



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
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Marlborough, MA 01752  
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**FEBRUARY 6, 2017**

Regular meeting of the City Council held on Monday, FEBRUARY 6, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:50 PM.

ORDERED: That the Minutes of the City Council meeting January 23, 2017, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Road & to install a line recloser on Pole 4 for reliability improvement, Order No. 17-1006801, all were heard who wish to be heard, hearing recessed at 8:07 PM.

**Councilors Present: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing & Robey.**

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Ordinance to amend Chapter 650, §63 TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS, Order No. 17-1006784, all were heard who wish to be heard, hearing recessed at 8:27 PM.

**Councilors Present: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing & Robey.**

ORDERED: That the Communication from City Council President Clancy re: Reappointment of Councilor Ossing as a member of the OPEB Board of Trustees for a term of two years effective immediately, **APPROVED**; adopted.

ORDERED: That the Mid-year transfer requests as detailed in the spreadsheets below, to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Police				FY:	2017			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$315,528	\$11,500.00	12100003	51440	Educational Incentive	\$11,500.00	12100001	50500	Police Captains	\$71,066
	Reason:	Accounting/charging discrepancy				Contract settled after budget was submitted			
\$315,528	\$78,320.00	12100003	51440	Educational Incentive	\$78,320	12100001	50510	Police Lieutenants	\$149,076
	Reason:	Accounting/charging discrepancy				Contract settled after budget submitted and temp. lieutenant			
\$45,373	\$45,373.00	12100003	50540	Chief Dispatcher	\$45,373	12100003	51213	Public Safety Dispatchers	\$134,836
	Reason:	Chief Dispatcher retired				Chief dispatcher position not filled yet			
\$99,934	\$10,000.00	12100003	51490	Holiday	\$10,000.00	12100006	52560	Vehicle Repair & Maint.	\$9,686
	Reason:	Sunday holidays - fewer officers working				Older cruisers requiring more maintenance			
\$7,630	\$5,000.00	12100003	51920	Sick Leave Buy Back	\$5,000	12100005	54220	Office Supply/Expenses	\$12,441
	Reason:	Officers bought back fewer days than anticipated				Extra ammo needed for rifle training			
\$150,193.00	Total				\$150,193.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	FIRE				FISCAL YEAR:	2017			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$582,218.32	\$125,000.00	12200001	50810	Fire Lieutenant	\$200,000.00	12200003	51300	Overtime	\$110,378.06
	Reason:	Funds available due to unfilled positions				Firefighter vacancies, retirements & medical absences			
\$1,354,422.77	\$53,975.80	12200001	50450	Firefighter	\$7,818.59	12200001	50335	Deputy Fire Chief	\$71,192.40
	Reason:	Funds available due to unfilled positions				Calculated amount for contractual obligation			
\$105,447.84	\$45,842.79	12200003	51440	Educational Incentive	\$5,000.00	12200006	51990	Meal Allowance	\$1,647.09
	Reason:	Funds available due to unfilled positions				Account balance will not be sufficient			
					\$12,000.00	12200006	52560	Vehicle Repair & Mnt.	\$36,873.13
	Reason:					Account balance will not be sufficient			
\$224,818.59	Total				\$224,818.59	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$2,600	\$2,000	60080003	51440	Educational Incentives-Sewer	\$2,000	60080003	51470	Interim Foreman-sewer	\$0	
	Reason:	Vacant positions				Anticipated cost to cover remaining FY 17				
\$1,250	\$1,250	60081003	51440	Educational Incentives-East	\$2,204	60081003	51470	Interim Foreman-East WWTP	\$0	
	Reason:					Anticipated cost to cover remaining FY 17				
\$2,954	\$1,954	61090003	51430	Longevity-Water						
	Reason:	Vacant positions								
\$306	\$306	60085003	51430	Longevity-West WWTP	\$1,306	60085003	51470	Interim Foreman-W WWTP	\$429	
	Reason:					Anticipated cost to cover remaining FY 17				
	\$5,510	Total			\$5,510	Total				

