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CITY OF MARLBOROUGH

2016 MAR 31 P 3:07

1. Minutes, City Council Meeting, March 21, 2016.
2. PUBLIC HEARING On the Petition of MA Electric Company and Verizon New England, Inc. to relocate P5, P6-50, P7, P8, P10, P10-80, P11, P11-50 along E. Main St. between Main St. and Francis St. The City of Marlborough requests pole relocations to accommodate road improvement project, Order No. 16-1006485.
3. PUBLIC HEARING On the Application for LED Sign Permit, Marlborough Savings Bank, 71 Boston Post Rd. East to erect an electronic message board below the existing Marlborough Savings Bank sign, Order No. 16-1006483.
4. PUBLIC HEARING On the Application for Amended Special Permit, Q Café d/b/a Firefly's, 350 East Main St., to expand outdoor patio/deck area; add small bar; add serving cooking kitchen; add acoustic music; add televisions; add games; add fire pit; and add outdoor heating. The capacity is to remain the same, Order No. 16-1006482, X02-9505.
5. Communication from the Mayor re: Appointment of Eileen Bristol to the position of Collector upon confirmation by the City Council.
6. Communication from the Mayor re: Fire Department transfer request in the amount of \$33,351.29 which moves funds from Reserve for Salaries to Sick Leave Buy Back to fund the balance of sick leave buy back pertinent to a retiring employee.
7. Communication from the Mayor re: Family Fun Festivals Grant from Ezra M. Cutting Trust, Bank of America, in the amount of \$6,000.00 awarded to the City to support the performances that are part of the Family Fun Festivals.
8. Communication from the Mayor re: Updated Agreement with the Town of Sudbury to continue operating the Marlborough-Sudbury Veterans District.
9. Communication from the Mayor re: Reappointment of Police Chief Leonard as Keeper of the Lockup.
10. Communication from the Planning Board re: Recommendation to City Council that it not exercise its Right of First Refusal – 421 Bolton St., Order No. 16-1006479, X16-1006441, X15-1006223.
11. Application for Special Permit, Quad Rink Limited Partnership, New England Sports Management Corp., to amend existing special permits, to add Rinks 7 & 8 and Restaurants, 121 Donald Lynch Blvd., X11-1002790B, 10-1002448B, 04-100359B and 94-5460B.
12. Application for LED Sign Permit, Discount Gas, 50 Main St.
13. Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd.
14. Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #1966, 601 Donald Lynch Blvd.
15. Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #820, 769 Donald Lynch Blvd.
16. Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St.
17. Communication from Sudbury Companies of Militia and Minute to place a temporary sign on City property at the corner of US Rt. 20 and Hager St. at the Wayside Inn turn from Saturday, September 17, 2016 to Sunday, September 25, 2016.
18. Communication from the Commonwealth of MA, Department of Public Utilities, Corrected Notice of Filing, Public Hearing, and Procedural Conference.
19. Minutes, Planning Board, March 7, 2016.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

20. Minutes, School Committee, March 8, 2016.
21. Minutes, Council on Aging, February 9, 2016.
22. Minutes, Conservation Commission, March 3, 2016.
23. Minutes, License Board, February 24 & March 18, 2016.
24. CLAIMS:
 - a. Donna Quelle, 30 Highland St., other property damage.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

25. **Order No. 16-1006467 – Salary Ordinance for Poll Workers.** The Finance Committee reviewed the Council President's letter dated February 16, 2016 requesting the stipend for poll workers be adjusted as follows:
 - Increase Warden stipends from \$125.00 per election day to \$250.00
 - Increase Clerks stipends from \$90.00 per election day to \$200.00.

The Finance Committee voted 5 - 0 to approve the changes to the poll workers salary ordinance and advertise the ordinance.

26. **Order No. 16-1006462 – Mid Year Transfers for \$1,215,524.29.** The Finance Committee reviewed the Mayor's letter dated February 18, 2016 requesting mid-year transfers for the Police, Fire, Department of Public Works, Building Commission and Legal Department. **The Finance Committee took the following actions:**
 - **Eliminate the \$100,000.00 transfer from the Undesignated Fund – Approved 5 - 0**
 - **Reduced the Electricity transfer from \$250,000.00 to \$150,000.00 – Approved 5 - 0**

