



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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JUNE 5, 2017

Regular meeting of the City Council held on Monday, June 5, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Ossing, Juaire, Oram, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:09 PM.

ORDERED: That the Minutes of the City Council meeting May 22, 2017, **FILE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Legislative Earmark Grant acceptance in the amount of \$100,000.00 from MA Department of Transportation for Transportation Programming; adopted.

ORDERED: That the Communication from Central MA Mosquito Control Project re: responding to residents' concerns about mosquitos in their area on the following dates in June: 1, 7, 14, 21 & 28, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, April 12, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 24, 2017, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, April 11, 2017 April 25, 2017 and May 9, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, April 11, 2017, **FILE**; adopted.

ORDERED: That the Minutes, School Building Committee, March 27, 2017 & May 2, 2017, **FILE**; adopted.

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

- a. Benjamin Katcher, 16 Lands End Lane, Sudbury, pothole or other road defect.
- b. Robert Sibilio, 32 Elm Street, pothole or other road defect.
- c. Violet Tiru, 9 Springhill Avenue, other property damage and/or personal injury.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Marlboro City Council Finance Committee
Wednesday May 31, 2017
In Council Chambers

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

1. **Order #17-1006919 - Snow and Ice Year End Transfers for \$1,375,000.00:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting a transfer of \$1,375,000.00 from the Undesignated Fund account to the following snow and ice accounts:
 - \$245,000.00 to Overtime Snow and Ice
 - \$490,000.00 to Snow Removal
 - \$640,000.00 to Operating Expenses

The Finance Committee voted 5 - 0 to approve the transfers.

2. **Order #17-1006920 – Transfer \$1,200,000.00 to OPEB Trust Fund:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting a transfer of \$1,200,000.00 from the Undesignated Fund account to the OPEB Trust account to fund the unfunded liabilities for other post-employment benefits. The Finance Committee voted 5 - 0 to approve the transfer.
3. **Order #17-1006921 – Transfer \$1,200,000.00 to the Undesignated Stabilization Account:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting a transfer of \$1,200,000.00 from the Undesignated Fund account to the Undesignated Stabilization account to align with the recently approved Financial Policy to transfer 10% of the Free Cash into the Undesignated Stabilization account each year. The Finance Committee voted 5 - 0 to approve the transfer.

Reports of Committees Cont'd

- 4. Order #17-1006922 – Year End Transfers in the amount of \$1,215,192.34:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting year end transfers from within the existing budget in the amount of \$1,215,192.34 for the Fire Department, Police Department, Legal Department, Department of Public Works and Comptroller. The Finance Committee took the following actions:

 - \$71,130.00 in the Legal Department – Finance Committee voted 5 - 0 to approve the transfers.
 - \$87,599.34 in the Fire Department – Finance Committee voted 5 - 0 to approve the transfers.
 - \$23,000.00 in the Police Department – Finance Committee voted 5 - 0 to approve the transfers.
 - \$425,000.00 in the Comptroller Department – Finance Committee voted 5 - 0 to approve the transfers.
 - \$608,463.00.00 in the Department of Public Works – Finance Committee voted 5 - 0 to approve the transfers.
- 5. Order #17-1006923 – Transfer \$660,077.00 from the Economic Development Account to Fund MEDC for FY18:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting the transfer of \$660,077.00 from the Economic Development account to fund MEDC for FY18. The funds are from the local options hotel tax that has a current balance of \$1,129,032.43. The Finance Committee voted 4 - 1 (Councilor Oram opposed) to approve the transfer.
- 6. Order #17-1006924 – Transfer \$337,500.00 to the Future Growth Stabilization Account:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting a transfer of \$337,500.00 from the Undesignated Fund account to the Future Growth Stabilization account to invest in projects that increase property values and attract economic development. The Finance Committee voted 5 - 0 to approve the transfer.
- 7. Order #17-1006925 – Transfer \$80,000.00 to DPW Capital Outlay Account:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting a transfer of \$80,000.00 from the Undesignated Fund account to the DPW Capital Outlay account for upgrades to the sewer pump station at the eastern end of Donald Lynch Boulevard. The Finance Committee voted 5 - 0 to approve the transfer.
- 8. Order #17-1006926 – Transfer \$50,000.00 to DPW Energy Conservation Account:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting a transfer of \$50,000.00 from the Undesignated Fund account to the DPW Energy Conservation account for energy efficiency/conservation improvements for the City. The Finance Committee voted 5 - 0 to approve the transfer.