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,954	\$1,000	61090003	51430	Longevity-Water	\$3,000	61090003	51470	Interim Foreman-Water	\$1,356
	Reason:	Vacant positions				Anticipated cost to cover remaining FY 17			
\$3,540.00	\$2,000	61090003	51440	Educational Incentive-Water					
	Reason:	Vacant positions							
\$47,807.26	\$47,807	61090001	50460	Water Meter Reader	\$56,000	61090003	51310	OT-Water	\$36,110
	Reason:	vacant position				Anticipated cost to cover remaining FY 17			
\$12,459.30	\$12,459	61090003	51920	Sick Leave Buy Back-Water	\$4,267	61090003	51240	Temp. Part Time Help	\$3,380
	Reason:	Vacant position							
	\$63,267	Total			\$63,267	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$56,500.00	\$45,000	14001002	50062	Finance Analyst	\$47,620	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	vacant position				Anticipated costs to cover remaining of FY 17			
\$339.61	\$339	14001003	51430	Longevity-Admin					
	Reason:	vacant position							
\$728.34	\$728	14001003	51920	Sick Leave Buy Back					
	Reason:	vacant position							
\$506.29	\$506	14001103	51430	Longevity					
	Reason:	vacant position							
\$1,046.24	\$1,046	14001103	51920	Sick Leave Buy Back-Eng					
	Reason:	vacant position							
	\$47,620	Total			\$47,620	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$131,326.15	\$30,000	14001301	50690	Foreman-Streets	\$6,000	14001103	51310	Overtime-Engineering	\$0
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$348,965.16	\$30,000	14001303	50740	Equipment Operator-Streets	\$12,500	14001303	51310	Overtime-Streets	\$2,311
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$1,801.20	\$1,801	14001303	51430	Longevity-Streets	\$20,000	14001503	51310	Overtime-Parks	\$0
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$2,113.54	\$2,114	14001303	51920	Sick Leave Buy Back-Streets	\$23,619	14001503	51240	Temp Help-Parks	\$3,090
	Reason:	vacant position				Anticipated costs to cover remaining FY 17			
\$704.41	\$704	14001403	51430	Longevity-Fleet	\$2,500	14001002	50520	Principal Clerk-Engineering	\$16,959
	Reason:	vacant position				Increase due to retirement			
	\$64,619	Total			\$64,619	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,801.32	\$4,801	14001403	51920	Sick Leave Buy Back-Repair	\$50,000	14001504	53140	Contract Services-Parks	\$47
	Reason:	Vacant position				Anticipated cost for remaining FY 17			
\$344,629.45	\$70,000	14001503	50740	Equipment Operators-Parks	\$33,599	14001505	54610	General Materials-Parks	\$47
	Reason:	vacant positions							
\$1,385.80	\$1,386	14001503	51430	Longevity-Parks					
	Reason:	vacant positions							
\$411.73	\$411.73	14001503	51920	Sick Leave Buy Back-Parks					
	Reason:	vacant positions							
\$35,913.26	\$7,000.00	60080001	50570	Chemist					
	Reason:	vacant position							
	\$83,599	Total			\$83,599	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
42,121.13	\$42,121.13	14001301	50660	Assitant Engrn	\$42,121.13	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	Vacant positions				Anticipated costs to cover remaining FY 17			
\$31,251.23	\$31,251.23	11920001	50300	Assistant Director-Facilities	\$46,251.23	11920006	52469	Repair and Maint/Facilities	\$57,287
	Reason:	Vacant position				Anticipated costs to cover remaining FY 17			
\$83,904.33	\$15,000.00	11920003	50560	Custodian					
	Reason:	Vacant position							
	\$88,372	Total			\$88,372	Total			

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,844.25	\$2,844.25	60080003	51920	Sick Leave Buy Back-Sewer	\$28,744.00	14001304	53140	Contract Services-Streets	\$79,742
	Reason:	vacant positions				Anticipated costs to cover remaining of FY 17			
\$3,424.02	\$3,424.02	60081003	51920	Sick Leave Buy Back-East Plant					
	Reason:	vacant position							
\$2,475.95	\$2,475.95	60085003	51920	Sick Leave Buy Back-West Plant					
	Reason:	vacant position							
\$39,677.52	\$20,000.00	61090001	50680	General Foreman-Water/Sewer					
	Reason:	vacant position							
	\$28,744	Total			\$28,744	Total			

