



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
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**APRIL 10, 2017**

Regular meeting of the City Council held on Monday, APRIL 10, 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 8:40 PM.

ORDERED: That the Minutes of the City Council meeting March 27, 2017, **FILE AS AMENDED**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment from Attorney Eriksen, Walker Realty LLC, re: Expansion and Modification of Hospitality and Recreation Mixed Use Overlay District (HRMUOD), Order No. 16/17-1006443O, all were heard who wish to be heard, hearing recessed at 8:07 p.m.

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

ORDERED: That the FY2018-2022 Capital Plan, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Gift Acceptance donation to the Recreation Department in the amount of \$5,000.00 from DCU Federal Credit Union for the Recreation Department's scholarship program, **FILE**; adopted.

ORDERED: That the Gift Acceptance donation to the Conservation Maintenance Fund in the amount of \$1,000.00 from Dow Chemical Company for the Clean Sweep Program, **FILE**; adopted.

ORDERED: That the Communication from Municipal Ad Hoc Chairman Ossing re: Municipal Aggregation-Six Month Fixed Price Contract with TransCanada from May 1, 2017 through October 31, 2017, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 8, 2017** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Patrick Mauro of Royce Road Museum Realty Trust to build an addition to a single family residence, 91 Royce Road, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Communication from Attorney Cipriano on behalf of Tiger Cat Properties LLC, re: request to extend time limitations on Application for Special Permit to construct a multifamily dwelling at 487 Lincoln Street, until 10:00 PM on June 6, 2017, **APPROVED**; adopted.

- ORDERED: That the Communication from Pat Scorzelli on behalf of Mina Property Group LLC, re: request to extend time limitations on Application for Special Permit to construct a commercial automotive facility at 408 Maple Street, until 10:00 PM on June 6, 2017, **APPROVED**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Kristi Carlson on behalf of Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Kristi Carlson on behalf of Best Buy Stores, LP #820, 769 Donald Lynch Boulevard, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Jean Rabelo on behalf of Post Road Used Auto Parts of Marlborough, Inc., 785 Boston Post Road East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, TVI, Inc. on behalf of Savers, 222A East Main Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Communication from Department of Agricultural Resources re: Notice of Amendment to 333 CMR 13.03, Requests for Exclusion from Wide-Area Pesticide Applications, **FILE**; adopted.
- ORDERED: That the Communication from Sudbury Companies of Minute and Militia re: request to place a temporary sign on City Property at the corner of US Rt. 20 and Hagar Road at the Wayside Inn turn from Saturday, September 16, 2017 to Saturday, September 24, 2017, **APPROVED**; adopted.
- ORDERED: That the Minutes, Board of Assessors, March 13, 2017, **FILE**; adopted.
- ORDERED: That the Minutes, Conservation Commission, February 16, 2017 & March 2, 2017, **FILE**; adopted.
- ORDERED: That the Minutes, Ad-Hoc Municipal Aggregation Committee, January 20 & March 23, 2017, **FILE**; adopted.
- ORDERED: That the Minutes, Council on Aging, February 14, 2017, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- a. Matthew Lacouture, 117 Mt. Pleasant St., other property damage and/or personal injury.
  - b. Sharon Carter, 70 McNeil Circle, residential mailbox claim 2(a).
  - c. Paul DiTullio, 274 Brigham St., residential mailbox claim 2(a).
  - d. Albert Banach, 600 Hosmer St., residential mailbox claim 2(a).
  - e. Robert Clark, 67 Vega Rd., residential mailbox claim 2(a).
  - f. Jill Sacca, 227 Berlin Rd., residential mailbox claim 2(a).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday April 3, 2017  
In Council Chambers**

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

1. **Order #17-1006855 – Transfer \$74,380.00 from Various Police Accounts to Fund a Retirement in the Police Department:** The Finance Committee reviewed the Mayor’s letter dated March 23, 2017 requesting a transfer of \$74,380.00 from various Police Department accounts to fund the Sick Leave Buy Back and Sergeant accounts in the Police Department for a retirement in the Police Department. The Finance Committee voted 5– 0 to approve the transfer.
2. **Order #17-1006856 – Fiscal Year 2018 Budget Format:** The Finance Committee reviewed the Mayor’s letter dated March 23, 2017 requesting the approval of an order to adopt an abbreviated budget format for FY18. The Finance Committee voted 5- 0 to approve the order for the abbreviated budget format with the addition of the following sunset clause “The City Council will assess the results in April 2018 to determine if the practice will continue”.