Reports of Committees Cont'd

- 9. Order #17-1006927 – Transfer \$22,000.00 to Open Space Stabilization Account:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting a transfer of \$22,000.00 from the Undesignated Fund account to the Open Space Stabilization. The source of the \$22,000.00 is from the FY16 wireless antennae receipts. The Finance Committee voted 5 - 0 to approve the transfer.
- 10. Order #17-1006928 – Transfer \$13,000.00 from Council on Aging Accounts to Capital Outlay Account:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting a transfer of \$13,000.00 from the Council on Aging Transportation and Contract Services account to the Capital Outlay Building Repairs account fund patio upgrades at the Senior Center. The Finance Committee voted 5 - 0 to approve the transfers.

The Finance Committee agreed to support suspending the rules at the June 5, 2017 City Council meeting for agenda items 1 - 10.

- 11. Order #17-1006931 – Revolving Fund Ordinances:** The Finance Committee reviewed the Mayor's letter dated May 18, 2017 requesting the City Council adopt ordinances for Revolving Funds in accordance with the Municipal Modernization Act of 2016. The Finance Committee took the following actions:
- Ordinance - Add Section 67-27 "Department Revolving Funds" as described in the Mayor's May 18, 2017 letter. The Finance Committee voted 5 - 0 to approve the ordinance. **The Finance Committee agreed to support suspending the rules at the June 5, 2017 City Council meeting to request the ordinance be advertised.**
 - Order - That no more than \$100,000.00 shall be expended from the Parks and Recreation Revolving Fund during Fiscal Year 2018, unless otherwise authorized by the City Council and Mayor. The Finance Committee voted 5 - 0 to approve the order.
 - Order - That no more than \$40,000.00 shall be expended from the Council on Aging Revolving Fund during Fiscal Year 2018, unless otherwise authorized by the City Council and Mayor. The Finance Committee voted 5 - 0 to approve the order.
 - Order - That no more than \$75,000.00 shall be expended from the Public Safety Revolving Fund during Fiscal Year 2018, unless otherwise authorized by the City Council and Mayor. The Finance Committee voted 5 - 0 to approve the order.

The Finance Committee adjourned at 9:12 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
Wednesday, May 31, 2017, 6:30 PM– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Delano, Councilor Juare, & Councilors Clancy and Doucette. Also attending was Tom DiPersio, City Engineer.

Order No. 17-1006933 Communication from the Mayor regarding an Order of Taking by Eminent Domain concerning public safety improvements on West Hill Road

The Mayor's letter of May 18th was read into the record. The order pertains to 2 properties, 161 & 151 West Hill Road; both to be taken by eminent domain for permanent easement for roadway widening purposes. Both are small parcels but the added land will help improve the road reconstruction/widening process.

Councilor Juare moved to recommend approval of Order 17-1006933, an Order of Taking by Eminent Domain concerning public safety improvements on West Hill Road. The motion carried 3-0. It was agreed that a Suspension of Rules would be asked for at the June 5th Council meeting to approve this as the project is currently underway.

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$1,375,000.00 which moves funds from Undesignated to various Snow & Ice accounts as noted below to subsidize the Snow & Ice account deficits for FY17, **APPROVED**; adopted.

| CITY OF MARLBOROUGH BUDGET TRANSFERS -- | | | | | | | | | | |
|--|----------------|---|--------|----------------------|----------------|----------|--------------|----------------------|-------------------|--|
| | DEPT: | DPW | | | | | FISCAL YEAR: | 2017 | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$6,750,790.00 | \$1,375,000.00 | 10000 | 35900 | Undesignated Fund | \$245,000.00 | 14001203 | 51390 | Overtime-Snow & Ice | -\$242,036.93 | |
| | Reason: | To fund the snow & ice deficit for FY17 | | | | | | | | |
| | | | | | \$490,000.00 | 14001206 | 52960 | Snow Removal | -\$487,847.13 | |
| | Reason: | | | | | | | | | |
| | | | | | \$640,000.00 | 14001206 | 57040 | Operating Expenses | -\$634,827.88 | |
| | \$1,375,000.00 | Total | | | \$1,375,000.00 | Total | | | | |

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$1,200,000.00 which moves funds from Undesignated to OPEB account as noted below, **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 | |
| \$6,750,790.00 | \$1,200,000.00 | 10000 | 35900 | Undesignated Fund | \$1,200,000.00 | 87500 | 35900 | OPEB Trust | \$6,220,593.17 | |
| | Reason: | Transfer funds to OPEB trust | | | | | | | | |
| | \$1,200,000.00 | Total | | | \$1,200,000.00 | Total | | | | |

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$1,200,000.00 which moves funds from Undesignated to Undesignated Stabilization account as noted below to ensure the City’s fiscal stability, **APPROVED**; adopted.

