



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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NOVEMBER 24, 2008**

Regular meeting of the City Council held on Monday November 24, at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juaire, Seymour, Clancy and Landers. Meeting adjourned at 8:47 p.m.

ORDERED: Minutes, City Council Meeting, November 10, 2008, **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on the Application for Revised Special Permit from Shalvis Realty, LLC, to modify Order 99-8106, Special Permit from Eric Rennie, ERA Corporation, re: modifying condition #5 which currently obligates owner occupancy, thereby precluding rentals, all were heard who wish to be heard, hearing adjourned at 8:24 p.m.

ORDERED: That the communication from the Mayor pertaining to identifying potential FY09 budget cuts, **FILE**; adopted.

ORDERED: That the transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to Stabilization given the healthy state of the City's finances, **APPROVED**; adopted.

FROM:

Acct. # 100-35900 \$1,000,000.00  
Undesignated Fund

TO:

Acct. # 836000-11515 \$1,000,000.00  
Stabilization

ORDERED: That the transfer request in the amount of \$5,000.00 which moves funds from Omnipoint/T-Mobile for the easterly wastewater facility installation to a new Stabilization account, Recycling Swap Shack, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$5,000.00  
Undesignated Fund

TO:

Acct. # 836000-32721 \$5,000.00  
Recycling Swap Shack

ORDERED: That the transfer request in the amount of \$190,000.00 which moves mitigation funds received relative to the Design Pak redevelopment project to Affordable Stabilization Fund, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$190,000.00  
Undesignated Fund

TO:

Acct. # 836000-32718 \$190,000.00  
Affordable Housing

ORDERED: That the transfer request in the amount of \$39,850.24 which moves funds from Undesignated Fund to Open Space per City's annual payment agreement with Ward Mountain LLC, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 83600-11520 \$39,850.24  
Undesignated Fund

TO:

Acct. # 19300006-58170 \$39,850.24  
Open Space Acquisition

**Suspension of the rules requested – granted to allow the Mayor to speak as to whether there were any requests for salary adjustments pertinent to the firefighter appointments. She stated that there were none.**

ORDERED: That the permanent firefighter appointments of Donald Bardsley, Christopher Bishop and Adam Buckley, **FILE**; adopted.

ORDERED: That the communication from the Mayor regarding the resignation of Sue Ellis as Personnel Director, refer to **FINANCE COMMITTEE TO FURTHER RESEARCH OTHER COMMUNITIES REGARDING SALARY RANGES FOR PERSONNEL/HUMAN RESOURCES ESPECIALLY IN NEIGHBORING COMMUNITIES**; adopted.

ORDERED: That the \$10,000,000.00 Massachusetts Opportunity Relocation and Expansion (MORE) grant to be used to address the federally-mandated upgrades to the wastewater treatment plants, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the recommendation of the Planning Board to oppose the Modified New Car Dealership Overlay District, **FILE**; adopted.

ORDERED: That the communication from Attorney Gadbois regarding the draft of the Conservation Restriction from ForeKicks II Limited Partnership, pertinent to Special Permit for 219 Forest St., refer to **URBAN AFFAIRS COMMITTEE**; adopted.  
(Councilor Vigeant abstained)

ORDERED: That Application from Attorney Bergeron, on behalf of Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust, to withdraw without prejudice an Application for Special Permit to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51, Order No. 08-1001877, **APPROVED**; adopted.

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership to construct 80 units on less than 14 acres and to revise current permit conditions accordingly, until 5:00 PM on March 1, 2009, **APPROVED**; adopted.

ORDERED: That the minutes, Community Development Authority , September 25, 2008 **FILE**; adopted.

ORDERED: That the minutes, Planning Board, October 27, 2008, **FILE**; adopted.