BUDGET TRANSFERS --

BUDGET TRANSFERS --										
	DEPT:	Various				FISCAL YEAR:	2017			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$34,904.22	\$20.00	11440001	50042	Collector	\$20.00	11440002	50770	Senior Clerk-Collector	\$35,997.36	
	Reason:	Funds available				To fund line item through 6/30/17				
\$101,564.65	\$5,400.00	15430006	57710	Veterans Benefits	\$5,400.00	15430001	50080	Veterans Agent	\$15,092.50	
		Benefits running slightly lower than budgeted				To fund shortage due to a retirement				
\$1,360.92	\$400.00	11110005	54220	Office Supplies-Council	\$400.00	11110002	50401	P.T. Senior Clerk-Council	\$9,062.34	
	Reason:	Funds available				To fund line item through 6/30/17				
\$381.12	\$380.00	15410003	51920	Sick Leave Buy Back-COA	\$1,210.00	15410001	50312	Outreach Worker-COA	\$14,859.72	
	Reason:	Funds available				To fund shortage due to a resignation				
\$13,240.30	\$1,280.00	15410006	57075	Transportation-COA	\$450.00	15410001	50996	Social Service Coordinator	\$6,195.00	
	Reason:	Funds available.				To fund line item through 6/30/17				
	\$7,480.00	Total			\$7,480.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,805.00	\$1,805.00	11610004	53180	Professional & Tech-Clerk's	\$3,344.13	11610004	53150	Advertising-Clerk's	\$1,705.40	
	Reason:	Funds available				To fund line item through 6/30/17				
\$1,738.88	\$1,100.13	11620004	53930	Printing-Elections						
	Reason:	Funds available								
\$439.00	\$439.00	11620004	53932	Election Programming						
	Reason:	Funds available								
\$758.20	\$758.00	12410003	51920	Sick Leave Buy Back-Inspe	\$3,500.00	12410006	57100	Instate Travel-Inspections	\$81.84	
	Reason:	Funds available				To cover inspections through 6/30/17				
\$29,779.55	\$2,742.00	12410001	50380	Electrical Inspector						
	Reason:	Funds available.								
	\$6,844.13	Total			\$6,844.13	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$9,253.78	\$1,000.00	14920003	50999	Events Coordinator-Recreatn	\$1,567.00	14920001	50166	Recreation Program Mgr	\$22,994.01	
	Reason:	Funds available				To fund line item through 6/30/17				
\$17,582.85	\$193.00	14920007	53610	Equipment-Youth Activities						
	Reason:	Funds available								
\$28,342.59	\$374.00	14920001	50110	Recreation Director						
	Reason:	Funds available								
\$53,692.87	\$1,035.00	15120001	50390	Nurse-Board of Health	\$1,035.00	15120001	50611	Assistant Sanitarian	\$42,951.50	
	Reason:	Funds available				To fund line item through 6/30/17				
\$395,000.00	\$5,500.00	17520006	59254	Interest on BAN	\$5,500.00	11940006	51860	Widows Pensions	\$17,983.88	
	Reason:	Funds available.				To fund line item through 6/30/17				
	\$8,102.00	Total			\$8,102.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$53,692.87	\$24,965.00	115120001	50390	Nurse-Board of Health	\$2,641.00	11110003	51920	Sick Leave Buy Back-Council	\$0.00	
	Reason:	Funds available				To fund FY17				
\$25,542.46	\$10,000.00	11510006	57600	Claims & Judgements	\$3,434.00	11110003	51430	Longevity-Council	\$0.00	
		Funds available				To fund FY17				
\$669,388.72	\$78,110.00	60075106	58966	16 Multi Purpose Interest	\$13,000.00	11520004	53140	Contract Services-HR	\$7,000.00	
	Reason:	Funds available				To fund assessment center for police chief search				
					\$94,000.00	11510004	53110	Legal Services	\$50,751.45	
	Reason:					To fund line item through 6/30/17				
	\$113,075.00	Total			\$113,075.00	Total				

BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$127,019.57	\$127,019.57	11990006	57820	Reserve for Salaries	\$16,740.20	14001303	50740	Equipment Operators-Sts	\$322,572.98	
	Reason:					Retirement				
\$885,000.00	\$124,336.28	60071106	59966	16 Multi Purpose Bond	\$19,115.65	14001303	51920	Sick Leave Buy Back-Sts	\$2,113.54	
		Funds available				Retirement				
					\$38,000.00	12100001	50140	Police Chief	\$68,361.00	
	Reason:					Retirement				
					\$80,000.00	12100003	51920	Sick Leave Buy Back-Police	\$7,630.41	
	Reason:					Retirement				
					\$3,000.00	12100001	50500	Police Captains	\$67,314.08	
	Reason:					Contractual agreement				
					\$9,000.00	12100001	50510	Police Lieutenants	\$138,740.88	
	Reason:					Contractual agreement				
					\$12,000.00	12100001	50820	Police Sergeants	\$288,632.85	
	Reason:					Contractual agreement				
					\$73,500.00	12100001	50420	Police Officers	\$1,345,137.88	
	Reason:					Contractual agreement				
	\$251,355.85	Total			\$251,355.85	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2017		
		FROM ACCOUNT:				TO ACCOUNT:				
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$75,000.00	\$5,000.00	61071106	59956	06 Multi Purpose Bond	\$5,000.00	61071106	59954	05 Multi Purpose Bond	\$0.00	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$1,620,000.00	\$28,000.00	17110006	59966	16 Multi Purpose Bond	\$28,000.00	13800006	59966	16 Multi Purpose Bond	\$161,000.00	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$28,000.00	\$700.00	61075106	59956	06 Multi Purpose Bond	\$700.00	17510006	59956	06 Multi Purpose Bond	\$52,000.00	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$669,388.72	\$205,000.00	60075106	58966	16 Multi Purpose Bond	\$205,000.00	17510006	58966	16 Multi Purpose Bond	\$485,000.00	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$885,000.00	\$230,000.00	60071106	59966	16 Multi Purpose Bond	\$50,000.00	11330006	57850	Bond Issue Expense	\$43,935.52	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
					\$100,000.00	60019906	58890	Bond Issue Expense	\$33,549.49	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
					\$80,000.00	60019906	58891	Loan Origination Fee	\$17,719.60	
		Reason: Reclassify to correct account				Reason: Reclassify to correct account				
\$468,700.00		Total			\$468,700.00	Total				

ORDERED: That the MassWorks Infrastructure Program Grant Acceptance in the amount of \$2.7 million from the Executive Office of Housing and Economic Development (EOHED) earmarked for the East Main Street Revitalization Project, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the 2017 Mass Wildlife Habitat Grant Program Acceptance in the amount of \$14,483.00 from the Commonwealth of MA, Division of Fisheries and Wildlife to the Conservation Commission for the purpose of removing and monitoring non-native invasive plants at the Desert Natural Area off Concord Road; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2017, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than eighty-five thousand dollars shall be expended during fiscal year 2017, unless otherwise authorized by City Council and Mayor; and

- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.,

**APPROVED**; adopted.

ORDERED: That the Communication from the Mayor re: Marlborough Police Department Certification, **FILE**; adopted.

ORDERED: That the Marlborough City Council hereby accepts Section 17C of Chapter 90 of the Massachusetts General Laws, as amended, as follows:

- (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.
- (b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 1.

And further, that the Marlborough City Council hereby accepts Section 18B of Chapter 90 of the Massachusetts General Laws, as amended, as follows:

- (a) Notwithstanding section 18 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour.
- (b) The operation of a motor vehicle in such zone at a speed exceeding the speed limit established under this section shall be a violation of section 17.

Refer to **PUBLIC SAFETY COMMITTEE AND TRAFFIC COMMISSION**; adopted.

ORDERED: That the Ad-Hoc Municipal Aggregation Committee's recommendation to approve the Amended Municipal Aggregation Plan (Plan available in Clerk's Office for viewing), **APPROVED**; adopted.

ORDERED: That the photographs of the decorative walls at the Apex Center facing Route 20 and the Car Wash renderings, all as enclosed with the January 31, 2017 communication submitted by Walker Realty, LLC pursuant to Order Nos. 16-1006634D and 16-1006443K, **APPROVED**; adopted.

ORDERED: That the Application for Special Permit from Mirick O'Connell on behalf of BSL Marlborough Development LLC to construct a 52-Unit, 60,823 +/-square foot Assisted Living Facility with a Special Care Unit, 421 Bolton Street, **TABLED**; adopted.

ORDERED: That the Communication from Central Mass Mosquito Control Project re: Pesticide Exclusion Regulations and Process, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, November 14, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, December 19, 2016 & January 9, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, December 13, 2016, **FILE**; adopted.

ORDERED: That the Minutes, License Board, November 30 & December 21, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, December 20, 2016, **FILE**; adopted.

