



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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DECEMBER 3, 2007

Regular meeting of the City Council held on Monday December 3, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Juare, Schafer, Webster, Clancy and Towle. Meeting adjourned at 9:00 p.m.

ORDERED: Minutes, City Council meeting, NOVEMBER 19, 2007, **FILE**; adopted.

ORDERED: Now being the time set for the **JOINT TAX CLASSIFICATION PUBLIC HEARING** with the Board of Assessors on Monday, December 3, 2007 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 2008. 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 8:35 p.m.

PRESENTATION & RECOMMENDATION MADE BY ANTHONY TRODELLA & THE BOARD OF ASSESSORS

ORDERED: That the following transfer of \$1,000,000.00 (one-million dollars) from Undesignated Funds to reduce the FY2008 Tax Levy, **APPROVE**; adopted.

FROM:

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

TO:

To Reduce Tax Levy	\$1,000,000.00
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ORDERED: That the following transfer of \$255,690.65 from Sale of Graves, Aquifer Protection, and Traffic Enforcement to reduce the FY2008 Tax Levy, **APPROVE**; adopted.

FROM:

Acct. # 27000-33020	\$55,345.03
Sale of Graves	
Acct. # 61000-31200	\$180,452.00
Aquifer Protection	
Acct. # 27000-33080	\$19,893.62
Traffic Enforcement	

TO:

To Reduce Tax Levy	\$255,690.65
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ORDERED: That the following percentage of FY2008 Tax Levy, **APPROVE**; adopted.

Residential	54.7301
Open Space	00.0078
C.I.P.	45.2621

ORDERED: That the residential tax exemption for owner-occupied, residential properties for Fiscal Year 2008 be and is eight percent (8%), **APPROVE**; adopted.

ORDERED: That the following budget transfer in the amount of \$1,000,000.00 (one-million dollars) which would move funds from Undesignated Funds to Stabilization, **APPROVE**; adopted.

FROM:

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

TO:

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

ORDERED: That the following budget transfer in the amount of \$45,000.00 which would move funds from Firefighter Salary to Firefighter Regular OT, refer to **FINANCE COMMITTEE**; adopted.

SUSPENSION OF THE RULES REQUESTED – GRANTED; TO ALLOW THE TRANSFER TO BE ACTED UPON IN THE YEAR 2008.

FROM:

Acct. # 12200001-50450	\$45,000.00
Firefighter Salary	

TO:

Acct. # 12200003-51300	\$45,000.00
Firefighter Regular OT	

(Councilor Juairé abstained)

ORDERED: That the following transfer of \$137,467.00 from Undesignated Fund to Claims & Judgments, refer to **FINANCE COMMITTEE**; adopted.

SUSPENSION OF THE RULES REQUESTED – GRANTED; TO ALLOW THE TRANSFER TO BE ACTED UPON IN THE YEAR 2008.

FROM:

Acct. # 100-35900	\$137,467.00
Undesignated Fund	

TO:

Acct. # 11510006-57600	\$137,467.00
Claims & Judgements	

ORDERED: That the Alternative Order of Taking by Eminent Domain Concerning Land Owned by Hillside School on Robin Hill St., refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

MOTION:

To move agenda item #8, communication from the Planning Board recommending the change in Zoning of Map 62, Parcel 1 from "Rural Residence" to contiguous "Business" Zone, with Order No. 07-1001666 - Reports of Committees, **APPROVE**; adopted.

ORDERED: That the Communication from Attorney Jack Milgram, requesting to withdraw the Special Permit of Ming Wang to convert the former State Armory Building located at 358-364 Lincoln St. into twelve residential condominiums, **APPROVE WITHOUT PREJUDICE**; adopted.

ORDERED: That the Communication from Robert Norton, 68 Whitewood Rd., Milford, MA re: complaint of civil fine pertinent to the sign ordinance, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, November 5, 2007, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, October 23, 2007, **FILE**; adopted.