| CITY OF MARLBOROUGH | | | | | | | | | | |
|---------------------|----------------|--|--------|----------------------|----------------|----------|---------------|----------------------------|--|----------------|
| BUDGET TRANSFERS -- | | | | | | | | | | |
| | DEPT: | Mayor | | | | | FISCAL YEAR: | 2017 | | |
| | | | | | | | | | | |
| | | | | | | | FROM ACCOUNT: | | | TO ACCOUNT: |
| Available | | | | | | | | | | Available |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | | Balance |
| \$6,750,790.00 | \$1,200,000.00 | 10000 | 35900 | Undesignated Fund | \$1,200,000.00 | 83600 | 32925 | Undesignated Stabilization | | \$9,974,839.25 |
| | Reason: | To increase undesignated stabilization funds | | | | | | | | |
| | \$1,200,000.00 | Total | | | \$1,200,000.00 | Total | | | | |

Suspension of the Rules requested – granted

ORDERED: That the FY17 year-end transfer requests in the amount of \$1,215,192.34 which moves funds from and to various accounts as noted below to fund the remainder of noted accounts for FY17, **APPROVED**; adopted.

| BUDGET TRANSFERS -- | | | | | | | | | | |
|---------------------|-------------|--------------------------------------|--------|--------------------------|-------------|--------------|--|----------------------|-------------|--|
| | DEPT: | Legal | | | | FISCAL YEAR: | 2017 | | | |
| Available | | FROM ACCOUNT: | | | | TO ACCOUNT: | | | Available | |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Balance | |
| \$15,070.00 | \$12,000.00 | 11510006 | 57600 | Claims & Judgements | \$68,000.00 | 11510004 | 53110 | Legal Services | \$49,475.32 | |
| | Reason: | Fewer claims than anticipated | | | | | Fund Legal Services account through year end | | | |
| \$15,000.00 | \$15,000.00 | 13860006 | 53110 | ST Interest-Legal Fees | \$3,130.00 | 11510001 | 50172 | Asst City Solicitor | \$10,199.02 | |
| | | Funds available. Premiums to be used | | | | | To fund step increase effective 1/1/17 | | | |
| \$20,000.00 | \$20,000.00 | 60019904 | 53110 | Sewer Bonds-Legal Fees | | | | | | |
| | Reason: | Funds available. Premiums to be used | | | | | | | | |
| \$5,000.00 | \$5,000.00 | 61019904 | 53110 | Water Bonds-Legal Fees | | | | | | |
| | Reason: | Funds available. Premiums to be used | | | | | | | | |
| \$3,000.00 | \$3,000.00 | 13900006 | 50349 | School Committee-Assabet | | | | | | |
| | Reason: | Funds available | | | | | | | | |
| \$316,025.00 | \$16,130.00 | 17520006 | 59254 | Interest on Ban | | | | | | |
| | Reason: | Funds available | | | | | | | | |
| | \$71,130.00 | Total | | | \$71,130.00 | Total | | | | |

| CITY OF MARLBOROUGH BUDGET TRANSFERS -- | | | | | | | | | | | |
|--|-------------|------------------|----------------------|-----------------|--|---|-------------|----------|----------------------|-------------------------|-------------|
| DEPT: | | FIRE | | | | FISCAL YEAR: | | 2017 | | | |
| Available Balance | | FROM ACCOUNT: | | | | TO ACCOUNT: | | | | Available Balance | |
| Amount | Org Code | Object | Account Description: | | | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$311,228.15 | \$47,246.69 | 12200001 | 50810 | Fire Lieutenant | | | \$47,246.69 | 12200006 | 52560 | Vehicle Repair & Maint. | \$14,761.55 |
| | Reason: | Vacant positions | | | | Unexpected repairs on aging fleet | | | | | |
| \$311,228.15 | \$4,000.00 | 12200001 | 50810 | Fire Lieutenant | | | \$4,000.00 | 12200003 | 51324 | Overtime/Vehicle Maint. | \$3,991.34 |
| | Reason: | Vacant positions | | | | Unexpected repairs on aging fleet | | | | | |
| \$311,228.15 | \$7,384.21 | 12200001 | 50810 | Fire Lieutenant | | | \$7,384.21 | 12200007 | 58512 | Fire Dept Equipment | \$10,827.68 |
| | Reason: | Vacant positions | | | | Ice rescue suits, LED Survivor lights, C/O Meters | | | | | |
| \$146,150.36 | \$28,968.44 | 12200001 | 50334 | Battalion Chief | | | \$28,968.44 | 12200007 | 58512 | Fire Dept Equipment | \$10,827.68 |
| | Reason: | Vacant positions | | | | Portable radios for new Chiefs | | | | | |
| | \$87,599.34 | Total | | | | \$87,599.34 | Total | | | | |

