



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Steven W. Kerrigan  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**MAY 20, 2019**

Regular meeting of the City Council held on Monday, May 20, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 8:32 PM.

ORDERED: That the Minutes of the City Council meeting, MAY 6, 2019 **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from TC Systems, Inc., on behalf of AT&T, to install new underground conduits with cable on Forest Street from Pole #24 To Verizon MH #516 for a distance of 65' within the Public Way, Order No. 19-1007672, all were heard who wish to be heard, hearing closed at 8:03 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Proposed FY20 Budget Recommendation from Mayor Vigeant, in the amount of \$169,023,174.00 which represents a 3.8 % increase over the FY19 appropriation, Order No. 19-1007668, all were heard who wish to be heard, hearing closed at 8:05 PM; adopted.

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

City Council President Clancy introduced the new City Solicitor, Jason Grossfield.

ORDERED: Whereas, Steven W. Kerrigan received eleven (11) votes for the position of City Clerk, and six (6) votes being necessary for election, Steven W. Kerrigan is **ELECTED** City Clerk of the City of Marlborough effective immediately for a three (3) year term to expire on May 20, 2022; adopted.

**ORDERED:** That the Transfer Request for the Department of Public Works in the amount of \$1,325,300.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal and Operating Expenses in the amounts of \$280,300.00, \$395,000.00 & \$650,000.00 respectively to fund FY19 deficit, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	DPW					FISCAL YEAR:	2019		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$6,919,461.00	\$1,325,300.00	10000	35900	Undesignated Fund	\$280,300.00	14001203	51390	Overtime-Snow & Ice		-\$280,292.68
	Reason:	To fund the snow & ice deficit for FY19								
					\$395,000.00	14001206	52960	Snow Removal		-\$392,271.23
	Reason:									
					\$650,000.00	14001206	57040	Operating Expenses		-\$647,654.04
	\$1,325,300.00	Total			\$1,325,300.00	Total				

ORDERED: That the Transfer Request in the amount of \$388,000.00 which moves funds from Meals Tax Revenue Account to fund FY19 bond payments associated with Parks & Recreation improvements, refer to **FINANCE COMMITTEE**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS --										
	DEPT:	Comptroller						FISCAL YEAR:	2019			
		FROM ACCOUNT:					TO ACCOUNT:					
Available											Available	
Balance	Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description: Balance		
\$3,925,755.96	\$388,000.00	27000	33086	Fund Bal-Parks & Fields Capital			\$388,000.00	19910009	49715	Transfer-Meal Local Option \$0.00		
	Reason:	Local options meals tax funding FY19 bond payments associated with parks & fields as per the recap										
	\$388,000.00	Total					\$388,000.00	Total				

**ORDERED:** That the Transfer Request for the Department of Public Works in the amount of \$58,000.00 which moves funds to and from various accounts within Public Works, to fund park maintenance, consultant fees and roof and masonry repairs at the DPW, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Department of Public Works/Public Facilities				FISCAL YEAR:	19			
		FROM ACCOUNT:				TO ACCOUNT:				
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$23,343	\$15,000.00	14001002	50062	Finance Asst.	\$23,000.00	14001506	54640	Park Maintenance		\$49
	Reason:	Excess due to step increases				Byrne and Korean Veterans Field drainage, Irrigation at Women Veterans Park and Station 1				
\$45,142	\$8,000.00	14001101	50710	Junior Civil Engineer						
	Reason:	Excess due to step increases								
\$26,254	\$11,000.00	60080001	50630	Asst. Comm. Utilities	\$15,000.00	60081004	53174	Contract Services		\$888
	Reason:	Excess due to vacancy				Consultant fee for Assistant Commissioner duties				
\$18,041	\$4,000.00	60080001	50570	Chemist						
	Reason:	Excess due to maternity leave								
\$34,649	\$20,000.00	13032001	50292	Craftsman	\$20,000.00	11920006	53999	Other Services		\$14
	Reason:	Excess due to vacancy				Roof and masonry repairs at DPW				
	\$58,000.00	Total			\$58,000.00	Total				