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

REPORTS OF COMMITTEES:

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

Order No. 07-1001682A – Petition of Mass Electric to install stub pole #82-#84 to support existing pole #82 on Farm Rd. **Recommendation of the Public Services Committee is to approve 3-0 subject to the granting of the DPW road opening permit and all of the regulations and conditions set forth by the DPW and final plan submission and approval by December 10, 2007.**

Order No. 07-1001734 – Application of National Grid to install new pole #21-#50 and relocate pole #21 on Maple St. **Recommendation of the Public Services Committee is to report out of committee without recommendation 3-0 subject to the conditions set forth in the DPW road opening permit.**

Councilor Juaire reported the following out of the Open Space Committee:

Order No. 07-1001711 – Communication from David B. Perini, Commissioner of the Executive Office for Administration and Finance, Division of Capital Asset Management, re: surplus state owned real property located in the City of Marlborough. **Recommendation of the Open Space Committee is to accept and place on file 3-0.**

Councilor Towle reported the following out of the Public Safety Committee:

Order No. 07-1001663 – City Emergency Management Coordinator, Don Cusson, who spoke at the September 24, 2007 meeting to provide and update of the City's R911 system. **Recommendation of the Public Safety Committee is to table 2-0 in committee.**

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

Order No. 07-1001666 – Application for Zoning Amendment from Attorney Arthur Bergeron for 890 Post Rd. LLC, which owns real property shown on Assessor's Map 62 Parcels 1 and 24. Parcel 1 which extends from the Boston Post Road north to the City's Easterly Treatment Plan, is bisected by a zone line, making the rear of the property, which is landlocked, borders the Treatment Plan and is zoned Rural Residential, useless. Pursuant to MGL C. 40A, S. 5, the petitioner is requesting that the rear of the land shown on Assessor's Map 62 Parcel 1 be rezoned from Rural Residence to Business. **Recommendation is to approve 4-0.**

Agenda item #8 which was moved to Reports of Committees is a Communication from the Planning Board regarding **Order No. 07-1001666 recommending the change in zoning of Map 62 Parcel 1 from "Rural Residential" zone to a contiguous "Business" zone.**

Order No. 07-1001650A – Application of First Student Inc. for outdoor storage of vehicles (school busses) on Hayes Memorial Dr. **Recommendation is to approve 2-1. (Councilor Clancy and Towle in favor and Councilor Pope opposed).**

Councilor Ossing reported the following out of the Finance Committee:

Order No. 07-1001706 - Transfer \$1,400,000 from Health Insurance Trust Fund to Stabilization Account. The Finance Committee reviewed the Mayor's letter dated October 24, 2007 that recommended the transfer of \$1,400,000 from the Health Insurance Trust Fund to the Stabilization account. **Recommendation of the Finance Committee is to approve 5-0.**

Order No. 07-1001727 – Transfer \$56,450 to fund Firefighters Contract. The Finance Committee reviewed the Mayor's letter dated November 15, 2007 requesting the transfer from Fringes to hazmat Pay and Clothing. **Recommendation of the Finance Committee is to approve 4-0. Councilor Juairé abstained.**

Order No. 07-1001522 – Retirement Board recommendation which will allow creditable service for employment as a Call Firefighter or Reserve Police Officer. **Recommendation of the Finance Committee is to table the order 3- 1 (Ferro opposed) pending the receipt of the following information:**

- **List of eligible employees that would benefit from accepting the recommendation**
- **Include both firefighters and police officers**
- **Projected financial impact to the retirement account**

Suspension of the Rules requested – granted.

ORDERED: That the following budget transfer in the amount of \$10,500.00 which would shift funds from Undesignated Funds to Temporary Clerical Help, **APPROVE**; adopted.

FROM:

Acct. # 100-35900	\$10,500.00
Undesignated Fund	

TO:

Acct. # 11210002-50586	\$10,500.00
Temporary Clerical Help	

(Councilor Pope & Schafer opposed)

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned 9:00 p.m.