

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Finance Committee

Date: December 12, 2016

Time: 7:00 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 DEC -8 A 10:10

1. 11-14-2016 – **Order No. 16-1006718:** *Nonunion Compensation Proposal and Proposed Job Title Changes*; That it be 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 (hereinafter, the “City Code”), as amended, be further amended by amending in Chapter 125, entitled “Personnel,” Section 6, entitled “Salary Schedule.” [attached]
2. 12-05-2016 – **Order No. 16-1006760:** *Purchase and Sale Agreement and Transfer for Library Property*; Order to Approve Unique Acquisition and to Authorize Negotiation and Entering into Purchase & Sales Agreements; Order of Appropriation of Funds for Deposit Relating to Purchase & Sales Agreements concerning land which is proposed for acquisition as part of the proposed construction project at the Marlborough Public Library.
3. 12-05-2016 – **Order No. 16-1006761:** *Accept MGL c. 44; Section 53F ¾ – Cable Account*; Acceptance of the Provisions of MGL c. 44 § 53F ¾ which would create a separate revenue account for receipts received in connection with the City's franchise agreements with cable providers.
4. 12-05-2016 – **Order No. 16-1006762 (X-92-4412):** *Repeal Order No. 92-4412 – Watershed Protection Fund*; Order Repealing Order No. 92-4412 Which Established the Watershed Protection and Acquisition Fund.

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

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.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 14, 2016

ORDERED:

That it be 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 (hereinafter, the "City Code"), as amended, be further amended by amending in Chapter 125, entitled "Personnel," Section 6, entitled "Salary Schedule," as follows:

- A. This salary schedule shall take effect January 1, 2017.
- B. The position of Senior Clerk (nonunion) shall now be titled Administrative Assistant,
- C. The position of Financial Assistant (nonunion) shall now be titled DPW Financial Analyst.
- D. All positions on the 7 Step schedule shall work a 40-hour work week.

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>
Assistant City Solicitor	\$87,909.17	\$89,667.35	\$91,460.70	\$93,289.91	\$95,155.71	\$97,058.82	\$99,000.00
Recreation Director	\$71,037.71	\$72,458.46	\$73,907.63	\$75,385.79	\$76,893.50	\$78,431.37	\$80,000.00
Executive Director of the Council on Aging	\$69,261.77	\$70,647.00	\$72,059.94	\$73,501.14	\$74,971.16	\$76,470.59	\$78,000.00
DPW Financial Analyst	\$58,142.62	\$59,305.47	\$60,491.58	\$61,701.41	\$62,935.44	\$64,194.15	\$65,478.03

Be and is herewith refer to **FINANCE COMMITTEE.**

ADOPTED

ORDER NO. 16-1006718



City of Marlborough
Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Arthur J. Vigeant
 MAYOR

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

Thomas J. Milano
 EXECUTIVE AIDE

2016 NOV -9 A 11:52

Patricia Bernard
 EXECUTIVE SECRETARY

November 9, 2016

City Council President Edward J. Clancy
 Marlborough City Council
 140 Main Street
 Marlborough, MA 01752

Tim Com

Re: Nonunion Compensation Proposal and Proposed Job Title Changes

Honorable President Clancy and Councilors:

Please find enclosed for your review an updated salary ordinance. It has long been my intention to submit a salary ordinance on a regular basis and I'm pleased to do so today.

As you know, over the past few years, we have worked together to update positions throughout the City of Marlborough by revising titles, updating job descriptions, and increasing salaries to better match municipalities in our region. This salary ordinance includes current salaries for all nonunion personnel employed by the City. Many of the salaries have been updated in recent years, such as the Police and Fire Chiefs.

I have also enclosed a separate ordinance to highlight changes that I am recommending at this time. I propose increasing the salaries of the Recreation Director, Director of the Council on Aging, the Assistant City Solicitor in order to bring them more into line into similar positions in the region and across the state.

The salary ordinance also reflects changes to two titles. The Senior Clerk (nonunion) and the Financial Assistant titles will be changed to Administrative Assistant and DPW Financial Analyst, respectively. These changes are necessary because the titles include positions represented the Marlborough Municipal Employees Association. These positions will better distinguish the nonunion positions from the union represented position. The Administrative Assistants work in the Human Resources and City Council offices. I intend to submit full job descriptions with the correct titles in the future.

Additionally, we reached an agreement with the MMEA to take the Finance Assistant position at the DPW out of the MMEA. This position is a confidential position and not part of a bargaining unit. We agreed with the MMEA to change the title to DPW Financial Analyst. I recommend increasing the salary for the DPW Financial Analyst by 5 percent to compensate the position for no longer having union benefits. We did the same with the Senior Clerk (nonunion) position in the spring.

As has been my practice with positions that we have adjusted salaries for, I am also recommending that we increase the work week to 40 hours for every position that we have adjusted and moved to a 7 step schedule.