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

27. **Order No. 16-1006466-2 – Salary Ordinance for the Assistant Building Inspector:** This was a joint meeting with Legislative and Legal. The Finance Committee reviewed the Mayors letter dated February 18, 2016 for a salary ordinance for the new Assistant Building Commissioner position. **The Finance Committee voted 5 - 0 to approve the salary ordinance and advertise the ordinance. LEGAL AD WAS ORDERED ADVERTISED UNDER SUSPENSION OF THE RULES AT THE MARCH 21, 2016 CITY COUNCIL MEETING. LEGAL AD WAS PUBLISHED ON SATURDAY, MARCH 26, 2016, THEREFORE CAN NOT BE FURTHER ADDRESSED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD.**
28. **Order No. 16-1006456 – Adjust Minimum Exemption Value for Personnel Property:** The Finance Committee reviewed the order submitted on the February 8, 2016 City Council agenda to increase the minimum exemption value of \$5000.00 for personnel property subject to taxation set forth in City Council Order No. 05-100784A, dated April 11, 2005, by which Order the City accepted the provisions of M.G.L. chapter 59, § 5, clause 54th, be and is hereby modified under authority of said statute to a minimum exemption value of \$10,000 or less. **The Finance Committee voted 5 - 0 to approve the order. The effective date will be for FY17.**

From Legislative and Legal Affairs Committee**29. Order No. 16-1006440 - Communication from Solicitor Rider regarding Howe's Landing Subdivision, Proposed Acceptance of Deed of Open Space Lot and Parcel A.**

A letter from Solicitor Rider dated February 3, 2016 was read into the record. The details of the Planning Board's decision on the open space special permit were discussed, specifically Conditions 4, 5, & 6. Condition 4 requires conveyance to the City, a 2.84 parcel of land shown as Open Space, which shall be preserved for conservation, passive recreation use and preservation of open space prior to issuance of any building permit. Condition 6 requires the applicant to pay to the City the sum of five thousand dollars (\$5,000) to be allocated for the City's Conservation Maintenance Fund. Condition 5 discusses further land to be conveyed to the City to create a walking path connecting Bolton St. to Hudson St. This conveyance will occur upon completion of the subdivision.

Committee was informed there is now a signed deed, but there has been no payment to the City. Not wanting to hold up the acceptance of the open space land, the committee agreed it should approve this pending receipt of the payment.

Councilor Delano moved to recommend approval of Order No-16-1006440, Proposed Acceptance of Deed of Open Space Lot and Parcel A, providing the \$5,000 was paid to the City prior to the vote of full Council. Motion was seconded and carried 3-0.

30. Order No. 15-1006343A - (X04/05-100439) Communication from Solicitor Rider regarding Waters Edge Subdivision, Proposed Acceptance of Deed known as Open Space Parcel A, Open space Parcel B and Open Space Parcel C.

This order was held over from prior year's session. An order related to this was tabled in 2005 because of back tax issues; Committee was given signed deed and proof of taxes paid. Committee was also given an Environmental Report from 1997 showing no hazardous waste on the property as required in Condition 16 of the Special Permit granted by Planning Board for the Subdivision. Also, the Committee was told the \$5,000 payment to the Conservation Commission Maintenance Fund required in Item 15 of Special Permit has been paid.

Councilor Delano moved to recommend approval of Order No. 15-1006343A (X04/15-100439) Communication from Solicitor Rider regarding Waters Edge Subdivision, Proposed Acceptance of Deed known as Open Space Parcel A, Open Space Parcel B and Open Space Parcel C. The motion was seconded and carried 3-0.

31. Order No. 16-1006458 - That the City Council work with Building Commissioner, Code Enforcement Officer and City Solicitor on the drafting of an ordinance to ensure that prompt remedial action is taken after a devastating event. Such ordinance would provide tools for the Code Officer and other municipal officials to work with insurance companies and/or other professionals to expedite insurance and legal matters associated with such losses.

Code Enforcement Officer Pam Wilderman, Solicitor Rider, and Building Commissioner Camacho were present to give input. Current City Code Chapter 485, Property Maintenance has two articles; Article I is Anti-blight/Nuisances, Article II is Registration and Maintenance of Abandoned and/or Foreclosing Residential Properties. It was suggested that a new Article III be developed that would delineate steps that property owners would need to take after a devastating event and consequences of failing to comply.

Councilor Delano moved that the Committee recommend to full Council that Mayor Vigeant work with the Building Dept., Code Enforcement Officer and Legal to create language for a new Article III of Chapter 485 and submit that language in an order to City Council. Motion was seconded and carried 3-0.

32. **Order No. 16-1006466-1 - Communication from Mayor regarding Assistant Building Commissioner position.**

The Mayor's letter dated February 18, 2016 was read into the record. He is asking for a reorganization of the Building Dept. to be comprised of 3 full time inspectors – Building Commissioner, Assistant Building Commissioner and Local Inspector. Also the Job Description for Assistant Building Commissioner was discussed.

