

REGULAR MEETING
MARCH 28, 2011

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MEMPHIS

2011 MAR 24 P 5:25

1. Minutes of the City Council Meeting, March 14, 2011.
2. Communication from the Mayor re: DPW transfer requests as follows with explanations noted on the spreadsheet:
Transfer in the amount of \$5,600.00 from Sewer-Assistant Commissioner to Water- Temporary Part-Time.
Transfer in the amount of \$10,000.00 from Water-Equipment Operators to Water- Maintenance Trenches.
Transfer in the amount of \$10,000.00 from Streets-Equipment Operators to Streets- Highway Construction Materials.
Transfer in the amount of \$15,000.00 from Repair Shop-Motor Equipment Repairmen to Repair Shop-Rep./Maint. Supplies-Veh.
Transfer in the amount of \$1,600.00 from Repair Shop-Motor Equipment Repairmen to Repair Shop-Temporary Part-Time.
3. Communication from the Mayor re: Retirement Benefits, Police transfer request in the amount of \$15,069.60 which moves funds from Unemployment to Sick Leave and \$8,204.56 which moves funds from Unemployment to Principal Clerk necessary to pay unbudgeted benefits associated with an employee's retirement.
4. Communication from the Mayor re: transfer request in the amount of \$2,935.00 which moves funds from Director Elderly to Principal Clerk to fund the Principal Clerk position for the remainder of FY11.
5. Communication from the Mayor re: FY11 Mass Decontamination Unit Grant awarded to the Fire Department in the amount of \$2,500.00 which will facilitate the field deployment, training and operational readiness of a mobile Mass Decontamination Unit to enhance protection of local hospitals during any public health emergent situation.
6. Communication from the Mayor re: reappointments of Dorothy Hodgson, Rita Connors and Brenda Costa and appointment of Marie Elwood to the Council on Aging Board of Directors for four-year terms expiring the first Monday in May 2015.
7. Communication from the Mayor re: reappointment of William Short to the Registrar of Voters for a three-year term from date of confirmation.
8. Communication from Attorney Valeriani on behalf of Verizon Wireless, re: request to extend time limitations to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St. to June 7, 2011 at 11:00 PM, Order No. 10-1002623D.
9. Minutes, Board of Assessors, March 11, 2011.
10. Minutes, Planning Board Minutes, February 28, 2011.

11. CLAIMS:

- A. Robert Ober, 35 Onamog St., residential mailbox claim 2(a)
- B. Ryan Nickerson, Attorney Leone, 1101 Worcester Rd., Framingham, on behalf of Ryan Nickerson, personal injury (previously submitted on February 14, 2011 agenda)
- C. Karin Kirby, 44 Minehan Ln., residential mailbox
- D. Maria Batitsta, 115 Howe St., other property damage
- E. Donald Randolph, 587 Elm St., other property damage
- F. Anthony Trio, 323 Simpson Rd., other property damage
- G. Paul Morin, 32 Gunnar Dr., other property damage
- H. Bart & Ida Frullo, 6 Jefferson St., other property damage
- I. Robert Mele, 31 Vine St., other property damage
- J. Bernard Gaibisso, 3 Akroyd St., other property damage
- K. Mary Aykanian, 27 Oakcrest Ave., residential mailbox claim 2(b)
- L. Robert Plaza, 66 Farrington Ln., residential mailbox claim 2(a)
- M. Mary-Elaine McGinn, 83 Lincoln St., other property damage
- N. Francis McCarthy, 114 Leoleis Dr., other property damage
- O. Diane Horvath, 36 Hildreth St., other property damage
- P. Christine Sheehan, 222 Liberty St., other property damage
- Q. Agnes Kevit, 96 Mechanic St., other property damage
- R. Seanna & Frank Lombardo, 162 Prospect St., other property damage
- S. Rachel Zu & David Young, 70 Robert Rd., other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

12. **Order No. 11-1002814 – Transfer \$26,000 for Public Facilities.** The Finance Committee reviewed the Mayor's letter dated February 8, 2011 requesting the following two transfers for Overtime and the Principal Clerk line items in the Public Facilities Department:

- Transfer \$16,000.00 from the Custodian to Overtime line item
- Transfer \$10,000.00 from Building Maintenance Craftsman to Principal Clerk line item

Recommendation of the Finance Committee is to approve the two transfers 4-0.

