



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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DECEMBER 15, 2008

Regular meeting of the City Council held on Monday December 15, 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 10:30 p.m.

ORDERED: Minutes, City Council Meeting, December 1, 2008, **FILE**; adopted.

ORDERED: Now being the time set for the **CONTINUED PUBLIC HEARING** On the Application for Special Permit from The Gutierrez Co. 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, **WITH A CONTINUATION TO JANUARY 5, 2009**; adopted.

ORDERED: Now being the time set for the **JOINT TAX CLASSIFICATION PUBLIC HEARING** with the Board of Assessors on Monday, December 15, 2008 at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2009. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law, all were heard who wish to be heard, hearing adjourned at 8:45 p.m.

ORDERED: That the following transfer of \$1,582,816.00 (one-million five hundred eighty two thousand eight hundred sixteen dollars) from Undesignated Funds to reduce the FY2009 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 100-35900	\$1,582,816.00
Undesignated Fund	

TO:

To Reduce Tax Levy	\$1,582,816.00
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ORDERED: That the following transfer of \$216,395.00 from Sale of Graves, Aquifer Protection, and Traffic Enforcement to reduce the FY2009 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 27000-33020	\$27,250.00
Sale of Graves	

Acct. # 61000-31200	\$186,252.00
Aquifer Protection	

Acct. # 27000-33080	\$2,893.00
Traffic Enforcement	

TO:

To Reduce Tax Levy	\$216,395.00
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ORDERED: That the following percentage of FY2009 tax levy **APPROVED**; adopted:

Residential	53.6628
C.I.P.	46.3372

Yea: 11 – Nay: 0

Yea: Delano, Ferro, Schafer, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, Levy

ORDERED: That the residential tax exemption for owner-occupied, residential properties for Fiscal Year 2009 be and is herewith five percent (5%), **APPROVED**; adopted.

ORDERED: At the Mayor's request to convene an executive session for the purpose of discussing strategy with respect to collective bargaining and/or litigation, as an open meeting may have a detrimental effect on collective bargaining and/or litigating position of the City of Marlborough, the City Council moved to EXECUTIVE SESSION, **APPROVED** and returned to open meeting at 9:55 p.m.

Councilor Juairé filed two disclosure letters with the City Clerk.

Yea: 11 – Nay: 0

Yea: Delano, Ferro, Schafer, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Vigeant & Levy

ORDERED: That the reappointment of Thomas Abel as the City Comptroller/Treasurer for a term of three years expiring August 29, 2011; refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That Thomas Abel's successful renewal certification from the Massachusetts Collectors and Treasurers Association for an additional five years through December 31, 2013; refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Ronald LaFreniere as the City's Commissioner of Public Works for a term of five years expiring on January, 11, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Deborah Puleo as the City Collector effective February 1, 2009 to correspond with her bond renewal date, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Police Chief Leonard as Keeper of the Lock for a one year term expiring on the 1st Monday of February 2010, **APPROVED**; adopted.

ORDERED: That the reappointment of John Rowe to the Board of Health for a term to expire the 1st Monday in February 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Raymond Johnson to the Library Board of Trustees for a three year term to expire the 1st Monday in February 2012 and to submit the name of William Brewin to assume the position now held by Claude Tsai who will be unable to continue past his term which expires on February, 2, 2009 and that William Brewin's term would expire the 1st Monday in February 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of John Peltier and Kevin Boyle as Fence Viewers for terms of one year expiring on the 1st Monday of February 2010, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the position of the City Solicitor, from one of appointment co-terminus with the term of the Mayor, to one of appointment by the Mayor for a term of five years, **FILE**; adopted.

ORDERED: That the request for a full time City Planner position, refer to **LEGISLATIVE AND LEGAL COMMITTEE**; adopted.

ORDERED: That the Proposed Acquisition of Sewer Pump Station and Access Easement at 728 Donald Lynch Boulevard, refer to **LEGISLATIVE AND LEGAL AFFAIRS**; adopted.