**ORDERED:** That the Transfer Request for the Fire Department in the amount of \$15,000.00 which moves funds from 2018 Multi-Purpose Bond to Fire Equipment to fund the purchase of a new command vehicle, refer to **FINANCE COMMITTEE**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS --										
	DEPT:	Fire						FISCAL YEAR:	2019			
		FROM ACCOUNT:						TO ACCOUNT:				
Available												Available
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance	
\$1,054,000.00	\$15,000.00	17110006	59968	2018 Multi Purpose Bond		\$15,000.00	19300006	58512	Fire Dept Equipment		\$128,631.40	
	Reason:	Excess due to favorable interest rates						Replace vehicle totaled in accident				
	\$15,000.00	Total				\$15,000.00	Total					

ORDERED: That the Transfer Request for the Human Resources Department in the amount of \$16,900.00 from Reserved for Salaries to Sick Leave Buy Back and Human Resources Director to fund the retirement benefit for David Brumby who will be retiring effective July 1, 2019, refer to **FINANCE COMMITTEE**; adopted.

		FROM ACCOUNT:				TO ACCOUNT:				
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$660,632.65	\$16,900.00	11990006	57820	Reserve for Salaries	\$11,900.00	11520001	50530	HR Director		\$13,851.56
	Reason:	To fund sick leave buy back & vacation due to a retirement								
					\$5,000.00	11520003	51920	Sick Leave Buy Back		\$0.00
	\$16,900.00	Total			\$16,900.00	Total				

**ORDERED:** That the Transfer Request in the amount of \$4,500.00 which moves funds from Undesignated to Stabilization-Open Space from wireless antenna payments received in FY18, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2019		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$6,919,461.00	\$4,500.00	10000	35900	Undesignated Fund	\$4,500.00	83600	32918	Stabilization-Open Space		\$522,426.13
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2018 to Open Space Stabilization								
	\$4,500.00	Total			\$4,500.00	Total				

**ORDERED:** That no more than seventy-five thousand dollars (\$75,000.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2020, unless otherwise authorized by City Council and Mayor, refer to **FINANCE COMMITTEE**; adopted.

**ORDERED:** That no more than three hundred fifty thousand dollars (\$350,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2020, unless otherwise authorized by City Council and Mayor, refer to **FINANCE COMMITTEE**; adopted.

**ORDERED:** That no more than seventy thousand dollars (\$70,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2020, unless otherwise authorized by City Council and Mayor, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Proposed Zoning Amendment to Chapter 650 which will create the Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road area, in proper legal form, **MOVED TO ITEM 25**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Proposed Conservation Restriction and Proposed Regulatory Agreement, Avalon Orchards, 91 Boston Post Road East, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(j), refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Map Amendment, relative to land off Williams Street identified as Map 113, Parcels 5 & 6, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY JUNE 3, 2019** as the **DATE FOR PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to relocate Pole and anchor #6 to the opposite side of Boudreau Avenue to accommodate a city road widening project, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Michael Dolan on behalf of New Cingular Wireless PCS, LLC (AT&T), re: Small Cell Antenna Petition, 28 Concord Road, **REMOVED** from the **WIRELESS COMMUNICATIONS COMMITTEE** and refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Brian Falk, on behalf of Vincenza Sambataro, re: Request to Extend Time Limitations on the Application for Special Permit to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space, 161-175 Main Street, until 10:00 PM on August 27, 2019, **APPROVED**; adopted.

ORDERED: That the Communication from Attorney Brian Falk on behalf of Post Road Residential, LLC, re: Proposed Zoning Amendment relative to the Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road area, **MOVED TO ITEM 25**; adopted.

ORDERED: That the Communication from Hunter Bjorkman on behalf of ecoATM, re: Information on the Renewal of Junk Dealer/Second Hand Dealer License, 601 Donald J. Lynch Boulevard, and the Email from Police Chief Giorgi, re: Review of CORI and no objection on the renewal of Junk Dealer/Second Hand Dealer License, ecoATM, **MOVED TO ITEM 23**; adopted.

ORDERED: That the Minutes, Council on Aging, March 12, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 29, 2019, **FILE**; adopted.

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

- a) Lynn Formica, 110 Woerd Avenue, Waltham, pothole or other road defect.
- b) Kelsey Maley, 80 Newton Street, pothole or other road defect.



Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee**  
**Thursday May 9, 2019**  
**In Council Chambers**

Finance Committee Members Present: Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilor Clancy, Doucette, Juaire, Tunnera, and Landers.

The meeting convened at 6:00 PM.

1. **Order No. 19-1007668 – Mayor Fiscal Year 2020 Operating Budget for \$169,023,174.00:** The Finance Committee reviewed the Mayor's letter dated May 2, 2019 requesting the approval of the Fiscal Year 2020 (FY20) operating budget for \$169,023,174.00.

Attachment 1 contains the projected tax implications based on the Mayor's FY20 budget. The Mayor's FY20 budget results in a less than 3% estimated increase in the property tax levy or an increase of approximately \$156.87 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2019.

Attachment 2 contains the projections for the state and local revenues for FY20 that were used in developing the tax implications.

For the FY20 budget, the City Council approved order 19-1007618 (April 8, 2019) for the abbreviated budget format that approves a salary amount and expenditure amounts for each departments budget.

Councilor Oram Abstained from participation in the Parks and Recreation Department budget discussions as well as Early Childhood discussions.

**The Finance Committee voted 5 – 0 to approved a FY20 budget of \$169,023,174.00. This represents a 3.8% increase from the FY19 budget or an increase of \$6,189,707.00.**

The Finance Committee adjourned at 7:42 PM.

**Marlboro City Council Finance Committee**  
**Monday May 13, 2019**  
**In Council Chambers**

Finance Committee Members Present: Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilor Clancy.

The meeting convened at 7:00 PM.

## Reports of Committee Continued:

1. **Order No. 19-1007644 – Transfer \$88,500.00 from the Reserve for Salaries Account to Fund the Police Patrol Officer Contract:** The Finance Committee reviewed the Mayor's letter dated April 24, 2019 requesting the transfer of \$88,500.00 from the Reserve for Salaries account to fund the Police Patrol Officer Contract. The new contract covers FY19, 20 and 21. **The Finance Committee voted 5 - 0 to approve the transfer request to fund the Police Patrol Officer contract for FY19.**
2. **Order No. 19-1007645 – Transfer \$59,300.00 from the Reserve for Salaries Account to Fund the Police Command Officer Contract:** The Finance Committee reviewed the Mayor's letter dated April 24, 2019 requesting the transfer of \$59,300.00 from the Reserve for Salaries account to fund the Police Command Officer Contract. The new contract covers FY19, 20 and 21. **The Finance Committee voted 5 – 0 to approve the transfer request to fund the Police Command Officer contract for FY19.**
3. **Order No. 19-1007643 – Transfer \$397,000.00 from Various DPW Accounts:** The Finance Committee reviewed the Mayor's letter dated April 25, 2019 requesting a transfer of \$397,000.00 from surplus in various DPW accounts to fund ongoing projects, step increases and overtime. **The Finance Committee voted 5 - 0 to approve the transfers.**
4. **Order No. 19-1007647 – Transfer \$27,500.00 from Reserve for Salaries to DPW Sick Leave Buy Back:** The Finance Committee reviewed the Mayor's letter dated April 24, 2019 requesting the transfer of \$27,500.00 from Reserve for Salaries to the DPW Sick Leave Buy back account to cover the retirement of a DPW employee. **The Finance Committee voted 5 - 0 to approve the transfer.**

The Finance Committee agreed to support suspending the rules at the May 20, 2019 City Council meeting to approve all four transfer request orders.

The Finance Committee adjourned at 7:27 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: May 9, 2019

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:19 PM – Adjourned: 5:43 PM

Present: Chairman Juairé (Acting); Urban Affairs Committee Members Councilors Landers, Doucette, and Tunnera.

Councilors Clancy and Robey

**Absent: Chairman Delano (recused)**

## Reports of Committee Continued:

**Order No. 19-1007569: Proposed Zoning Map Amendment from Attorney Brian Falk on behalf of St. Mary's Credit Union, regarding Rezoning of land located on John Street.**

The Committee reviewed the petition on April 30<sup>th</sup> and May 9<sup>th</sup> with Attorney Brian Falk. Also, appearing on behalf of St. Mary's Credit Union: Robert Michaud, P.E. and Daniel Dumais, P.E. of MDM Transportation Consultants, Inc.; Josh Swerling, P.E. and Randy Miron of Bohler Engineering; and Jim Petkewich, Senior Vice President, St. Mary's Credit Union.