| CITY OF MARLBOROUGH BUDGET TRANSFERS -- | | | | | | | | | | | |
|--|-------------|---------------------------|----------------------|------------------|--|---|-------------|----------|-------------------------|-------------------|-------------|
| DEPT: | | POLICE | | | | FY: | | 2017 | | | |
| Available Balance | | FROM ACCOUNT: | | | | TO ACCOUNT: | | | | Available Balance | |
| Amount | Org Code | Object | Account Description: | | | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$124,043.86 | \$2,000.00 | 12100001 | 50820 | POLICE SERGEANTS | | | \$2,000.00 | 12100001 | 50435 | POLICE SPECIALIST | \$4,364.71 |
| | Reason: | SURPLUS- VACANT POSITIONS | | | | FUND SALARY % | | | | | |
| \$80,982.54 | \$21,000.00 | 12100003 | 51342 | LONGEVITY | | | \$10,000.00 | 12100003 | 51490 | HOLIDAY | \$24,455.50 |
| | Reason: | SURPLUS- VACANT POSITIONS | | | | SALARY- MEMORIAL DAY | | | | | |
| | | | | | | \$6,000.00 | 12100006 | 51975 | INITIAL EQUIPMENT | \$0.00 | |
| | Reason: | | | | | 2 NEW OFFICERS- JUNE ACADEMY | | | | | |
| | | | | | | \$5,000.00 | 12100006 | 52560 | VEHICLE REPAIR & MAINT. | \$408.25 | |
| | Reason: | | | | | REPAIR OF OLDER CRUISERS/NEW ONES ORDERED | | | | | |
| | \$23,000.00 | Total | | | | \$23,000.00 | Total | | | | |

| CITY OF MARLBOROUGH BUDGET TRANSFERS -- | | | | | | | | | | |
|--|--------------|-------------|--------|-----------------------|--------------|--------------|--------|----------------------|-------------------|--|
| DEPT: | | Comptroller | | | | FISCAL YEAR: | | 2017 | | |
| FROM ACCOUNT: | | | | | | TO ACCOUNT: | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$2,286,037.47 | \$400,000.00 | 11980006 | 51750 | Health/Life Insurance | \$20,000.00 | 11980006 | 51752 | Medicare Insurance | \$58,523.85 | |
| | Reason: | Surplus | | | Reason: | Shortfall | | | | |
| \$316,025.00 | \$25,000.00 | 17520006 | 59254 | Interest on BAN | \$300,000.00 | 13100003 | 51751 | Health Ins School | \$1,328,115.83 | |
| | Reason: | Surplus | | | Reason: | Shortfall | | | | |
| | | | | | \$80,000.00 | 13100003 | 51753 | Medicare School | \$55,475.38 | |
| | Reason: | | | | Reason: | Shortfall | | | | |
| | | | | | \$25,000.00 | 11330006 | 53460 | Postage | \$22,513.43 | |
| | | | | | | | | | | |
| | \$425,000.00 | Total | | | \$425,000.00 | Total | | | | |

| CITY OF MARLBOROUGH BUDGET TRANSFERS -- | | | | | | | | | | |
|--|---------|--|--------|----------------------|---------|---------------------------|--------|----------------------|-------------------|--|
| DEPT: | | Department of Public Works/Public Facilities | | | | FISCAL YEAR: | | 2017 | | |
| FROM ACCOUNT: | | | | | | TO ACCOUNT: | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$3,934 | \$1,795 | 14001002 | 50770 | Senior Clerk | \$44 | 14001002 | 50520 | Principal Clerk | \$6,240 | |
| | Reason: | Vacant position | | | | Step Increase | | | | |
| | | | | | \$326 | 14001101 | 50108 | GIS Administrator | \$9,930 | |
| | Reason: | | | | | Cost of living adjustment | | | | |
| | | | | | \$650 | 14001101 | 50660 | Asst City Engineer | \$23,271 | |
| | Reason: | | | | | Step increase | | | | |
| | | | | | \$387 | 14001401 | 50692 | Supt of Automotive | \$11,807 | |
| | Reason: | | | | | Cost of living adjustment | | | | |
| | | | | | \$388 | 14001501 | 50680 | General Foreman | \$11,807 | |
| | Reason: | | | | | Cost of living adjustment | | | | |
| | \$1,795 | Total | | | \$1,795 | Total | | | | |