- ORDERED: That the Fiscal Year 2010 Tentative Budget for Assabet Valley Regional Technical School District, **FILE**; adopted.
- ORDERED: That the application of Post Road Used Auto Parts for renewal of Junk Dealer’s license, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, TO BE ANNOUNCED ONCE CITY COUNCIL SCHEDULE IS SET FOR 2009**, as the date for a **PUBLIC HEARING** on Application for Special Permit from Attorney Anderson, on behalf of New Cingular Wireless PCS, for co-location, construction and operation of a Wireless Communications Facility on and next to the existing multi-carrier monopole located at 860 Boston Post Rd. East, refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from Andy Candiello, on behalf of MetroPCS Massachusetts for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext. to February 3, 2009 at 5:00 PM, **APPROVED**; adopted.
- ORDERED: That the request from Attorney Gadbois re: request to withdraw minor modification of Fore Kicks Special Permit Order No. 07/08-1001465F, **FILE**; adopted. **(Councilor Vigeant abstained)**
- ORDERED: That the minutes, Community Development Authority , November 6, 2008 **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
 - A. John Grant, 45 Hutchinson Dr., vehicle damage

Reports of Committees:

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

Order No. 08-1001971B – Application for Special Permit from MetroPCS Massachusetts LLC for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext. Recommendation of the Wireless Communication Committee is recommend approval, per draft decision submitted by Petitioner and to have the City Solicitor further amend condition 12, & to Suspend the Rules to refer to City Solicitor to be put in proper form and place item on the January 5, 2009 agenda 3-0.

Suspension of the rules requested – granted

- 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, **APPROVED**; adopted.
- | | |
|----------------------|------------|
| FROM: | |
| Acct. # 100-35900 | \$5,000.00 |
| Undesignated Fund | |
| TO: | |
| Acct. # 83600-32721 | \$5,000.00 |
| Recycling Swap Shack | |

Suspension of the rules requested – granted

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 Housing Stabilization Fund, **APPROVED**; adopted.

FROM:

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

TO:

Acct. # 83600-32718 \$190,000.00
Affordable Housing

Suspension of Rules requested - granted

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, **APPROVED**; adopted.

FROM:

Acct. # 83600-11520 \$39,850.24
Open Space Stabilization

TO:

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

Suspension of Rules requested - granted

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, **APPROVED**; adopted.

Suspension of the rules requested – granted to allow the DPW Commissioner to speak regarding the recent ice storm and to capsulize what steps the DPW Dept. will take pertinent to the clean-up as well as what the residents of Marlborough can do regarding the tree debris.

Suspension of Rules requested - granted

ORDERED: Pursuant to Condition 38 of the Special Permit granted on May 21, 2007 by the Marlborough City Council to Fore Kicks II, Inc. and recorded in the Middlesex South District Registry of Deeds at Book 50116, Page 30, the Conservation Restriction conveyed by Fore Kicks II Limited Partnership to the City of Marlborough, acting by and through its Conservation Commission, **APPROVED**; adopted.

MOTION: That any temporary occupancy permit granted by the Building Inspector be rescinded as of June 1st, 2009 if all conditions of the Special Permit have not been fulfilled.

Suspension of Rules requested - granted

ORDERED: That the application for Special Permit from MetroPCS Massachusetts LLC for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext., refer to **CITY SOLICITOR TO AMEND CONDITION 12 & BE PUT IN PROPER FORM FOR JANUARY 5, 2009 CITY COUNCIL MEETING**; adopted.

ORDERED: That the appointment of Ronald Guest to a vacant position on the Cable Advisory Board with no term associated with said appointment, **APPROVED**; adopted.

ORDERED: That the status of Morgan Elwood from an alternate to a full board member of the Council on Aging for a term to expire on May 1, 2011, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:30 p.m.