The zoning petition seeks to rezone Parcels 112 and 113 on John Street from Residence C to Business. These parcels abut St. Mary's existing branch location on South Bolton Street. The zoning will incorporate the two parcels into the St. Mary's site to permit the construction of a new building, including a modern branch location with a coffee shop (Starbucks) and drive through facilities for each. The residential properties at 31 and 35 John Street will be torn down and replaced with the new building.

Mr. Falk summarized the discussion from the previous meeting on the review of the concept plan, changes made in response to the public hearing, and an examination of their traffic analysis. Mr. Michaud reviewed updates to their traffic report regarding the intersection of John Street and Route 85 from a safety and design perspective. The crash data obtained from the Marlborough Police Department shows over an extended five-year period there was a total of nine crashes reported which is a crash rate (measures number of crashes against the total entering volume) of 0.23 crashes per million entering vehicles. Comparing that intersection to the State crash rate for like intersections, it is about one-third less than the State's average and therefore classified as a low crash location. Representatives answered questions regarding the proposed location of the building and difficulties encountered due to required setbacks for a corner lot, 50' on both front and side.

Councilor Landers reported conversations he had with bank representatives that could possibly result in dedicated parking for the John Street playground.

By email dated May 3, 2019, Police Chief Giorgi advised there have been few crashes at the intersection and the totals from the period of years 2016 – 2019 range between 2-6 total crashes for the intersection.

By email dated May 9, 2019, City Solicitor Rider advised removing the language that extended the rezoning to the centerline of John Street, pointing out that zoning does not extend into the public way even though the GIS indicates it does.

## Reports of Committee Continued:

By letter dated April 30, 2019, the Planning Board voted to send a generally favorable recommendation with the following comments:

- Reposition of property dumpsters to reduce potential impact on abutting neighbors;
- Reposition the proposed structure(s) closer to the Maple Street Business District to lessen impact on surrounding residential neighborhood;
- Analyze traffic impacts to ensure safety at the John Street park and consider mitigating designs to facilitate left hand turns at the John Street and South Bolton Street intersection.

**Motion by Councilor Landers, seconded by Chair, to approve the rezoning of Map 82, Parcels 112 and 113 on John Street from Residence C to Business, as amended per Solicitor. Motion carried 4-0.**

**Motion made and seconded to adjourn. Motion carried 4-0. Meeting adjourned at 5:43 PM.**

**Suspension of the Rules requested – granted.**

ORDERED: That the FY20 Budget in the amount of \$ 169,023,174.00 in which this spending plan reflects an increase of 3.8% over the approved Fiscal Year 2019 Budget, **APPROVED**; adopted.

**Suspension of the Rules requested – granted.**

ORDERED: That the Transfer Request for the Police Department in the amount of \$88,500.00 which moves funds from Reserved for Salaries to various accounts within the Police Department to fund the recently ratified 3-year contract with the Police Patrol Officers Association (MPPOA) through FY2021, **APPROVED**; adopted.

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Comptroller					FISCAL YEAR:	2019			
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance	
\$660,632.65	\$88,500.00	11990006	57820	Reserve for Salaries	\$63,000.00	12100001	50420	Police Officers		\$753,091.08	
	Reason:	Budgeted for contracts				Reason:	Contract				
	\$0.00				\$4,000.00	12100003	51360	Overtime - Training		\$8,905.21	
	Reason:					Reason:	Contract				
	\$0.00				\$2,000.00	12100003	51310	Overtime - Regular		\$57,318.52	
	Reason:					Reason:	Contract				
	\$0.00				\$6,000.00	12100003	51320	Overtime - Court		\$50,896.31	
	Reason:					Reason:	Contract				
	\$0.00				\$3,000.00	12100003	51319	Overtime - Cell watch		\$1,259.66	
	Reason:					Reason:	Contract				

