

1. Minutes of the City Council Meeting, March 28, 2011.
2. PUBLIC HEARING On the Application for Special Permit from Attorney Bergeron on behalf of Melanson Development Group, Inc. to expand the non-conforming use of the existing Walker house and barn located on 93 Framingham Rd, Order No. 11-1002853.
3. Communication from the Mayor re: transfer requests in the amount of \$54,927.00 from Undesignated into the following accounts for the purpose of funding the newly ratified agreement between the City of Marlborough and the New England Police Benevolent Association, Local 81:

\$39,040	12100001	50420	Police Officer
\$1,196	12100003	51342	Longevity
\$781	12100003	51410	First Responder
\$4,601	12100003	51440	Edu Incent
\$1,164	12100003	51450	Night Shift
\$2,632	12100003	51490	Holiday
\$1,440	12100003	51920	Sick Leave
\$489	12100003	50435	Specialist
\$149	12100003	51370	OT Celebration
\$199	12100003	51360	OT Training
\$2,214	12100003	51310	OT Reg
\$904	12100003	51320	OT Court
\$117	12100003	51329	On Call

4. Communication from the Mayor re: Personnel transfer in the amount of \$1,681.00 which moves funds from Medical Exams to Part-Time Senior Clerk to cover retroactive step increases as well as increased accruals in the department.
5. Communication from the Mayor re: Conservation Maintenance Funds transfer request in the amount of \$10,000.00 which moves funds from Undesignated to Conservation Trust fund as part of conditions of two special permits.
6. Communication from the Mayor re: Proposed Order for an Increase in FY11 Expenditures from the Public Safety Revolving fund from \$45,000.00 to \$75,000.00.
7. Communication from the Mayor re: Acceptance of Gift to the Conservation Commission in the amount of \$1,400.00 from the Butler Family Foundation.
8. Communication from Comptroller Tom Abel re: Electronic Real Estate Tax Bills.
9. Communication from Comptroller Tom Abel re: Disclosure Report for FY10 as required.
10. Communication from Planning Board Chair Barbara Fenby re: Proposed Zoning Ordinance Change, Retirement Community.
11. Application of Best Buy Stores, LP for renewal of Junk Dealer's license at 769 Donald Lynch Blvd.
12. Application of Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery for Junk Dealer's license at 149 Main St.
13. NStar Gas Co. Condensed Financial Return for yearend December 31, 2010.
14. Minutes, Planning Board Minutes, March 14, 2011.

15. CLAIMS:

- A. Linda DiBenedetto, 230 Hildreth St., other property damage
- B. Jeff Carchidi, 209 Simpson Rd., other property damage
- C. Claudette Mitchell, 3 Kelber Dr., other property damage
- D. Robert Seymour, 17 Kenney Lane, other property damage
- E. Jennifer Blair, 40 Memory Lane, pothole or other road defect
- F. New Horizons at Marlborough, 400 Hemenway St., residential mailbox claim 2(a)
- G. Sandra Dehart, 8 Turner Ridge Rd., other property damage
- H. Joseph Curley, 69 Sunshine Dr., other property damage
- I. Doris Maffioli, 118 Conrad Rd., other property damage
- J. Marcia Wilcox, 111 Conrad Rd., other property damage
- K. Seymour Sackler, 7 Barnard Rd., other property damage
- L. Susan Throckmoton, 20 Midland St., other property damage
- M. John Riley, 9 Turner Ridge Rd., other property damage
- N. Luiz Lott, 14 Calder St., residential mailbox claim 2(b)
- O. Thomas Czarkowski, 80 Conrad Rd., other property damage
- P. Ronald Demarco, 6 Libby Ave., other property damage
- Q. Charles & Barbara Doucette, 67 Pheasant Hill Rd., other property damage
- R. Peter & Robin Cohan, 2 Turner Ridge Rd., other property damage
- S. Silvino Paz, 76 Church St., other property damage
- T. Lisa McNally-Shahbazi, 3 Monroe Ave., residential mailbox claim 2(a) & other property damage
- U. Dean & Jennifer Vittum, 52 Fitzgerald Rd., other property damage
- V. Greg Barry, 120 Woodland Dr., residential mailbox claim 2(a)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

