Jose Salgueso, 13 Emmett St., property/vehicle damage | 32. Esther G. Asilo, 21 Cugella Dr., vehicle damage |
| 14. Hsin Lee, 27 Kelleher St., property damage | 33. Richard Sill, 32 Wayside Inn Rd., Framingham, vehicle damage |
| 15. Denise Murphy, 19 Tassi Dr., property damage | 34. Michelle Russo, 101 Donahue Dr., property damage |
| 16. Lawrence Mullaney, 120 Concord Rd., property damage | 35. Ping Huang, 53 Lancaster Rd., Clinton, vehicle damage |
| 17. Hector Cormier, 43 Raymond Rd., property damage | 36. Dan Kowal, 28 Hemlock Dr., Northborough, vehicle damage |
| 18. Michael Miele, 210 West Hill Rd., property damage | 37. Marilyn M. Campbell, 335 Farm Rd., property damage |
| 19. Unmesh Gundewar, 8 Flint Dr., property damage | 38. Roy Larkin, 372 Berlin Rd., property damage |

(Councilor Juaire abstained)

MOTION: Councilor Levy requested to amend the motion to include that the claims also be referred to the Operations and Oversight Committee.

Note: Councilor Pope requested a report from the DPW Commissioner as to whether these claims are pertinent to plow operators who are repeat offenders. Councilor Schafer requested a report from the DPW Commissioner as to whether the plow operators are outside contractors or DPW employees.

Suspension of the Rules requested – granted; adopted.

ORDERED: That the communication from Andy Candiello, agent to MetroPCS regarding request for issuance of an RFP for water tank/standpipe located on Onamog St. on Fairmont hill, refer to **WIRELESS COMMUNICATION COMMITTEE**, adopted.

Suspension of the Rules requested – granted; adopted.

ORDERED: That application from Benjamin Smith of Tunison Smith Co. regarding sewer connection permit for Mauro Farm, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:42 p.m.