CITY OF MARLBOROUGH												
BUDGET TRANSFERS --												
DEPT:	Comptroller							FISCAL YEAR:	2019			
	FROM ACCOUNT:							TO ACCOUNT:				
\$0.00						\$500.00		12100003	51329	On-Call Pay		\$3,279.74
Reason:						Reason:	Contract					
\$0.00						\$500.00		12100003	51920	Sick Leave Buy Back		\$7,314.95
Reason:						Reason:	Contract					
\$0.00						\$1,000.00		12100003	51490	Holiday		\$67,566.67
Reason:						Reason:	Contract					
\$0.00						\$4,000.00		12100003	51450	Night Shift Differential		\$28,114.55
Reason:						Reason:	Contract					
\$0.00						\$2,000.00		12100003	51440	Education Incentive		\$108,743.22
Reason:						Reason:	Contract					
\$0.00						\$1,500.00		12100003	51410	First Responder		\$13,888.89
Reason:						Reason:	Contract					
\$0.00						\$1,000.00		12100001	50435	Police Specialists		\$10,801.88
Reason:						Reason:	Contract					
\$88,500.00	Total					\$88,500.00	Total					

**Suspension of the Rules requested – granted.**

**ORDERED:** That the Transfer Request for the Police Department in the amount of \$59,300.00 which moves funds from Reserved for Salaries to various accounts within the Police Department to fund the recently ratified 3-year contract with the Police Command Officers Association (MPCOA) through FY2021, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Comptroller				FISCAL YEAR:	2019		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$660,632.65	\$59,300.00	11990006	57820	Reserve for Salaries	\$34,000.00	12100001	50500	Police Captains	\$36,368.77
	Reason:	Budgeted for contracts				Reason:	Contract		
	\$0.00				\$8,500.00	12100003	51440	Educational Incentive	\$108,743.22
	Reason:					Reason:	Contract		
	\$0.00				\$500.00	12100001	50510	Police Lieutenants	\$63,584.51
	Reason:					Reason:	Contract		
	\$0.00				\$500.00	12100001	50820	Sergeants	\$128,608.15
	Reason:					Reason:	Contract		
	\$0.00				\$4,500.00	12100003	51920	Sick Leave Buy Back	\$7,314.95
	Reason:					Reason:	Contract		

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS --										
	DEPT:	Comptroller						FISCAL YEAR:	2019			
		FROM ACCOUNT:						TO ACCOUNT:				
	\$0.00					\$200.00	12100003	51360	Overtime - Training		\$8,905.21	
	Reason:					Reason:	Contract					
	\$0.00					\$5,500.00	12100003	51310	Overtime - Regular		\$57,318.52	
	Reason:					Reason:	Contract					
	\$0.00					\$700.00	12100003	51320	Overtime - Court Time		\$50,896.31	
	Reason:					Reason:	Contract					
	\$0.00					\$100.00	12100003	51319	Overtime - Cell Watch		\$1,259.66	
	Reason:					Reason:	Contract					
	\$0.00					\$2,200.00	12100003	51490	Holiday		\$67,566.67	
	Reason:					Reason:	Contract					
	\$0.00					\$1,800.00	12100003	51342	Longevity		\$30,726.90	
	Reason:					Reason:	Contract					
	\$0.00					\$700.00	12100003	51450	Night Shift Differential		\$28,114.55	
	Reason:					Reason:	Contract					
	\$0.00					\$100.00	12100003	51410	First Responder		\$13,888.89	
	\$59,300.00	Total				\$59,300.00	Total					



**Suspension of the Rules requested – granted.**

**ORDERED:** That the Transfer Request for the Department of Public Works in the amount of \$397,000.00 which moves funds from and to various accounts within Public Works to fund ongoing projects, step increases and overtime, **APPROVED;** adopted.

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Department of Public Works/Public Facilities					FISCAL YEAR:	2019			
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$295,449	\$59,300.00	61090001	50740	Equipment Operator		\$2,300.00	60085001	50850	Treat. Plant Op.		\$45,868
	Reason:	Excess due to vacancy					Due to step increase				
						\$7,000.00	60085001	50910	Chief Treat. Plant Op.		\$8,686
	Reason:						Due to step increase				
						\$3,000.00	60085003	51310	Overtime		\$0
	Reason:						Due to increased flow				
						\$40,000.00	60085006	55980	West Waste Water Tr.		\$29,782
	Reason:						Due to new permit from DEP / increased flow				
						\$7,000.00	14001303	51310	Overtime		\$3,112
	Reason:						Due to vacancy				
	\$59,300.00	Total				\$59,300.00	Total				