13. **Order No. 11-1002830 – Various DPW transfers for \$19,756.00.** The Finance Committee reviewed the Mayor's letter dated February 24, 2011 requesting the following five transfers within the DPW budget:

- Transfer \$706.00 from the Assistant Commissioner Sewer Department to Principal Clerk DPW Administration line item
- Transfer \$3,500.00 from Chief Treatment Plant Operator EWWTP to Overtime EWWTP line item. The DPW Commissioner agreed to correct the transfer sheet identifying the account number for the EWWTP OT line item.
- Transfer \$1,600.00 from Equipment Operators Streets to the Dispatcher Streets line item. The DPW Commissioner agreed to correct the transfer sheet identifying the account number for the Equipment Operators.
- Transfer \$13,200.00 from Equipment Operators Streets to the Overtime Streets line item. The DPW Commissioner agreed to correct the transfer sheet identifying the account number for the Equipment Operators.

Recommendation of the Finance Committee is to approve the four transfers 4-0.

- Transfer \$750.00 from Miscellaneous Hand/Power Tools to the Repair/Maintenance Equipment line item in the Forestry Department. The Finance Committee identified that there were insufficient funds in the Miscellaneous Hand/Power Tools line item to cover the transfer.

Recommendation of the Finance Committee is to table this transfer pending additional information from the DPW Commissioner 4-0.

14. **Order No. 11-1002833 – STAG grant for \$485,000 for Design of Westerly Wastewater Treatment Plant.** The Finance Committee reviewed the Mayor's letter dated February 22, 2011 requesting the acceptance of the \$485,000 State and Tribal Grant (STAG). The grant provides the reimbursement monies for the design and construction of upgrades to the Westerly Waste Water Treatment Plant. This is the second STAG grant received for the Westerly Wastewater Treatment Plant design. The previous grant was for \$286,000. **Recommendation of the Finance Committee is to approve the acceptance of the STAG grant 4-0.**

From Legislative and Legal Affairs Committee

15. **Order No. 11-1002822 – Communication from the Councilor Elder regarding a proposed Home Rule Petition pertaining to the restriction of pension, retirement and insurance benefits for certain City Councilors.** This was the second meeting held to discuss this matter. The Committee originally met February 28th and reviewed the letter dated February 9, 2011 from Councilor Elder. A letter from Mayor Stevens expressing her opposition to the Home Rule Petition was read into the record. In addition, Councilor Elder made a brief presentation explaining his rationale for eliminating pension and health insurance benefits for all new City Councilors. The Committee continued its discussion on this matter on March 9th. **Recommendation of the Legislative and Legal Affairs Committee is to approve the Home Rule Petition 3-0.**

16. **Order No. 11-1002834 - Proposed Home Rule Petition granting an additional license for the sale of alcoholic beverages not to be drunk on the premises under Section 15 of MGL Chapter 138 to Rick Lombardi and Julie Lombardi, d/b/a The Vin Bin, located at 91 Main Street, Marlborough, Massachusetts.** The Committee reviewed the Mayor's letter dated February 24, 2011. A letter from Councilor Clancy was read into the record as he was unable to attend the meeting. Letters from Michael and Kimberly Manning, and Steven Zeitler, proprietors of local package stores were read into the record expressing their opposition to the proposed Home Rule Petition. Walter Bonin, Chairman of the Licensing Commission, and Assistant Solicitor Cynthia Panagore Griffin provided input on the matter and responded to inquiries. The Committee voted to approve the Home Rule petition as amended by modifying Section 2 to allow for the transfer of the license to another location in the downtown/Main Street area only. Assistant Solicitor Panagore Griffin will draft language to that effect. **Recommendation of the Legislative and Legal Affairs Committee is to approve 2-0 with Councilor Levy abstaining from the vote.**

From City Council

17. **Order No. 11-1002730B - BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY DELETING IN THEIR ENTIRETY SECTIONS 557-1 (PERMIT REQUIRED), 557-2 (FENCES OR BARRIERS REQUIRED), 557-3 (INSPECTION REQUIRED), 557-4 (EXEMPTIONS), 557-5 (COMPLIANCE), AND 557-6 (VIOLATIONS AND PENALTIES) OF CHAPTER 557, AND ADDING THE FOLLOWING NEW PARAGRAPH TO THE SECTION OF CHAPTER 557 ENTITLED "GENERAL REFERENCES": Commonwealth of Massachusetts State Building Code, as amended (See 780 CMR). **Recommendation of the City Council is to table until the March 28, 2011 City Council meeting.****
18. **Order No. 10/11-1002727C, X2832, X2728, & X2817 - Communication from City Solicitor Donald Rider re: Proposed Salary Ordinance, Human Services Reorganization. **Recommendation of the City Council is to advertise. Proposed Salary Ordinance was advertised on March 18, 2011.****