| CITY OF MARLBOROUGH | | | | | | | | | | |
|---------------------|-----------|--|--------|----------------------|-----------|---|-------------|----------------------|-------------------|--|
| BUDGET TRANSFERS -- | | | | | | | | | | |
| | DEPT: | Department of Public Works/Public Facilities | | | | FISCAL YEAR: | 2017 | | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$113,220.00 | \$110,000 | 14001406 | 54830 | Fuel & Lubricants | \$35,000 | 14001406 | 54810 | Rep/Maintenance | \$24 | |
| | Reason: | Decrease in fuel costs | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| \$25,709.00 | \$10,000 | 14001503 | 51240 | Temporary Help | \$40,000 | 11920006 | 52200 | Natural gas-city | \$840 | |
| | Reason: | vacant positions | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| | | | | | \$45,000 | 11920006 | 53420 | Telephone-city | \$14 | |
| | Reason: | | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| \$187,349.00 | \$60,000 | 13032006 | 52200 | Natural gas-school | \$10,000 | 13032006 | 53420 | Telephone-school | \$33,055 | |
| | Reason: | | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| | | | | | \$50,000 | 14001506 | 54640 | Parks Maintenance | \$531 | |
| | Reason: | | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| | \$180,000 | Total | | | \$180,000 | Total | | | | |

| CITY OF MARLBOROUGH | | | | | | | | | | |
|---------------------|-----------|--|--------|----------------------|-----------|---|-------------|----------------------|-------------------|--|
| | DEPT: | Department of Public Works/Public Facilities | | | | FISCAL YEAR: | 2017 | | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$261,212.00 | \$260,000 | 61090006 | 52320 | MWRA Water | \$140,000 | 11920006 | 52120 | Electricity | \$117,322 | |
| | Reason: | Chemical costs paid from separate account | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| | | | | | \$120,000 | 61090006 | 55740 | Water meters | \$23,171 | |
| | Reason: | | | | | Purchase additional water meters | | | | |
| \$24,377.00 | \$10,000 | 11920001 | 50291 | Director | \$35,000 | 14001505 | 54610 | General Materials | \$516 | |
| | Reason: | vacant position | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| \$25,530.00 | \$10,000 | 11920001 | 50292 | Building Craftsman | | | | | | |
| | Reason: | vacant position | | | | | | | | |
| \$25,193.00 | \$15,000 | 13032002 | 50141 | Clerk | | | | | | |
| | Reason: | vacant position | | | | | | | | |
| | \$295,000 | Total | | | \$295,000 | Total | | | | |

| CITY OF MARLBOROUGH BUDGET TRANSFERS -- | | | | | | | | | | |
|--|----------|--|--------|----------------------|----------|---------------------------|--------|---------------------------|-------------------|--|
| DEPT: | | Department of Public Works/Public Facilities | | | | FISCAL YEAR: | | 2017 | | |
| FROM ACCOUNT: | | | | | | TO ACCOUNT: | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$11,500.00 | \$10,000 | 14001002 | 50062 | Financail Analyst | \$870 | 60080001 | 50580 | Assistant Chemist | \$6,965 | |
| | Reason: | Vacant position | | | | Step increase | | | | |
| \$27,239.00 | \$18,363 | 14001101 | 50710 | Jr Civil Engineer | \$5,443 | 60085001 | 50850 | Treatment Plant Operators | \$31,149 | |
| | Reason: | Vacant position | | | | Cost of Living adjustment | | | | |
| \$36,975.00 | \$7,000 | 13032001 | 50386 | HVAC Tech | \$31,355 | 600850013 | 51920 | Head Treat Sewer-SLBB | \$478 | |
| | Reason: | Vacant position | | | | Retirement/SLBB | | | | |
| \$12,955.00 | \$9,305 | 13032001 | 50291 | Director | \$7,000 | 13032001 | 50385 | Electricians | \$10,700 | |
| | Reason: | Vacant position | | | | Cost of living adjustment | | | | |
| | \$44,668 | Total | | | \$44,668 | Total | | | | |