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Department of Public Works/Public Facilities				FISCAL YEAR:	2019		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$295,449	\$35,000.00	61090001	50740	Equipment Operator	\$50,000.00	60081006	55950	East Waste Water Tr.	\$9,522
	Reason:	Excess due to vacancy				Due to new permit from DEP / increased flow			
\$78,150	\$15,000.00	60081001	50850	Treatment Plant Op.					
	Reason:	Excess due to vacancy							
\$41,747	\$17,700.00	13032001	50690	Foreman	\$15,000.00	11920003	51300	Additional Gross-OT	\$0
	Reason:	Excess due to vacancy				Due to vacancies			
					\$2,700.00	14001403	51470	Interim Foreman	\$0
	Reason:					Due to medical leave			
\$295,449	\$45,000.00	61090001	50740	Equipment Operator	\$105,000.00	61090006	55710	Water Maintenance	\$37,899
	Reason:	Excess due to vacancy				Ongoing projects			
\$101,211	\$60,000.00	61090001	50690	Foreman					
	Reason:	Excess due to vacancy							
	\$172,700.00	Total			\$172,700.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Department of Public Works/Public Facilities				FISCAL YEAR:	2019		
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$41,747	\$24,000.00	13032001	50690	Foreman	\$75,000.00	11920006	53999	Other Services	\$0
	Reason:	Excess due to vacancy				Ongoing projects			
\$40,079	\$20,000.00	13032001	50386	HVAC					
	Reason:	Excess due to vacancy							
\$43,082	\$16,000.00	13032001	50385	Electrician					
	Reason:	Excess due to medical leave							
\$26,564	\$15,000.00	60080001	50630	Asst. Comm. Utilities					
	Reason:	Excess due to vacancy							
\$221,032	\$50,000.00	14001503	50740	Equipment Operator	\$90,000.00	14001504	53140	Contract Services	\$473
	Reason:	Excess due to vacancy				Ongoing projects			
\$295,449	\$40,000.00	61090001	50740	Equipment Operator					
	Reason:	Excess due to vacancy							
	\$165,000.00	Total			\$165,000.00	Total			

**Suspension of the Rules requested – granted.**

ORDERED: That the Transfer Request for the Department of Public Works in the amount of \$27,250.00 which moves funds from Reserved for Salaries to Sick Leave Buy Back to fund the retirement benefit of a recently retired member of DPW, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	DPW					FISCAL YEAR:	2019		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$660,632.65	\$27,250.00	11990006	57820	Reserve for Salaries	\$27,250.00	14001503	51920	DPW-Sick Leave Buy Back		\$3.08
	Reason:	To fund sick leave buy back due to a retirement								
	\$27,250.00	Total			\$27,250.00	Total				

ORDERED: That the Communication from Hunter Bjorkman on behalf of ecoATM, re: Information on the Renewal of Junk Dealer/Second Hand Dealer License, 601 Donald J. Lynch Boulevard, and the Email from Police Chief Giorgi, re: Review of CORI and no objection on the renewal of Junk Dealer/Second Hand Dealer License, ecoATM, **FILE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's/Second Hand Dealer's License, ecoATM, LLC, 601 Donald J. Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealers/Second Hand License, TVI, Inc. d/b/a Savers, 222A East Main Street, be and is herewith **APPROVED WITH THE FOLLOWING CONDITIONS AND WAIVERS**; adopted.

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.

4. Donations shall take place only during the hours of operation which shall be 9:00 A.M. to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

#### Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Proposed Zoning Amendment to Chapter 650 which will create the Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road area, in proper legal form, **FILE**; adopted.

ORDERED: That the Communication from Attorney Brian Falk on behalf of Post Road Residential, LLC, re: Proposed Zoning Amendment relative to the Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road area, **FILE**; adopted.

ORDERED: That the Proposed Zoning Amendment, to add to Chapter 650 a new section §36, which will create an Executive Residential Overlay District (EROD) in the Simarano Drive and Cedar Hill Road Area as amended by the Urban Affairs Committee, and placed in proper form by the Legal Department, refer back to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:32 PM; adopted.