I will continue to review salaries and recommend changes as they become necessary. I believe the salary ordinance is meant to be a fluid document that changes over time to reflect changing market conditions. For example, as you may recall, several positions were recently transferred from schools to the City and we are currently analyzing whether the market calls for adjustments to ensure we can continue to attract the best qualified candidates.

I look forward to discussing my recommendations with you further.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant", with a long horizontal flourish extending to the right.

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

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 (hereinafter, the "City Code"), as amended, be further amended by amending in Chapter 125, entitled "Personnel," Section 6, entitled "Salary Schedule," as follows:

- A. This salary schedule shall take effect January 1, 2017
- B. The position of Senior Clerk (nonunion) shall now be titled Administrative Assistant
- C. The position of Financial Assistant (nonunion) shall now be titled DPW Financial Analyst
- D. All positions on the 7 Step schedule shall work a 40-hour work week

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>
Assistant City Solicitor	\$87,909.17	\$89,667.35	\$91,460.70	\$93,289.91	\$95,155.71	\$97,058.82	\$99,000.00
Recreation Director	\$71,037.71	\$72,458.46	\$73,907.63	\$75,385.79	\$76,893.50	\$78,431.37	\$80,000.00
Executive Director of the Council on Aging	\$69,261.77	\$70,647.00	\$72,059.94	\$73,501.14	\$74,971.16	\$76,470.59	\$78,000.00
DPW Financial Analyst	\$58,142.62	\$59,305.47	\$60,491.58	\$61,701.41	\$62,935.44	\$64,194.15	\$65,478.03

ADOPTED
In City Council
Order No. 16-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Chief Procurement Officer	July 1, 2016	\$76,679.00	\$78,213.00	\$79,777.00	\$81,372.00	\$83,000.00	\$84,660.00	\$86,353.00
	July 1, 2017	\$78,212.58	\$79,777.26	\$81,372.54	\$82,999.44	\$84,660.00	\$86,353.20	\$88,080.06
City Auditor	July 1, 2016	\$89,613.00	\$91,405.00	\$93,234.00	\$95,098.00	\$97,000.00	\$98,940.00	\$100,919.00
	July 1, 2017	\$91,405.26	\$93,233.10	\$95,098.68	\$96,999.96	\$98,940.00	\$100,918.80	\$102,937.38
City Clerk	July 1, 2016	\$81,298.00	\$82,924.00	\$84,583.00	\$86,274.00	\$88,000.00	\$89,760.00	\$91,555.00
	July 1, 2017	\$82,923.96	\$84,582.48	\$86,274.66	\$87,999.48	\$89,760.00	\$91,555.20	\$93,386.10
City Collector	July 1, 2016	\$73,242.04	\$76,170.92	\$79,220.27	\$82,389.46			
	July 1, 2017	\$74,706.88	\$77,694.34	\$80,804.67	\$84,037.25			
City Engineer	July 1, 2016	\$89,717.34	\$93,306.34	\$97,038.90	\$100,920.69			
	July 1, 2017	\$91,511.68	\$95,172.47	\$98,979.68	\$102,939.10			
City Solicitor	July 1, 2016							\$117,565.00
	July 1, 2017							\$119,916.30
Commissioner - DPW	July 1, 2016	\$108,349.12	\$112,684.07	\$117,191.57	\$121,879.69			
	July 1, 2017	\$110,516.11	\$114,937.75	\$119,535.41	\$124,317.28			
Comptroller/Treasurer	July 1, 2016	\$109,014.00	\$111,194.00	\$113,418.00	\$115,686.00	\$118,000.00	\$120,360.00	\$122,767.00
	July 1, 2017	\$111,194.28	\$113,417.88	\$115,686.36	\$117,999.72	\$120,360.00	\$122,767.20	\$125,222.34
Conservation Officer	July 1, 2015	\$67,338.99	\$70,032.07	\$72,833.96	\$75,747.40			
	July 1, 2016	\$68,685.77	\$71,432.71	\$74,290.64	\$77,262.35			
Director of Information Technology (City)	July 1, 2016	\$49,723.18	\$51,712.11	\$53,780.57	\$55,931.80			
	July 1, 2017	\$50,717.65	\$52,746.36	\$54,856.18	\$57,050.44			
Director of Information Technology (Schools)	July 1, 2016	\$51,465.93	\$53,524.56	\$55,665.54	\$57,892.16			
	July 1, 2017	\$52,495.25	\$54,595.05	\$56,778.85	\$59,050.00			
Director of Public Health	July 1, 2015							
	July 1, 2016	\$81,298.94	\$82,924.92	\$84,583.42	\$86,275.08	\$88,000.58	\$89,760.59	\$91,555.20
	July 1, 2016	\$82,924.92	\$84,583.41	\$86,275.09	\$88,000.58	\$89,760.59	\$91,555.81	\$93,386.30