| CITY OF MARLBOROUGH BUDGET TRANSFERS -- | | | | | | | | | | |
|--|-------------|--|--------|----------------------|-------------|---|--------|----------------------|-------------------|--|
| DEPT: | | Department of Public Works/Public Facilities | | | | FISCAL YEAR: | | 2017 | | |
| FROM ACCOUNT: | | | | | | TO ACCOUNT: | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$44,487.00 | \$30,000.00 | 60086006 | 52920 | Rubbish Collection | \$30,000.00 | 11920006 | 52130 | Street Lights | | |
| | Reason: | Contract increase less than anticipated | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| \$24,317.00 | \$20,000.00 | 60086006 | 53142 | Protection Services | \$30,000.00 | 14001504 | 53140 | Contract services | | |
| | Reason: | Decrease hours of services provided | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| \$10,000.00 | \$10,000.00 | 60086006 | 52940 | Transfer station | \$27,000.00 | 11920006 | 52469 | Repair/maintenance | | |
| | Reason: | Expenses paid from solid waste | | | | Anticipated costs to cover remainder of FY 2017 | | | | |
| \$36,976.00 | \$12,000.00 | 13032001 | 50386 | HVAC Tech | | | | | | |
| | Reason: | vacant position | | | | | | | | |
| \$18,905.00 | \$15,000.00 | 60081001 | 50750 | Equipment operator | | | | | | |
| | Reason: | vacant position | | | | | | | | |
| | \$87,000 | Total | | | \$87,000 | Total | | | | |

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$660,077.00 which moves funds from Economic Development to MEDC Funding account as noted below to fully fund MEDC operations for FY18, **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 | |
| \$1,129,032.43 | \$660,077.00 | 27000099 | 42440 | Economic Development | \$660,077.00 | 11740006 | 53950 | MEDC Funding | \$0.00 | |
| Reason: | | To allow the MEDC to continue it's work in promoting the economic development of the City for FY18 | | | | | | | | |
| \$660,077.00 | Total | | | | \$660,077.00 | Total | | | | |

Councilor Oram opposed.

Suspension of the Rules requested – granted

ORDERED: That transfer request in the amount of \$337,500.00 which moves funds from Undesignated to Future Growth Stabilization account as below to invest in projects that increase property values and attract economic development, **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 | |
| \$6,750,790.00 | \$337,500.00 | 10000 | 35900 | Undesignated Fund | \$337,500.00 | 83600 | 32727 | Stabilization-Future Growth | \$337,500.00 | |
| Reason: | | Final mitigation payment from the Preserves @ Ames Brookview Village for the City Revenue Growth Enhancement Fund | | | | | | | | |
| \$337,500.00 | Total | | | | \$337,500.00 | Total | | | | |

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$80,000.00 which moves funds from Undesignated to DPW Capital Outlay-Sewer Maintenance account as noted below to fund future upgrades to the sewer pump station at the eastern end of Donald Lynch Boulevard, **APPROVED**; adopted.

| CITY OF MARLBOROUGH | | | | | | | | | | |
|---------------------|-------------|---------------|--------|----------------------|-------------|---|-------------|----------------------------|-----------|--|
| BUDGET TRANSFERS -- | | | | | | | | | | |
| | DEPT: | DPW | | | | FISCAL YEAR: | 2017 | | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available | | | | | | | | | Available | |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Balance | |
| \$6,750,790.00 | \$80,000.00 | 10000 | 35900 | Undesignated Fund | \$80,000.00 | 19300006 | 55650 | Capital Outlay-Sewer Maint | \$0.00 | |
| | Reason: | | | | | Mitigation payment from NE Sports Center for costs of future upgrades to the sewer pump station at the eastern end of Donald Lynch Blvd | | | | |
| | \$80,000.00 | Total | | | \$80,000.00 | Total | | | | |

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$50,000.00 which moves funds from Undesignated to DPW Energy Conservation account as noted below to fund energy efficiency/conservation improvements for the City, **APPROVED**; adopted.

| CITY OF MARLBOROUGH | | | | | | | | | | |
|---------------------|-------------|---------------|--------|----------------------|-------------|---|-------------|----------------------|-------------|--|
| BUDGET TRANSFERS -- | | | | | | | | | | |
| | DEPT: | DPW | | | | FISCAL YEAR: | 2017 | | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available | | | | | | | | | Available | |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Balance | |
| \$6,750,790.00 | \$50,000.00 | 10000 | 35900 | Undesignated Fund | \$50,000.00 | 29010201 | 56640 | Energy Conservation | \$46,350.00 | |
| | Reason: | | | | | Payment from Iron Horse Solar to be used for energy efficiency improvements | | | | |
| | \$50,000.00 | Total | | | \$50,000.00 | Total | | | | |

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$22,000.00 which moves funds from Undesignated to Stabilization-Open Space account as noted below to move wireless antenna receipts from FY16 to Open Space Stabilization, **APPROVED**; adopted.