Councilor Delano moved to recommend approval of Order No. 16-1006466, Amending Code of City of Marlborough, Chapter 7, Article XIV Building Department by deleting section 7-76 in its entirety and replacing with new language with one change to add in language from the job description to the code change. Proposed language is “The Assistant Building Commissioner shall be certified as a Building Commissioner or a Local Inspector, and shall meet the requirements and qualifications established by the...” Amended language would read, “At the time of appointment, the Assistant Building Commissioner shall be certified as a Building Commissioner or shall be certified and working as a Local Inspector for at least two years prior to appointment and become a certified Building Commissioner within 18 months of appointment, the requirements and qualifications of said certifications being governed by the...” as well as to refer to Legal to be put in proper legal form and to ask for Suspension of Rules to Advertise the Code Change. In addition he moved approval of the Job Description with one change to add in “excellent” in front of “customer service skills” in paragraph entitled Related Qualifications. The motion was seconded and carried 3-0. LEGAL AD WAS ORDERED ADVERTISED UNDER SUSPENSION OF THE RULES AT THE MARCH 21, 2016 CITY COUNCIL MEETING. LEGAL AD WAS PUBLISHED ON SATURDAY, MARCH 26, 2016, THEREFORE CAN NOT BE FURTHER ADDRESSED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD.

From Public Services Committee

33. **Order No. 16-1006427A - Petition from National Grid and Verizon New England, Inc. to relocate existing P12 and install new guy P12-84, and relocating P15, P18, P27, P28, P30 & P31 to accommodate road widening project on West Hill Road, X14-1005672A.**

Chairman Landers read a letter received from City Engineer, Evan Pilachowski, dated March 11, 2016 regarding the petition to relocate the utility poles on West Hill Road. His letter explained the petition submitted by National Grid and Verizon New England was at the request of the Marlborough Engineering Division to allow for the reconstruction of West Hill Road. Crystal Tognazzi, National Grid representative, provided an overview and timeline of the project and Chairman Landers read a list of standard conditions submitted by the City Engineer for this project.

List of Standard Petition Conditions

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

Motion made by Councilor Clancy, seconded by Chair, to approve Order No. 16-1006427. The motion carried 3-0.

From City Council

34. **Order No. 14/15/16-1006005A-2A – Salary Schedule of Non-Union Positions.** At a regular meeting of the Marlborough City Council held on Monday, MARCH 7, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 125 entitled “PERSONNEL”, Section 6 entitled “COMPENSATION SCHEDULE” having been read was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- A. Section 6 is hereby retitled “Salary Schedule”
- B. This salary schedule shall take effect July 1, 2016.
- C. Any new hires to the positions listed below who are appointed to their position will begin at Step 1.
- D. The Mayor shall have the authority and discretion to waive any two steps of the salary schedule for all positions, subject to available appropriation.
- E. The positions of City Solicitor, Executive Aide to the Mayor, Executive Secretary to the Mayor, and Secretary/Research Assistant to the City Council, as at-will employees, shall be compensated reasonably in any amount up to but not to exceed their Step 7 Maximum.
- F. As allowed under Massachusetts General Law Chapter 41, Section 108O, the positions of Police Chief and Fire Chief are eligible to receive employment contracts provided that their total compensation, including but not limited to salary, stipends and educational incentives does not exceed their Step 7 Maximum.

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Comptroller - Treasurer	\$109,014	\$111,194	\$113,418	\$115,686	\$118,000	\$120,360	\$122,767
Police Chief	-	-	-	-	-	-	\$166,464
Human Resources Director	\$87,765	\$89,521	\$91,311	\$93,137	\$95,000	\$96,900	\$98,838
City Auditor	\$89,613	\$91,405	\$93,234	\$95,098	\$97,000	\$98,940	\$100,919
City Solicitor	-	-	-	-	-	-	\$117,565
City Clerk	\$81,298	\$82,924	\$84,583	\$86,274	\$88,000	\$89,760	\$91,555
Executive Aide to the Mayor and Secretary/Research Assistant to the City Council	-	-	-	-	-	-	\$68,666
Executive Secretary to the Mayor	-	-	-	-	-	-	\$53,009
Assistant City Solicitor	\$82,125	\$83,767	\$85,443	\$87,152	\$88,895	\$90,673	\$92,486
Chief Procurement Officer	\$76,679	\$78,213	\$79,777	\$81,372	\$83,000	\$84,660	\$86,353
Library Director	\$91,461	\$93,290	\$95,156	\$97,059	\$99,000	\$100,980	\$103,000
Paralegal	\$40,335	\$41,142	\$41,965	\$42,804	\$43,660	\$44,533	\$45,424
Assistant Recreation Director	\$57,279	\$58,424	\$59,593	\$60,785	\$62,000	\$63,240	\$64,505
Senior Clerk (nonunion)	\$40,335	\$41,142	\$41,965	\$42,804	\$43,660	\$44,533	\$45,424

G. Any changes to the salary of the Mayor and City Council shall not take effect until January 1, 2018.

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Mayor							\$100,000
City Council							\$10,000

Be and is herewith **TABLED UNTIL THE APRIL 4, 2016 CITY COUNCIL MEETING AS THE LEGAL ADS WERE ADVERTISED ON SATURDAY, MARCH 7, 2016 THEREFORE CAN NOT BE BEEN FURTHER ADDRESSED UNTIL THE APRIL 4, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD.**