DPW Financial Analyst	January 1, 2017	\$58,142.62	\$59,305.47	\$60,491.58	\$61,701.41	\$62,935.44	\$64,194.15	\$65,478.03
	July 1, 2017	\$59,305.47	\$60,491.58	\$61,701.41	\$62,935.44	\$64,194.15	\$65,478.03	\$66,787.59
Executive Aide to the Mayor	July 1, 2016							\$68,666.00
	July 1, 2017							\$70,039.32
Executive Director of the Council on Aging	January 1, 2017	\$69,261.77	\$70,647.00	\$72,059.94	\$73,501.14	\$74,971.16	\$76,470.59	\$78,000.00
	July 1, 2017	\$70,647.00	\$72,059.94	\$73,501.14	\$74,971.16	\$76,470.59	\$78,000.00	\$79,560.00
Executive Secretary to the Mayor	July 1, 2016							\$53,009.00
	July 1, 2017							\$54,069.18
Fire Chief	July 1, 2016							\$163,200.00
	July 1, 2017							\$166,464.00
Head Electrician	July 1, 2016							\$63,750.00
	July 1, 2017							\$65,025.00
Human Resources Director	July 1, 2016	\$87,765.00	\$89,521.00	\$91,311.00	\$93,137.00	\$95,000.00	\$96,900.00	\$98,838.00
	July 1, 2017	\$89,520.30	\$91,311.42	\$93,137.22	\$94,999.74	\$96,900.00	\$98,838.00	\$100,814.76
HVAC Technician	July 1, 2016							\$47,315.69
	July 1, 2017							\$48,262.00
Library Assistant Director	July 1, 2016	\$54,507.41	\$56,687.24	\$58,955.86	\$61,313.28			
	July 1, 2017	\$55,597.56	\$57,820.98	\$60,134.98	\$62,539.55			
Library Director	July 1, 2016	\$91,461.00	\$93,290.00	\$95,156.00	\$97,059.00	\$99,000.00	\$100,980.00	\$103,000.00
	July 1, 2017	\$93,290.22	\$95,155.80	\$97,059.12	\$99,000.18	\$100,980.00	\$102,999.60	\$105,060.00

Mayor	July 1, 2016	\$86,870.11						
	July 1, 2017	\$88,607.51						
Paralegal	July 1, 2016	\$40,335.00	\$41,142.00	\$41,965.00	\$42,804.00	\$43,660.00	\$44,533.00	\$45,424.00
	July 1, 2017	\$41,141.70	\$41,964.84	\$42,804.30	\$43,660.08	\$44,533.20	\$45,423.66	\$46,332.48
Public Health Nurse	July 1, 2016	\$59,322.33	\$61,696.71	\$64,163.70	\$66,730.76			
	July 1, 2017	\$60,508.78	\$62,930.64	\$65,446.98	\$68,065.37			
Recreation Director	January 1, 2017							
		\$71,037.71	\$72,458.46	\$73,907.63	\$75,385.79	\$76,893.50	\$78,431.37	\$80,000.00
	July 1, 2017	\$72,458.46	\$73,907.63	\$75,385.79	\$76,893.50	\$78,431.37	\$80,000.00	\$81,600.00
Retirement Board Financial Assistant	July 1, 2016	\$51,620.48	\$53,686.57	\$55,835.03	\$58,069.90			
	July 1, 2017	\$52,652.89	\$54,760.30	\$56,951.73	\$59,231.30			
Retirement Director	July 1, 2016				\$91,800.00			
	July 1, 2017				\$93,636.00			
Secretary/Research Assistant to the City Council	July 1, 2016							\$68,666.00
	July 1, 2017							\$70,039.32
Telecommunication Tech	July 1, 2016							\$61,851.78
	July 1, 2017							\$63,088.82
Utility Worker	July 1, 2016	\$40,014.27	\$41,886.88	\$43,767.06	\$46,577.06			
	July 1, 2017	\$42,014.98	\$43,981.22	\$45,955.41	\$48,905.91			
Veteran's Director	July 1, 2016	\$46,827.93	\$48,701.06	\$50,649.11	\$52,675.05			
	July 1, 2017	\$47,764.49	\$49,675.08	\$51,662.09	\$53,728.56			
Library Page	July 1, 2016	\$9.4282	\$9.8107	\$10.5062	\$10.6150			
	July 1, 2017	\$9.62	\$10.01	\$10.72	\$10.83			

Reference Library Part/time	July 1, 2016	\$21.2917	\$22.1308	\$23.0403	\$23.9773
	July 1, 2017	\$21.7175	\$22.5734	\$23.5011	\$24.4568



IN CITY COUNCIL

DECEMBER 5, 2016

Marlborough, Mass., _____ PAGE 1

ORDERED:

Pursuant to MGL c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of one or more of four (4) parcels of land will not benefit the City's interest because of the unique qualities and location of the properties as hereinafter defined:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandes.