16. **Order No. 11-100-2806-1 & 11-100-2806-2 - Communication from City Council President Arthur Vigeant re: proposed amendment to the Zoning Ordinance.** Steve Reid explained the rationale for the proposed Zoning Ordinance amendment which is principally to eliminate confusion resulting from the floor layout restrictions requiring 66% of the living area in each unit in a retirement community to be located on the first floor. The change relaxes the mathematical calculation of how a property is oriented. According to Inspector Reid there is no effect on existing condos and no change to other Special Permit requirements. Councilors Vigeant and Delano expressed concerns regarding proper notification to the existing Retirement Communities and requested that the committee delay discussions until further feedback can be obtained from residents. Steve Reid provided verification that proper notice was sent. The Committee determined that the soonest the full Council could act on the order is April 25th due to advertising requirements. We are also waiting on an opinion from the Planning Board. This should allow adequate time to solicit further feedback from residents. **Recommendation of the Urban Affairs Committee is to approve the both orders 5-0.**

From Finance Committee

17. **Order No. 11-1002844 – Transfer \$9,000 from Unemployment to Retirement.** The Finance Committee reviewed the Mayor’s letter dated March 8, 2011 requesting the transfer of \$9,000 from the School Unemployment account to the City Retirement account to fund an employee’s special military assessment benefits. **Recommendation of the Finance Committee is to approve the transfer 5-0.**
18. **Order No. 11-1002845 – Transfer \$35,000 from School Unemployment to City Unemployment.** The Finance Committee reviewed the Mayor’s letter dated March 8, 2011 requesting the transfer of \$35,000 from the School Unemployment account to the City Unemployment account to provide unemployment benefits for employees not funded in the original budget. **Recommendation of the Finance Committee is to approve the transfer 5-0.**
19. **Order No. 11-1002846 – Transfer \$51,000 from Undesignated Funds to Open Space Stabilization Account.** - The Finance Committee reviewed the Mayor’s letter dated March 8, 2011 requesting the transfer of \$51,000 from the Undesignated Funds account to the Open Space Stabilization account. This transfer moves the City’s wireless antennae receipts for fiscal year 2010 to the intended open space account. The Finance Committee assigned the following actions:
- The Finance Committee questioned if all the 2010 and 2011 wireless antenna receipts had been collected. Provide the Finance Committee with a report detailing the list of wireless antenna providers and confirmation that their FY10 and FY11 receipts have been received by the city. Action: John Ghiloni
 - The Finance Committee requested that the Auditor provide the balances in all the stabilization account to all City Councilors for the next council meeting. Action: Diane Smith
- Recommendation of the Finance Committee is to approve the transfer 5-0.**
20. **Order No. 11-1002848 – Increase Expenditure in Public Safety Revolving Fund.** The Finance Committee reviewed the Mayor’s letter dated March 10, 2011 requesting the increase in allowed annual expenditures from \$45,000 to \$75,000 in the FY11 Public Safety Revolving Training fund. The Finance Committee questioned whether the funds would be expended prior to June 30, 2011 and whether the Order required changing since the language implies “no more than \$45,000 shall be expended during FY11, **unless otherwise authorized by the City Council and Mayor.**” **Recommendation of the Finance Committee is to table the order 3-2 (Councilors Seymour and Delano opposed) pending additional clarification from the Mayor and Solicitor.**
21. **Order No. 11-1002830B – Various DPW transfers for \$19,756.00** - The Finance Committee reviewed the Mayor’s letter dated February 24, 2011 requesting five transfers within the DPW budget. The Finance Committee approved four of the transfers on March 7, 2011. The fifth transfer was tabled due to insufficient funds in the Miscellaneous Hand/Power Tools line item to cover the transfer. The transfer was revised on March 8, 2011 to reduce the transfer to \$200.00 from Miscellaneous Hand/Power Tools to the Repair/Maintenance Equipment line item in the Forestry Department. **Recommendation of the Finance Committee is to approve the transfer 5-0.**

From City Council

22. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

POSITION	EFFECTIVE DATE	MINIMUM 1 st 6 mos.	STEP 1 2 nd 6 mos.	STEP 2 Next 12 mos.	MAXIMUM
Executive Director of Human Services	7/1/11	\$59,120.00	\$61,484.80	\$63,944.19	\$66,501.96
Human Services Manager	7/1/11	\$44,803.00	\$46,595.12	\$48,458.92	\$50,397.28
Council on Aging Program Manager	7/1/11	N/A	N/A	N/A	\$19,000.00

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain, adopted. OBJECTION TO PASSAGE IN ONE EVENING. (Councilor Ferro opposed to the passage in one evening) – TABLE UNTIL THE APRIL 11, 2011 CITY COUNCIL MEETING.