



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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OCTOBER 27, 2008

Regular meeting of the City Council held on Monday OCTOBER 27, at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juairé, Seymour, Clancy and Landers. Meeting adjourned at 8:38 p.m.

ORDERED: Minutes, City Council Meeting, October 6, 2008, **FILE**; adopted.

ORDERED: That the WELCOME ceremony for our Japanese students from our sister city of Akiruno Japan, **FILE**; adopted.

Suspension of the Rules requested-granted to allow the Mayor to speak.

ORDERED: That the Massachusetts Department of Revenue has certified free cash in the amount of \$6,925,031.00, **FILE**; adopted.

ORDERED: That the transfer request in the amount of \$51,032.98 on the behalf of the Marlborough Fire Department, to cover overtime costs as follows, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12200001-50450 \$36,545.12
Firefighter

TO:

Acct. # 12200003-51300 \$36,545.12
Additional Gross OT

FROM:

Acct. # 12200001-50800 \$2,567.55
Captain

TO:

Acct. # 12200003-51300 \$2,567.55
Additional Gross OT

FROM:

Acct. # 12200001-50810 \$5,596.80
Lieutenant

TO:

Acct. # 12200003-51300 \$5,596.80
Additional Gross OT

FROM:

Acct. # 12200001-50450 \$6,323.51
Firefighter

TO:

Acct. # 12200003-51300 \$6,323.51
Additional Gross OT

ORDERED: That the closing of the books relative to FY08 is on schedule, **FILE**; adopted.

ORDERED: That the Assistance to Firefighters Grant in the amount of \$131,708.00 from the Federal Emergency Management Agency and the Department of Homeland Security be awarded to the Marlborough Fire Department for use in Rapid Intervention Training used in the rescue of firefighters in jeopardy during emergency operations and Driver Safety During Emergency Response instruction to review/improve driving skills required for rapid response situations, as outlined in MGL, Chapter 44 Section 53A which stipulates that grant funding be strictly applied to purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: **EASTERLY WASTEWATER TREATMENT PLANT**

WIRELESS COMMUNICATIONS FACILITY REVOLVING FUND – FY2009

That, pursuant to the provisions of § 53E% 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 2009, 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 2009, 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 government employers are required to implement Governmental Accounting Standards Board (GASB) 43 and 45, which is an accounting of obligations for post employment benefits not related to pensions (OPEB) which must be disclosed on the City's financial statements and must contain: an actuarially-determined liability, assumptions used to determine liability, what benefits are offered, which employees are eligible, and the number of employees covered. Further, that the implementation date for GASB 43 and 45 varies according to the FY1999 annual revenues of the governmental unit and Marlborough must begin reporting its OPEB with the publication of our FY2009 financial statements, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the DPW Commissioner's report regarding Operations Review of the Forestry, Parks and Cemetery Division, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board regarding their recommendation of the Proposed Zoning Ordinance so that Retirement Community Overlay Districts be abolished and that Retirement Communities be an allowable use in all districts with a Special Permit, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 24, 2008** as date for a **PUBLIC HEARING** on the Application to modify Special Permit for 204-206 West Main St., Condition #5 which currently obligates owner occupancy, thereby precluding rentals, Order No. 99-8106, from Shalvis Realty, LLC, **REFER TO URBAN AFFAIRS COMMITTEE, AND ADVERTISE**; adopted.

ORDERED: That Communication from the MassDevelopment Finance Agency re: considering final approval to a revenue bond project to be financed on behalf of the Justice Resource Institute, Inc., **FILE**; adopted.

ORDERED: That Communication from Tennessee Gas Pipeline re: Emergency Personnel Contact List, refer to the **EMERGENCY MANAGEMENT DIRECTOR, DON CUSSON**; adopted.

ORDERED: That the Communication from the Suburban Coalition re: FY 09 membership to the Suburban Coalition, **FILE**; adopted.

ORDERED: That the Communication from the Commonwealth of Massachusetts, Department of Public Utilities re: Notice of Filing and Public Hearing, **FILE**; adopted.

ORDERED: That the amended minutes, Board of Assessors, March 28, 2008 **FILE**; adopted.

ORDERED: That the minutes, Planning Board, September 29, 2008 **FILE**; adopted.

ORDERED: That the minutes, Community Development Authority, July 31 & August 28, 2008, **FILE**; adopted.

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

A. Kerry Brsington, 24 Gregoire Dr., vehicle damage

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 08-1002015 – Transfer request in the amount of \$33,000 in Various DPW Salary Accounts. The Finance Committee reviewed the Mayor's letter dated October 1, 2008 requesting the transfer of \$22,000 from DPW Motor Equipment Repairman to Temporary Part Time help which would provide coverage for an employee injury situation as well as part time co-op help through the balance of this fiscal year and \$11,000 from DPW Assistant Engineer to Interim Foreman. **Recommendation of the Finance Committee is to approve 3-2, the two transfers totaling \$33,000. (Councilors Levy and Delano opposed)**

Order No. 08-1001985 – Sepracor Tax Increment Financing (TIF) Proposal. The Finance Committee reviewed the Mayor's letter dated September 3, 2008 requesting the City Council review the Sepracor TIF proposal consisting of the following:

- The TIF agreement
- The TIF plan
- The certified project application
- The application for the 84/158 Waterford Drive Economic Opportunity Area
- City Council resolution

The City Council asked the Sepracor official (Brian Iwata) to provide the following information at the next FINCOM meeting:

- Throughout the TIF proposal, review the designations used for Building #2 and #3 for consistency.
- On page 6 of the TIF Agreement, correct the example in the third paragraph under Item 3 that describes the exemption formula if the cumulative minimum job requirements are not satisfied.
- Sepracor to provide a summary of the past, present and future involvement in city activities.
- Provide the number of employees at the main building on Waterford Drive as well as 111, 100 and 33 Locke Drive
- Councilor Ferro and Mr. Trodella to review the Building 2 Scheduled Exemption Percentage table and forward revised values to Sepracor prior to the next Finance Committee meeting.

Recommendation of the Finance Committee is table 5-0 to the next Finance Committee meeting.

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08-1001999 – Reappointments as follows: Alfred Hill & John Usinas to the Commission on Disabilities for terms expiring on November 6, 2011 and Bea Morris and Debra McManus to said Commission for terms expiring on November 6, 2010. Additionally, Richard Towle with an expiration date of 3 years from date of appointment. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002000 – Reappointments of John Noble & Gary Brown to the Historical Commission with terms expiring September 18, 2011 & September 18, 2012 respectively. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002001 – Reappointment of James Holt to the Caretaker of Soldiers and Sailors Graves with term expiring February 1, 2010. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002002 – Reappointment of Gary Brown as the City's Director of Veteran Aid and Service with term expiring September 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002003 – Appointment of John Nicholson to the Youth Commission with an expiration date of 3 years from date of appointment. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002017 – Reappointment of James Natale to the Zoning Board of Appeals with term expiring May 5, 2013. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1001982 – Reappointment of Paul Guinta to the Zoning Board of Appeals with term expiring May 5, 2013. Recommendation of the Personnel Committee is to approve 3-0.

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

Order No. 08-1002020 - Petition from NSTAR to install 375' of 2.00" plastic gas main as a system improvement to supply 56 & 58 Framingham Rd. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.

Order No. 08-1002021 - Petition from NSTAR to install 320' of 2.00" plastic gas main as a system improvement to supply 491 Northboro Rd. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.

Order No. 08-1002022 - Petition from Nation Grid to relocate pole #90 & #91 on Robin Hill St. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:38 p.m.