IN CITY COUNCIL

Marlborough, Mass., _____ DECEMBER 5, 2016
PAGE 2

ORDERED:

The above-identified parcels satisfy the requirements of said M.G.L. c. 30B, § 16(e)(2), because:

(i) the parcels are uniquely situated because they are located within close proximity to the existing Marlborough Public Library which does not currently have sufficient parking to meet the requirements of the Board of Library Commissioners in relation to the proposed renovation and addition project; (ii) the only way to increase the amount of parking is to purchase parcels uniquely located either adjacent to, or within close proximity of, the Marlborough Public Library; and (iii) the proposed acquisition of these parcels will increase parking for access to, and increased usage of, the Marlborough Public Library.

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

49 West Main Street (Map 69 Parcel 224) = \$303,266.66
29 Witherbee Street (Map 69 Parcel 245) = \$206,600.00
24 Gay Street (Map 69 Parcel 256) = \$223,133.33
30 Gay Street (Map 69 Parcel 255) = \$227,266.66

Be and is herewith refer to **FINANCE COMMITTEE.**

ADOPTED

ORDER NO. 16-1006760



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

5
Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
EXECUTIVE AIDE
2016 DEC -1 A 11:50
Patricia Bernard
EXECUTIVE SECRETARY

December 1, 2016

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Order to Approve Unique Acquisition and to Authorize Negotiation and Entering into Purchase & Sales Agreements; Order of Appropriation of Funds for Deposit Relating to Purchase & Sales Agreements

Honorable President Clancy and Councilors:

Please find enclosed the above captioned proposed orders concerning land which is proposed for acquisition as part of the proposed construction project at the Marlborough Public Library.

As the Library Building Committee has worked closely with its professional consultants to develop a plan for a proposed project, they have contacted property owners in the neighborhood via a letter to determine their interest in possibly selling their property for additional parking. The owners of the parcels listed below expressed an interest, or did not respond to the letter.

Authorizing my office to enter negotiations will enable us to better determine the availability of these parcels. While the orders will authorize the City to enter negotiations, establish a purchase price, and make a deposit on a binding purchase and sale, they do not permit the purchase without prior City Council approval.

The grant application to the Massachusetts Board of Library Commissioners is being finalized and will be submitted to the Council for approval in the coming months. As you may recall, the MBLC will reimburse the City for a percentage of costs associated with the library project as well as site acquisition.

The Legal Department and I will be available to answer any specific questions relative to the project.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Library

FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Available
Balance

\$12,176,290.00

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Reason:

To fund deposit for purchase of property

Reason:

Reason:

Reason:

\$75,000.00

Total

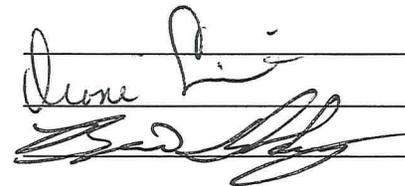
\$75,000.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:



City of Marlborough



PROCUREMENT OFFICE

140 Main Street, 3RD Floor, Marlborough, MA 01752

DIRECT DIAL (508) 460-3707 FACSIMILE (508) 460-3747 TDD (508) 460-3610

BSLEEPER@MARLBOROUGH-MA.GOV

December 1, 2016

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, MA 01752

RE: Unique Acquisition of Real Property – Additional Library Parking

Dear Mayor Vigeant:

Pursuant to the provisions of M.G.L. c. 30B, § 16, the City must solicit proposals prior to obtaining real property valued in excess of \$35,000 *unless* the City Council determines in writing that advertising for the submissions of proposals will not benefit the City's interests because of the unique qualities or location of the property needed (M.G.L. c. 30B, § 16(e)(2)). It is my understanding that the City is interested in acquiring parcels of land, located within close proximity of approximately three hundred feet (300') radius to the existing Marlborough Public Library, identified as follows:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandes.

Page 2

Letter to Mayor RE: Library Parking Parcels
December 1, 2016

The parcels remain privately-owned and are uniquely located to the existing public library which can be utilized to increase library parking as the library currently does not have enough parking to meet present or future demands.

For the City Council's deliberation and approval, I have determined that the locations and/or qualities of the Land satisfy the unique requirements of the City pursuant to M.G.L. c. 30B, § 16(e)(2). Specifically, the Land is uniquely situated because it lies within close proximity to the existing Marlborough Public Library which currently does not have sufficient parking to meet the requirements of the Massachusetts Board of Library Commissioners, making a renovation or new construction project challenged. The only way to increase needed parking is to purchase parcels uniquely located either adjacent to or within close proximity to the existing library site. The City seeks to acquire this property in order to increase parking for access to the public library, which would also increase usage of the public library.