| CITY OF MARLBOROUGH | | | | | | | | | |
|---------------------|-------------|--|--------|----------------------|-------------|--------------|--------|--------------------------|----------------|
| BUDGET TRANSFERS -- | | | | | | | | | |
| | DEPT: | Mayor | | | | FISCAL YEAR: | 2017 | | |
| | | FROM ACCOUNT: | | | | TO ACCOUNT: | | | |
| Available | | | | | | | | | Available |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Balance |
| \$6,750,790.00 | \$22,000.00 | 10000 | 35900 | Undesignated Fund | \$22,000.00 | 83600 | 32918 | Stabilization-Open Space | \$1,003,054.51 |
| | Reason: | To transfer annual wireless antennae payments received by the City in fiscal year 2016 to Open Space Stabilization | | | | | | | |
| | \$22,000.00 | Total | | | \$22,000.00 | Total | | | |

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$13,000.00 which moves funds from COA Contract Services & Transportation to Capital Outlay Building Repairs account as noted below for construction of a new patio, **APPROVED**; adopted.

| CITY OF MARLBOROUGH | | | | | | | | | |
|---------------------|-------------|------------------|--------|-----------------------|-------------|--------------|--------|-----------------------------|-----------|
| BUDGET TRANSFERS -- | | | | | | | | | |
| | DEPT: | Council on Aging | | | | FISCAL YEAR: | 2017 | | |
| | | FROM ACCOUNT: | | | | TO ACCOUNT: | | | |
| Available | | | | | | | | | Available |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Balance |
| \$5,986.29 | \$3,000.00 | 15410004 | 53140 | COA-Contract Services | \$13,000.00 | 19300006 | 54310 | Capital Outlay-Bldg Repairs | \$0.00 |
| | Reason: | | | | | | | | |
| \$11,834.94 | \$10,000.00 | 15410006 | 57075 | COA-Transportation | | | | | |
| | \$13,000.00 | Total | | | \$13,000.00 | Total | | | |

Suspension of the Rules requested – granted

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, June 5, 2017, at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, having been read, was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT, UPON THE RECOMMENDATION OF THE MAYOR, THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 67 PURSUANT TO THE PROVISIONS OF § 53E½ OF CHAPTER 44 OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS, AS AMENDED BY THE MUNICIPAL MODERNIZATION ACT ST. 2016, C. 218, SECTION 86, AS FOLLOWS:

Chapter 67 is further amended by inserting after § 67-26 a new section, entitled “Departmental Revolving Funds,” as follows:

§ 67-27. Departmental Revolving Funds.

- A. Purpose. This ordinance establishes and authorizes revolving funds for use by City departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by § 53E½ of Chapter 44 of the Massachusetts General Laws, as amended.
- B. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against, and spend monies from, a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:
 1. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 2. No liability shall be incurred in excess of the available balance of the fund.
 3. The total amount spent during a fiscal year shall not exceed the amount authorized by the City Council on or before July 1 of said fiscal year, or any increased amount of said authorization which is later approved by the City Council and Mayor during that fiscal year.
- C. Interest. Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the General Fund.

D. Procedures and Reports. Except as provided in § 53E½ of Chapter 44 of the Massachusetts General Laws, as amended, and this ordinance, the laws, charter provisions, ordinances, rules, regulations, policies or procedures governing the receipt and custody of City monies and the expenditure and payment of City funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.

E. Authorized Revolving Funds.

1. Parks and Recreation Revolving Fund.

- a. Fund Name. There shall be a separate fund called the Parks and Recreation Revolving Fund for the use of the Department of Public Works.
- b. Revenues. The City Auditor shall establish the Parks and Recreation Revolving Fund as a separate account and credit to the fund all payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at wireless communications facilities situated on property under the care, custody, management and control of the City of Marlborough.
- c. Purposes and Expenditures. During each fiscal year, the Commissioner of Public Works may incur liabilities against, and spend monies from, the Parks and Recreation Revolving Fund for the purposes of maintenance and improvement of municipal parks and municipal recreational facilities.
- d. Reports. The Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, a description of expenditures, and the year-end balance.
- e. Fiscal Years. The Parks and Recreation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2. Council on Aging Revolving Fund.

- a. Fund Name. There shall be a separate fund called the Council on Aging Revolving Fund for the use of the Council on Aging.
- b. Revenues. The City Auditor shall establish the Council on Aging Revolving Fund as a separate account and credit to the fund all donations received by the Council on Aging/Senior Center.