**Continued Review:**

3. **Order #17-1006795C: Fire Department City Code Changes:** The Finance Committee continued the discussion from the January 30, 2017 Finance Committee meeting which tabled the changes to the city code for the Fire department in order to resolve comments and obtain input from the solicitor.

The Finance Committee did not take up this order and the item will remain tabled in Finance Committee.

The Finance Committee adjourned at 7:49 PM.

**ORDERED:** On March 23, 2017, the AD-Hoc Municipal Aggregation Committee recommended the City Council approve the following Municipal Aggregation order. This order clarifies how the Ad-Hoc Municipal Aggregation Committee functions and incorporates the changes required after 10 years of the City participating in Municipal Aggregation.

1. This order supersedes order 06100-1337A dated November 6, 2006.
2. The goal of Municipal Aggregation is to require that the R-1 (residential) class rates be lower than the prevailing National Grid Fixed Basic Service Rate.
3. Establish an Ad-Hoc Municipal Aggregation Committee that will review competitive electric supply offers and make recommendations to the Mayor. The Ad-Hoc Municipal Aggregation Committee will consist of 5 members including:
  - The Mayor (or designee)
  - Two City Councilors (appointed by the City Council President)
  - The Chief Procurement Officer
  - The DPW Commissioner (or designee)
  - A quorum shall consist of a minimum of 3 members
  - The Council President shall appoint one of the members as the Chairman
4. The Ad-Hoc Municipal Aggregation Committee will provide periodic updates to the City Council on Municipal Aggregation program.
5. All suppliers of electricity licensed by the Department of Public Utilities and qualified to do business in the Commonwealth of Massachusetts can participate in the City's Municipal Aggregation Program.

**APPROVED;** adopted.

**ORDERED:**

**REHABILITATION OR IMPROVEMENTS TO RECREATIONAL FIELDS**

That the sum of \$4,500,000 (four million five hundred thousand dollars) be and is hereby appropriated for rehabilitation or improvements to recreational fields.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$4,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED;** adopted.

**Yea: 10- Nay: 1**

**Yea - Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing, & Robey**

**Nay: Clancy**

ORDERED:

**STREET CONSTRUCTION**

That the sum of \$9,535,000 (nine million five hundred thirty-five thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$9,535,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED;** adopted.

**Yea: 11- Nay: 0**

**Yea - Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juair, Oram, Ossing, & Robey**

ORDERED:

**SEWER CONSTRUCTION**

That the sum of \$2,000,000 (two million dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$2,000,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED;** adopted.

**Yea: 11- Nay: 0**

**Yea - Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juair, Oram, Ossing, & Robey**

ORDERED:

**WATER MAIN CONSTRUCTION**

That the sum of \$1,500,000 (one million five hundred thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,500,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED;** adopted.

**Yea: 11- Nay: 0**

**Yea - Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juair, Oram, Ossing, & Robey**

ORDERED:

**SEWERAGE SYSTEMS**

That the sum of \$700,000 (seven hundred thousand dollars) be and is hereby appropriated for sewerage systems.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$700,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED;** adopted.

**Yea: 11- Nay: 0**

**Yea - Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juair, Oram, Ossing, & Robey**

ORDERED: That, for all prior orders approved by the City Council of the City of Marlborough authorizing the borrowing of money to pay costs of capital projects, the City Council hereby votes to supplement each such order to provide, in accordance with M.G.L. c. 44 § 20, that the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs, and further, that the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:40 PM.