In light of the foregoing, it is my opinion that it is proper to waive the advertisement requirements of M.G.L. c. 30B, § 16 with respect to the acquisition of the Land. Pursuant to M.G.L. c. 30B, § 16, I will publish this determination along with the names of parties having a beneficial interest in the property as required under M.G.L. c. 7C, § 38, the location and size of the property, and the proposed purchase price in the Commonwealth's Central Register not less than thirty (30) days before the City enters into a binding agreement with the current owners to purchase real property identified above under a unique acquisition determination.

If you have any questions or require further information, please let me know.

Sincerely,



Beverly J. Sleeper
Chief Procurement Officer

cc: John L. Ghiloni, DPW Commissioner/Public Facilities Director
Margaret Cardello, Library Director
Cynthia Panagore-Griffin, Assistant City Solicitor/Legal Department

ORDERED:

Pursuant to MGL c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of one or more of four (4) parcels of land will not benefit the City's interest because of the unique qualities and location of the properties as hereinafter defined:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandes.

The above-identified parcels satisfy the requirements of said M.G.L. c. 30B, § 16(e)(2), because: (i) the parcels are uniquely situated because they are located within close proximity to the existing Marlborough Public Library which does not currently have sufficient parking to meet the requirements of the Board of Library Commissioners in relation to the proposed renovation and addition project; (ii) the only way to increase the amount of parking is to purchase parcels uniquely located either adjacent to, or within close proximity of, the Marlborough Public Library; and (iii) the proposed acquisition of these parcels will increase parking for access to, and increased usage of, the Marlborough Public Library.

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

49 West Main Street (Map 69 Parcel 224) = \$303,266.66
29 Witherbee Street (Map 69 Parcel 245) = \$206,600.00
24 Gay Street (Map 69 Parcel 256) = \$223,133.33
30 Gay Street (Map 69 Parcel 255) = \$227,266.66

ADOPTED
In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

That the pursuant to Mass. Gen. Laws c. 43, § 30, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation in the amount of \$75,000 from the Undesignated Fund, Account Number 10000-35900, for the purposes of providing the deposit(s) which would be paid by the City to bind offers on the proposed purchase and sales agreements which are the subject of Order No. _____, with respect to the any or all of the following parcels:

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 224, containing 0.289 acres or 12,588.84 S.F., more or less, located at 49 West Main Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 31600, Page 517. The person having a beneficial interest in this parcel is Lawrence R. Nourse;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 245 containing 0.1997 acres or 8,698.93 S.F., more or less, located at 29 Witherbee Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 47304, Page 279. The persons having a beneficial interest in this parcel are Roy E. Hanson and Eileen Maguire;

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 256 containing 0.1169 acres or 5,092.16 S.F., more or less, located at 24 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64881, Page 116. The persons having a beneficial interest in this parcel are Dalvan Ferreira Dos Santos and Sinara Teresinha Klipp; and

The parcel identified on the Assessors Map of the City of Marlborough as Map 69 Parcel 255 containing 0.1563 acres or 6,808.43 S.F., more or less, located at 30 Gay Street, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 67384, Page 457. The person having a beneficial interest in this parcel is Alex Hernandes.

ADOPTED
In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:



IN CITY COUNCIL

DECEMBER 5, 2016

Marlborough, Mass., _____

ORDERED:

That the City of Marlborough accepts Section 53F $\frac{3}{4}$ of Chapter 44 of the Massachusetts General Laws, as amended, as follows:

Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.

And further, that said PEG Access and Cable Related Fund shall begin operation in the fiscal year which begins on July 1, 2017.

Be and is herewith refer to **FINANCE COMMITTEE.**

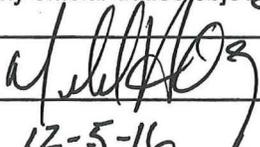
Councilor Ossing filed a disclosure statement.

ADOPTED

ORDER NO. 16-1006761

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	PUBLIC EMPLOYEE INFORMATION	RECEIVED CITY CLERK'S OFFICE CITY OF MARLBOROUGH
Name of public employee:	Michael Ossing	2016 DEC -5 P 1:32
Title or Position:	City Councilor	
Agency/Department:	Marlborough City Council	
Agency address:	City Hall, 2 nd Floor 140 Main Street Marlborough, MA 01752	
Office Phone:	(508) 460-3711	
Office E-mail:	citycouncil@marlborough-ma.gov	
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>	
	APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for action or decision.	I am a member of the Marlborough City Council and currently serve as Chairman of its Finance Committee. A matter has been submitted to the City Council regarding the proposed acceptance of a statute (G.L. c. 44, § 53F¾) which, if accepted by the Council, would establish a special revenue fund known as the PEG Access and Cable Related Fund. This Fund would reserve certain cable-related fees and revenues for appropriation to, among other things, support cable PEG access services and programming for Marlborough residents.	
What responsibility do you have for taking action or making a decision?	The above matter will likely be referred to the Finance Committee, of which I currently serve as the Chairman, and the Committee will study the matter and make a recommendation to the full Council. In addition, as a member of the full Council, I would be voting on whether to accept the statute.	
Explain your relationship or affiliation to the person or organization.	My wife, Linda Ossing, currently serves on the Marlborough Cable Trust Committee, which oversees expenditures on behalf of the Trust to support cable PEG access services and programming for Marlborough residents.	
How do your official actions or decision matter to the person or organization?	The cable-related fees and revenues which otherwise would go to the Marlborough Cable Trust would be deposited into the fund created under G.L. c. 44, § 53F¾, if accepted by the City Council.	

Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	12-5-16

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

6
Arthur G. Vigeant
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
EXECUTIVE AIDE
2016 DEC -1 A 11:38
Patricia Bernard
EXECUTIVE SECRETARY

December 1, 2016

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Acceptance of the Provisions of MGL c. 44 § 53F 3/4

FIN

Honorable President Clancy and Councilors:

Please find enclosed a draft order accepting the provisions of MGL c. 44 § 53F 3/4 which would create a separate revenue account for receipts received in connection with the City's franchise agreements with cable providers.

As you may recall, cable access fees were previously placed into a revenue fund, but the Department of Revenue determined this was inconsistent with their interpretation of Massachusetts General Laws since the revenues are fees and they ought to be reported in the general fund, unless the City accepts these provisions.

Accepting the provisions will enable the City to create a separate revenue account for these receipts, meaning we will continue to place them in an account separate from the general fund. The acceptance will be effective July 1, 2017 and after it becomes effective, an appropriation by the City Council will be necessary to spend any monies in the fund. The fund will operate in the same manner as the hotel tax and meals tax special revenue funds.

I have enclosed a letter from Auditor Diane Smith with additional information as well as a draft order. If you have any questions, please do not hesitate to contact me or Ms. Smith.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

That the City of Marlborough accepts Section 53F3/4 of Chapter 44 of the Massachusetts General Laws, as amended, as follows:

Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.

And further, that said PEG Access and Cable Related Fund shall begin operation in the fiscal year which begins on July 1, 2017.

ADOPTED
In City Council
Order No. 16-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

November 29, 2016

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, MA 01752

RE: Cable Television Public, Educational and Governmental Access Special Revenue Funds

Dear Mayor Vigeant:

As you know, the Department of Revenue's legal division determined that the accumulating of cable access fees into a special revenue fund was inconsistent with their interpretation of Massachusetts General Laws as these revenues are fees and therefore required to be reported in the general fund.

The Department of Local Services sent out an Informational Guideline Release explaining the options now available to cities and towns to separately account for these funds. One of the options is accepting MGL c. 44, sec 53F 3/4. This fund would be a receipts reserved for appropriation special revenue fund. All revenues received in connection with the City's franchise agreements may be credited to the fund. An appropriation is required to spend any monies in the fund. This fund would operate in the same manner as the hotel and meals tax special revenue funds.

If the City does nothing, any remaining funds at June 30, 2017 will close out to free cash and all future revenue will go to the general fund.

Sincerely,

Diane Smith
City Auditor



Informational Guideline Release

Bureau of Accounts
Informational Guideline Release (IGR) No. 16-102
January 2016

CABLE TELEVISION PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS SPECIAL REVENUE FUNDS

(G.L. c. 44, § 53F½; G.L. c. 44, § 53F¾)

This Informational Guideline Release (IGR) explains to local officials the procedures and requirements for establishing an enterprise fund to account for monies received and spent for cable television public, educational and governmental (PEG) access facilities and operations, or alternatively, for creating a receipts reserved fund known as the PEG Access and Cable Related Fund to fund PEG access programming, as well as certain other municipal cable-related expenses.

Topical Index Key:

Accounting Policies and Procedures
Special Funds

Distribution:

Treasurers
Clerks
Accountants/Auditors
Mayors/Selectmen
Managers/Administrators/Exec. Secys.
Finance Directors
City Solicitors/Town Counsels

**CABLE TELEVISION PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS
SPECIAL REVENUE FUNDS**

(G.L. c. 44, § 53F¹/₂; G.L. c. 44, § 53F³/₄)

SUMMARY:

These guidelines explain two options now available to cities and towns to separately account for cable franchise fees collected from customers by cable companies and other cable-related monies negotiated in cable television agreements between the municipality and the cable television operator.

Those monies include fees collected from customers by the cable operator in connection with the franchise and in support of public, educational and government (PEG) programming. In addition to the imposition of these franchise fees, cable licensing agreements typically require that cable companies provide services, facilities and equipment for PEG channels, deliver cable television programming to municipal buildings, and maintain customer service quality. Under state law, cable operators also pay the municipality an annual license fee, which is based on the number of cable customers. All of these monies are general fund revenues, absent a special act treating them otherwise. G.L. c. 44, § 53.

Cities and towns may now designate cable PEG access operations or services as an enterprise and separately account for all franchise fees and other revenues derived from enterprise activities in the same manner as other enterprise funds. G.L. c. 44, § 53F¹/₂.