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

- a. Shawn Lambert, 50 Hamilton Circle, residential mailbox claim 2(b).
- b. John Ward, 69 McNeil Circle, residential mailbox claim 2(b).
- c. John Lauderbach, 152 Blanchette Drive, residential mailbox claim 2(a).
- d. Pam Elsenburg, 64 Varley Roa d., residential mailbox claim 2(b).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee**  
**Monday January 30, 2017**  
**In Council Chambers**

Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram, Doucette and Irish. Councilors Clancy, Landers, Elder and Juairé were also in attendance. The meeting convened at 7:00 PM.

- 1. Order No. 16-1006771 – Transfer \$192,300.00 for Police Department Overtime.** The Finance Committee reviewed the Mayor's letter dated December 15, 2016 requesting the transfer of \$192,300.00 from the Police Officer Account (\$170,000.00), the Overtime Celebrations Account (\$2,300.00) and Overtime Court Account (\$20,000.00) to the Overtime Account to fund expected overtime costs for the remainder of the fiscal year to fill shifts due to vacancies or illnesses. The Police Chief indicated that only \$170,000.00 would be required. **The Finance Committee voted 5– 0 to approve the transfer of \$170,000.00 from the Police Officer Account to the Police Overtime Account.**

## Reports of Committees Cont'd:

- 2. Order No. 16-1006772 – Proposed Order to Enter into Purchase and Sales Agreements and Transfer of \$1,600.00 from the Open Space Stabilization Account to the Open Space Acquisition Account.** The Finance Committee reviewed the Mayor's letter dated December 15, 2016 requesting the approval of an order to acquire approximately 5.46 acres (Map 16 Parcel 16 ~5.11 acres and Map 29 Parcel 27 ~.35 acres) of land for the purpose of open space acquisition for protecting watershed spaces. **The Finance Committee approved the following 5 – 0:**

  - **Order to authorize the Mayor to enter into negotiations for two parcels for open space acquisition for watershed protection at Fitchburg Street and Sasseville Way.**
  - **Transfer of \$1,600.00 from the Open Space Stabilization to the Open Space Acquisition Account for the purpose of providing the deposits to bind offers on the two parcels for open space acquisition for watershed protection.**
  - **The Finance Committee agreed to support suspending the rules at the February 6, 2017 City Council meeting to approve both the Order and the transfer.**
- 3. Order #17-1006795A, 17-1006795B and 17-1006795C – Transfer \$615,629.11 to Fund the Fire Fighter Contract for Fiscal Years 2016, 2017 and 2018, Approve Salary Ordinances and Changes to the City Code.** The Finance Committee reviewed the Mayor's letter dated January 19, 2017 requesting the approval of the following:

  - **Order 17-1006795A - Transfer \$615,629.11 from the Reserve for Salaries Account (\$550,629.11) and Deputy Fire Chief Account (\$65,000.00) to fund the line items for the new contract and salary ordinances for the Assistant Fire Chiefs and Battalion Chiefs. The Finance Committee approved the transfers 5 – 0. The Finance Committee agreed to support suspending the rules at the February 6, 2017 City Council meeting to approve the transfers.**
  - **Order 17-1006795B - Approve the salary ordinances for the Assistant Fire Chiefs and Battalion Chiefs. The Finance Committee voted 5 – 0 to approve the salary ordinances. Note City Council approved the advertising of the salary ordinances at the January 23, 2017 City Council meeting.**
  - **Order 17-1006795C - Approve an order updating the City Code to reflect the Fire Departments permanent force. The Finance Committee discussed changes to the entire City Code section on the Fire Department and agreed to have the solicitor make changes and submit the Finance Committee for further review. The Finance Committee voted 5 – 0 to table this order.**

The Finance Committee adjourned at 8:27 PM.

Reports of Committees Cont'd:

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

City Council Legislative and Legal Affairs Committee  
Tuesday, January 24, 2017, 5:00 PM– In Council Chambers  
Minutes and Report

Present: Chairman Katie Robey, Councilor Clancy, Councilor Juaire, Councilors Elder and Councilor Ossing. Councilor Delano was absent. Also attending: for Order 16-1006773 was Cynthia Panagore Griffin, Assistant City Solicitor and for Order 16-1006657 were Don Rider, City Solicitor, Sandra Austin, Attorney for property owner, Bruce Saluk, Civil Engineer, John Schudy, Manager, Central Steel and John de Vries, Manager, 320-330 Middlesex Avenue, LLC.