- c. Purposes and Expenditures. During each fiscal year, the Executive Director of the Council on Aging may incur liabilities against, and spend monies from, the Council on Aging Revolving Fund for the purposes of Council on Aging/Senior Center programming.
 - d. Reports. The Executive Director of the Council on Aging shall prepare a year-end report identifying funds received, funds expended, a description of expenditures, and the year-end balance.
 - e. Fiscal Years. The Council on Aging Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.
3. Public Safety Revolving Fund.
- a. Fund Name. There shall be a separate fund called the Public Safety Revolving Fund for the use of the Mayor of the City.
 - b. Revenues. The City Auditor shall establish the Public Safety Revolving Fund as a separate account and credit to the fund all emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the Massachusetts General Laws.
 - c. Purposes and Expenditures. During each fiscal year, the Mayor may incur liabilities against, and spend monies from, the Public Safety Revolving Fund for the purposes of public safety training.
 - d. Reports. The Mayor shall prepare a year-end report identifying funds received, funds expended, a description of expenditures, and the year-end balance.
 - e. Fiscal Years. The Public Safety Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

ADVERTISED AS INDICATED ABOVE AND CAN BE PLACED ON JUNE 19, 2017 MEETING AS THE TEN DAY PERIOD WILL BE MET FOLLOWING THE ADVERTISEMENT DATE OF JUNE 9, 2017; adopted.

Suspension of the Rules requested – granted**ORDERED:**

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that legal interests in certain portions of land located on West Hill Road, as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to West Hill Road, and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the easement interests or fee simple interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN**1. Street address: 161 West Hill Road, Marlborough, MA 01752**

Permanent easement for roadway widening purposes: Being an approximately 687 S.F portion of the property located on 161 West Hill Road, Marlborough, MA, known and numbered as Map 41, Parcel 64 on the Assessors' Map of the City of Marlborough and shown on a sketch plan attached herewith as Exhibit "A" prepared by the City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752.

OWNER: Ulman Chouinard
161 West Hill Road
Marlborough, MA 01752

2. Street Address: 151 West Hill Road, Marlborough, MA

Permanent easement for roadway widening purposes: Being an approximately 960 S.F. portion of the property located at 151 West Hill Road, Marlborough, MA, known and numbered as Map 41, Parcel 65 on the Assessors' Map of the City of Marlborough, and shown on a sketch plan attached herewith as Exhibit "B" prepared by the City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752.

OWNERS: Ronald E. Jacques and MaryEllen Jacques
151 West Hill Road
Marlborough, MA 01752

The ownership of said parcels and each of them are supposed to be as stated herein, but said easements and each of them are hereby taken whether the ownership is as stated herein or otherwise. We determine that the damages, set forth in the Table of Awards below, have been sustained by the owners of said parcels upon which said easements, so taken, are located.

TABLE OF AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

| <u>OWNERS</u> | <u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u> | <u>AREA (OF TAKING OF EASEMENT)</u> | <u>AWARD</u> |
|---|---|--|---------------------|
| Ulman Chouinard 161 West Hill Road Marlborough, MA 01752 | 41/64 | ±687 S.F. | \$1,718 |
| Ronald E. Jacques & MaryEllen Jacques 151 West Hill Road Marlborough, MA 01752 | 41/65 | ±960 S.F. | \$2,400 |

APPROVED; adopted

Councilor Irish recused.

Yea: 10- Abstain: 1

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

Abstain: Irish

ORDERED: That the Marlborough City Council review the merits of a Zoning Moratorium for recreational marijuana establishments in the City of Marlborough for a period of eighteen months to ensure that the City's current zoning ordinance offers appropriate zoning protections to neighborhoods in all sections of the City; and, moreover, until the Massachusetts Legislature completes its review of the ballot initiative that led to the legalization of marijuana in the Commonwealth, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE;** adopted.

Councilor Elder opposed.

ORDERED: That the Sign Ordinance as it relates to Electronic Message Center (EMC) Signs, as amended, be further amended to permit the display of pictures; and, it is further Ordered that this matter be referred to the Operations and Oversight Committee for review, **TABLED;** adopted.

Councilor Juairé opposed.

Councilor Tunnera recused.

ORDERED: That the City Council of the City of Marlborough authorizes the Marlborough Public Library, by and through its Trustees, to apply for, accept, and expend any state funds which may be available for the proposed construction project at the Marlborough Public Library, **APPROVED**; adopted.

Councilor Elder opposed.

ORDERED: That the City Council of the City of Marlborough approves the preliminary architectural design, entitled "Marlborough Public Library Conceptual Schematic, Feasibility Study, January 2017," by LLB Architects, 161 Exchange Street, Pawtucket, RI, attached herewith, for the proposed project at the Marlborough Public Library, **APPROVED**; adopted.

Councilor Elder opposed.

ORDERED: That the Reappointment of Linda Clark to the Board of Registrars for a term of three-years to expire April 1, 2020, **APPROVED**; adopted.

ORDERED: That the Appointments of Samantha Khosla, & Pam Wilderman and the Reappointment of Lee Wright to the Historical Commission for terms of three years to expire from date of City Council confirmation, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:09 PM.