Alternatively, cities and towns may reserve the franchise fees and other cable related revenues for appropriation to support PEG access services, monitor compliance with the franchise agreement or prepare for license renewal by accepting G.L. c. 44, § 53F³/₄ and establishing a PEG Access and Cable Related Fund.

This statute may be accepted to take effect for fiscal years beginning on or after July 1, 2015.

GUIDELINES:

I. TRANSITION TO SPECIAL REVENUE FUND

As part of the certification of general fund free cash, the Director of Accounts will close any reservations of cable franchise fees or other cable-related funds that appear on a city or town balance sheet on or after June 30, 2016 unless:

- A. The city or town has accepted one of the special revenue funds, as explained in Sections II and III below, and
- B. The legislative body of the city or town has voted to have the accounting officer transfer any balance to the accepted fund at the beginning of the fiscal year the fund will start operation. The transfer may be voted as part of the acceptance or separately.

II. CABLE PUBLIC ACCESS ENTERPRISE FUND

Cities and towns may accept G.L. c. 44, § 53F½ and establish an enterprise fund to separately account for all revenues and expenditures in connection with operating cable PEG access service for city or town residents, whether the service is operated by a city or town department or a contractor.

For detailed guidance on adoption of an enterprise fund, setting the annual enterprise budget, accounting for enterprise activities and operation of the fund, see the Enterprise Funds Guidelines issued by the Bureau of Accounts.

III. PEG ACCESS AND CABLE RELATED FUND

A. Local Acceptance

1. Acceptance Procedure

Acceptance of G.L. c. 44, § 53F¾ for a PEG Access and Cable Related Fund (Fund), is by majority vote of the municipality's legislative body, subject to charter. G.L. c. 4, § 4. (See attached sample acceptance vote.)

2. Revocation of Acceptance

Acceptance may be revoked, but the city or town must wait until at least three years after acceptance. Revocation is also by majority vote of the municipality's legislative body, subject to charter. G.L. c. 4, § 4B.

3. Notification of Acceptance or Revocation

The city or town clerk must notify the Municipal Databank if it accepts or revokes G.L. c. 44, § 53F¾. (See "Notification of Acceptance or Revocation.") The notification should be made **as soon as possible** after the vote.

4. Effective Date

The Fund will begin operation for the fiscal year that begins the next July 1, unless a later fiscal year is designated in the acceptance. Revocation of the statute terminates the Fund at the end of the fiscal year in which the revocation is voted.

B. Special Revenue Fund

The Fund is a receipts reserved for appropriation special revenue fund.

1. Receipts

The following revenues received in connection with the municipality's franchise agreements may be credited to the Fund:

- a. Cable franchise fees collected by the cable operator for PEG access and received by the city or town.
- b. Annual license fees paid by the cable operator. G.L. c. 166A, § 9.
- c. Other revenues received in connection with the franchise agreement.

2. Investment

The treasurer is the custodian of the Fund. The treasurer may invest the monies of the Fund in the same manner as general funds under G.L. c. 44, §§ 55, 55A and 55B. The treasurer may pool the cash and does not have to establish a separate bank account for the Fund.

Interest earned on Fund monies belongs to the general fund.

C. Expenditures

An appropriation is required to spend any monies in the Fund. Appropriations are by majority vote of the legislative body and are limited to the actual unencumbered balance of the Fund at the time of the appropriation. Anticipated receipts cannot be appropriated.

Monies from the Fund may be appropriated consistent with the cable franchise agreement to:

1. Support cable PEG access service or programming for city or town residents, whether operated by a city or town department or a contractor.
2. Monitor the cable operator's compliance with the franchise agreement.
3. Prepare for renewal of the cable franchise license, including any associated expert and legal services.

Payment of bills charged to appropriations from the Fund must follow the same process used for payment of other municipal expenses. G.L. c. 41, §§ 52 and 56. A payment voucher with appropriate supporting documentation is submitted to the accounting officer for placement of the bill on the treasury warrant.

D. Accounting

The accounting officer must establish and maintain the Fund as a separate account and record all activity in the Fund.

1. Receipts are recorded directly into the Fund.
3. Expenditures are recorded as direct expenditures in the Fund.
4. The unspent and unencumbered balance of an appropriation for a particular cable-related purpose is closed to the Fund.
5. The balance in the Fund at the end of a fiscal year carries forward to the next fiscal year.

E. Supplemental Appropriations

Appropriations may be made from other municipal funding sources, such as the tax levy, free cash or other available funds, to supplement and carry out cable-related purposes funded by the Fund. However, monies from these sources may not be appropriated directly into the Fund. Depending on the purpose, appropriations from the Fund could be operating or special purpose appropriations and the accounting officer would close them out in the same manner as other such appropriations.

F. Fund Revocation

If the city or town revokes its acceptance of G.L. c. 44, § 53F³/₄, the accounting officer is to close the fund balance to the general fund at the end of the fiscal year.