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

A. Debra Baldelli, 27 Spoonhill Ave., vehicle damage

B. Plymouth Rock Insurance Co., on behalf of Kimberly O'Brien, vehicle accident

Reports of Committees:

Councilor Ferro reported the following out of the Operations and Oversight Committee:

**Order No. 08-1002047 – Communication from the Mayor regarding the disposition of Corbin Plaza located at 110/118 Pleasant St.** Mayor's communication noted the auction is scheduled for the week of December 8, 2008 by the Zekos Group of Shrewsbury. **Recommendation of the Operations and Oversight Committee is to refer back to City Council with a recommendation to file.**

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

**Order No. 08-1001983 – Communication from the Mayor requesting to convert two existing Beer and Wine licenses to ALL Alcohol licenses.** Councilor Ferro abstained from this discussion. The Committee heard from the License Board Chairman Walter Bonin regarding the request of that Board to upgrade two Beer and Wine licenses to ALL Alcohol license. Mr. Bonin explained that the Board's request was based on their determination that Route 20 East is presently under represented and the downtown area would be better served with an additional license. He stated that the Board requested these upgrades as a matter of public interest. This being a matter of public interest, the Committee determined it would be appropriate to receive input from the public through a public hearing. **Recommendation of the Legal and Legislative Affairs Committee is to Suspend the Rules to set a public hearing for Monday, January 5, 2009 and advertise 2-0. Order was tabled and remains in Committee.**

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

**Order No. 08-1001973 – Communication from Nobel Construction Co. and Planning Board requesting to accept Joseph North Road as a public way. Recommendation of the Public Service Committee is to approve the acceptance 2-0.**

Councilor Pope reported the following out of the Urban Affairs Committee:

**Order No. 08-1001833F - Application from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC, relevant to modifying zoning amendment via modified version of adopting proposed New Car Dealership Overlay District. Recommendation of the Urban Affairs Committee is to deny as it results in Spot Zoning.**

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 08-1002031 – Transfer \$51,032.98 to cover Firefighter Overtime.** The Finance Committee reviewed the Mayor's letter dated October 21, 2008 requesting the transfer from various firefighter salary accounts in the amount of \$51,032.98 to the Gross Overtime Account. **Recommendation of the Finance Committee is to approve 5-0.**

**Order No. 08-1002033 – Grant for Firefighter Training for \$131,708.00.** The Finance Committee reviewed the Mayor's letter dated October 21, 2008 requesting the approval of a grant for the Firefighters in the amount of \$131,708.00 to provide rapid intervention training and driver safety training. The grant is funded by FEMA at 90% (\$118,537.00) and the City will match 10% (\$13,171.00). The City match will come from the Public Safety Training account. **Recommendation of the Finance Committee is to approve 4-1 (Councilor Ossing opposed).**

**Order No. 08-1002034 – Revolving Fund for Easterly Wastewater Treatment Plant.** The Finance Committee reviewed the Mayor's letter dated October 22, 2008 requesting the City Council establish a revolving fund for the income received from the telecommunications equipment located at the Easterly Wastewater Treatment Plant for improving municipal parks and playgrounds. **Recommendation of the Finance Committee is to table the order 5-0.**

**Order No. 08-1001985 – Sepracor Tax Increment Financing (TIF) Proposal -** The Finance Committee continued the review of 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

A motion was made to revise the TIF structure that was prepared by Councilor Ferro. The motion did not carry – one in favor (Councilor Ferro) and four opposed (Councilors Delano, Landers, Levy and Ossing).

A motion was made to approve the TIF agreement, TIF plan, certified project application, 84/158 Waterford Drive Economic Opportunity Area, and Council resolution. **Recommendation of the Finance Committee is to approve the motion** — four in favor (Councilors Delano, Landers, Levy and Ossing) and one opposed (Councilor Ferro).

The Mayor was requested to have the City Solicitor provide the Council at the November 24, 2008 Council meeting with the revised copy of the TIF agreement, TIF plan, certified project application, 84/158 Waterford Drive Economic Opportunity Area, and Council resolution.

#### **Suspension of Rules requested - granted**

ORDERED: That there being no objection thereto set **MONDAY, JANUARY 5, 2009** as the date for a **PUBLIC HEARING** on the request from the Mayor, on behalf of the Marlborough License Board, to convert Two Current Beer & Wine Package Store Licenses to All Alcoholic Package Store Licenses through the adoption of an Initiative Petition by the State Legislature, **ADVERTISE**; adopted.

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