**Order No. 16-1006773-Proposed Acceptance of a Deed from the Community Development Authority (CDA) for land presently used by the Marlborough Public Library for parking (about ½ of the parking lot on Witherbee Street) in exchange for a Grant of Easement from the City to the CDA for parking on land behind the Senior Housing on Bolton Street.**

The Mayor's letter of December 15, 2016 was read into the record. Chairman Robey went through the documents as there were duplicates of the Order regarding the acceptance of title and Exhibit A. The Assistant Solicitor reviewed the documents, explaining that the Order contained three parts. The first paragraph regarding acceptance of title, by deed of conveyance of land on Witherbee Street requires a simple majority of the City Council; the second paragraph regarding §15A of Chapter 40 of MGL requires a two-thirds vote because it changes the land from general municipal purposes to the purposes of a grant of easement; and the third paragraph regarding the exchange of fee simple interest in land of CDA, for City Council authorizing Mayor to grant to CDA a permanent easement for parking at Bolton Street Senior Housing which requires a simple majority vote. She recommended taking one vote for the entire order requiring a two-thirds vote in favor for passage. Also included in paperwork is Exhibit A, referenced in the Order, a Quitclaim Deed for 20 Witherbee Street and a Grant of Easement at 355 Bolton Street.

**Councilor Juaire moved to recommend approval of Order 16-1006773 to authorize the Mayor to accept a deed from the Community Development Authority for land presently used by the Library for parking (about ½ of the parking lot on Witherbee Street) in exchange for a grant of easement from the CDA for parking on land behind the Senior Housing on Bolton Street; the motion was moved and seconded (Requires 2/3 Vote). The motion carried 3-0.**

## Reports of Committees Cont'd:

**Order No. 16-1006657-Communication from Attorney Austin regarding request to change location of easement at 85 Ames Street.**

Committee members were given copies of a Proposed Order, an Easement Relocation Deed, an Easement Plan of Land dated January 24, 2017 from Bruce Saluk & Associates, and a color-coded Layout Plan. Attorney Austin stated her client wanted to add an addition to their facility on Ames Street and was requesting the city to move their easement further west so the building wouldn't sit on the easement. The easement begins at the southwest side of property at Ames Street, turns to east at back of building and terminates at a 2 acre parcel granted to city by Marlborough/Northborough Land Realty Trust for the purpose of a fire station so there was a second egress from the parcel which fronts Glen Street. Solicitor Rider explained his color-coded plan which helped distinguish the current easement's position relevant to building and placement of the proposed relocated easement. The property is near the wetlands, and the applicant has been before Conservation Commission and received a Wetlands Permit. Neither Fire Chief Breen nor City Engineer DiPersio has concern with the movement of easement. The Proposed Order was read after which Solicitor Rider stated it should be amended by adding the word "plan" in line 6 between a and entitled so it would read "on a plan entitled." (Note: A corrected copy along with all other paperwork provided at the meeting has been forwarded to the City Council Secretary and City Clerk).

**Councilor Clancy moved to recommend approval of Order 16-1006657, which is the request of Atty. Austin on behalf of her client, Central Steel, to relocate the Easement at 85 Ames Street to allow for an expansion of their building; the motion was moved and seconded. The motion carried 3-0.**

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 5:45 PM.

**Suspension of the Rules requested - granted**

ORDERED: Pursuant to M.G.L. c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of a parcel of land in fee simple interest and of an easement interest in another parcel of land will not benefit the City's interest because of the unique qualities and location of the properties as hereinafter defined:

Land of proposed purchase of fee simple interest: The parcel identified on the Assessors Map of the City of Marlborough as Map 16 Parcel 16, containing 5.11 acres, more or less, located on Fitchburg Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 203441, Page 412. The persons having a beneficial interest in this parcel are Alexander A. Staniunas and Annette Crossen;

Land of proposed purchase of easement interest: The parcel identified on the Assessors Map of the City of Marlborough as Map 29 Parcel 27, containing 0.35 acres, more or less, located at on Fitchburg Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 20344, Page 412. The persons having a beneficial interest in this parcel are Alexander A. Staniunas and Annette Crossen.

The above-identified parcels satisfy the requirements of said M.G.L. c. 30B, § 16(e)(2), because: (i) the parcels are uniquely situated because they abut and are located within close proximity to the Assabet River Rail Trail; (ii) include wetlands and seasonal wetlands which fall within the City's 2011-1018 Open Space and Recreation Plan to preserve and protect watershed to wetland and water resource areas; and (iii) abut the Fort Meadow Reservoir, the City's recreational lake, which will be protected and preserved by the acquisition.

It is further ordered that the Mayor is authorized to negotiate and enter into a purchase and sales agreement for the above-identified parcels subject to the following conditions: (i) that, in accordance with M.G.L. c. 43, § 30, the purchase price of any parcel shall not exceed more than 25% of the average assessed value of the parcel during the previous three years; and (ii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the appropriation of sufficient funds for the purchase of the parcel.

**APPROVED;** adopted.

**Suspension of the Rules requested - granted**

ORDERED: That the Assabet Valley Property Acquisition which includes a transfer request in the amount of \$1,600.00 which moves funds from Stabilization-Open Space to Open Space Acquisition for the purpose of depositing funds on any negotiated purchase and sale, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Mayor				FISCAL YEAR:		2017		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,018,295.76	\$1,600.00	83600	32918	Stabilization-Open Space	\$1,600.00	19300006	58170	Open Space Acquisition	\$0.00	
Reason:					For deposit on purchase and sale					
	\$1,600.00	Total			\$1,600.00	Total				

**Suspension of the Rules requested - granted**

ORDERED: That the Fire Department transfer request in the amount of \$615,629.11 which moves funds from Reserve for Salaries and Deputy Fire Chief to various accounts as noted below to fund the Memorandum of Agreement and reorganization of the Fire Department, **APPROVED**; adopted.

BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2017		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$733,779.70	\$341,817.75	11990006	57820	Reserve for Salaries	\$128,735.47	12200001	50450	Firefighter	\$1,419,381.08	
Reason:					Calculated amounts for contractual obligations					
					\$146,150.36	12200001	50334	Battalion Chief	\$0.00	
Reason:										
					\$23,596.92	12200001	50800	Fire Captain	\$151,170.01	
Reason:										
					\$43,335.00	12200001	50330	Assistant Chief	\$0.00	
Reason:										
	\$341,817.75	Total			\$341,817.75	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$733,779.70	\$92,803.72	11990006	57820	Reserve for Salaries	\$44,276.42	12200001	50810	Fire Lieutenant	\$591,276.47	
	Reason:	Calculated amounts for contractual obligations								
					\$18,940.40	12200003	51920	Sick Leave BuyBack	\$28,881.18	
	Reason:									
					\$20,166.57	12200003	51490	Holiday	\$182,255.69	
	Reason:									
					\$488.30	12200003	51481	Training Special Services	\$1,758.20	
	Reason:									
					\$8,932.03	12200003	51480	EMT	\$79,183.55	
	Reason:									
	\$92,803.72	Total			\$92,803.72	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2017		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$733,779.70	\$82,538.96	11990006	57820	Reserve for Salaries	\$6,531.22	12200003	51450	Night Shift	\$42,489.82	
	Reason:	Calculated amounts for contractual obligations								
					\$13,530.40	12200003	51440	Educational Incentive	\$107,686.57	
	Reason:									
					\$55,953.53	12200003	51430	Longevity	\$54,492.14	
	Reason:									
					\$4,471.24	12200003	51226	First Responder	\$29,333.78	
	Reason:									
					\$2,052.57	12200003	51328	Call Fire Overtime	\$73,692.95	
	Reason:									
	\$82,538.96	Total			\$82,538.96	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		FIRE					FISCAL YEAR:		2017		
		FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Available Balance	
\$733,779.70	\$29,809.73	11990006	57820	Reserve for Salaries	\$29,809.73	12200003	51300	Overtime		\$120,733.91	
	Reason:	Calculated amounts for contractual obligations									
\$733,779.70	\$1,748.95	11990006	57820	Reserve for Salaries	\$1,748.95	12200003	51324	Overtime Vehicle Maint.		\$16,692.54	
	Reason:	Calculated amounts for contractual obligations									
\$733,779.70	\$1,910.00	11990006	57820	Reserve for Salaries	\$1,910.00	29022501	51420	Hazmat Overtime		\$18,723.95	
	Reason:	Calculated amounts for contractual obligations									
\$74,428.32	\$65,000.00	12200001	50335	Deputy Fire Chief	\$65,000.00	12200001	50330	Assistant Chief		\$0.00	
	Reason:	Calculated amounts for contractual obligations									
	\$98,468.68	Total			\$98,468.68	Total					

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:50 PM.