SAMPLE

(Sample should not be used without the advice of municipal counsel.)

PEG ACCESS AND CABLE RELATED FUND ACCEPTANCE

Legislative Body Vote

ARTICLE/ORDER. To see if the city/town will accept General Laws Chapter 44, Section 53F³/₄, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year _____, which begins on July 1, _____ or take any other action relative thereto.

MOTION. Moved/ordered that the city/town accept General Laws Chapter 44, Section 53F³/₄, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year _____, which begins on July 1, _____.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 5, 2016

ORDERED:

Be it ordained by the City Council of the City of Marlborough that Order No. 92-4412, adopted on February 24, 1992, which established the Watershed Protection and Acquisition Fund, is hereby repealed, be and is herewith refer to **FINANCE COMMITTEE.**

ADOPTED

ORDER NO. 16-1006762
X-92-4412



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

7
Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia Bernard
EXECUTIVE AIDE
2016 DEC - 1 A 11: 38
Patricia Bernard
EXECUTIVE SECRETARY

December 1, 2016

City Council President Edward J. Clancy
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Order Repealing Order No. 92-4412 Which Established the Watershed Protection and Acquisition Fund

Honorable President Clancy and Councilors:

Please find enclosed a proposed Order Repealing Order No. 92-4412 Which Established the Watershed Protection and Acquisition Fund.

In 1992 Mayor Hogan proposed creating a fund, which we refer to informally as the Aquifer Protection account, for a small portion of each month's water bill receipts. In 1992, that amount was \$0.08 of the water rate, or 5.06 percent, and it was dedicated to the Aquifer Protection account for use, with City Council approval, to protect parcels which were located near the City's watershed areas and water supply. We have continued to move 5.06 percent of receipts from water bill payments into this account each month since 1992. In recent years, with your approval, we have transferred the funds from the Aquifer Protection account to reduce the tax levy.

By eliminating the fund, all receipts from water bills will remain in the water fund reducing the need for a transfer out of the account each fiscal year. Surpluses in the water fund will continue to close out to free cash at the end of each fiscal year.

I look forward to discussing this with you further, but if you have any questions, please do not hesitate to contact me or Auditor Diane Smith.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

Be it ordained by the City Council of the City of Marlborough that Order No. 92-4412, adopted on February 24, 1992, which established the Watershed Protection and Acquisition Fund, is hereby repealed.

ADOPTED
In City Council
Order No. 16-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

FEBRUARY 24, 1992

Marlborough, Mass., _____ 19

ORDERED:

That the communication from the Comptroller/Acting Water Registrar regarding a change in WATER AND SEWER RATES and the establishment of a WATERSHED PROTECTION and ACQUISITION FUND be and is herewith APPROVED.

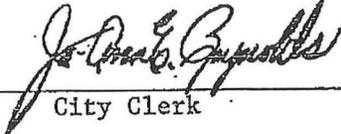
ADOPTED.

ORDER NO. 92-4412

ADOPTED
In City Council
Order No: 92/4412
Adopted Date: February 24, 1992

Approved by Mayor
Michael P. Hogan
February 26, 1992

A TRUE COPY
ATTEST:



City Clerk



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

February 19, 1992

President and Members
Marlborough City Council
City Hall
Marlborough, MA 01752

Dear President and Members:

~~Concerned about the historic subsidy by the General Fund of water and sewer services to City properties, the City Council some time ago expressed an interest in bringing the water and sewer rates to a point where they would fully support the cost of those services. It was our intention to increase rates annually in July at a pace that exceeded the increasing costs to provide these services, with the goal of making the water and sewer funds self-sufficient in the year 2000.~~

Due to the state of the region's economy, it was the administration's position that rates be kept unchanged last July, with an increase delayed until January, 1992. Barring an unforeseen improvement in the economic forecast, the next rate adjustment will also be delayed by six months.

Thus, in accordance with the provisions of Section 194-13A and 161-2E of the Code of the City of Marlborough, the Council is hereby advised that the rates for water and sewer usage effective January 1, 1992, is \$1.50 per hundred cubic feet of metered water consumption. This is an increase of 15 cents, an increase of 11.1 percent, substantially less than the 18 percent increase we face from the Massachusetts Water Resources Authority, which currently provides some 70 percent of our water.

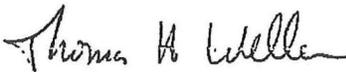
The current fiscal year's budget reflects water and sewer fund expenses of \$6.9 million, and anticipated revenues of \$4.5 million, based on these rates.

A. Cy

City Council
February 19, 1992

In addition, there will be a Watershed Protection and Acquisition Fund surcharge of \$0.08 per hundred cubic feet. This new fund will be used, with Council approval, to protect parcels which, because of their proximity to the City's watershed areas or other characteristics, are critical to the long-term availability, quality, and cost-effectiveness of our water supplies.

Very truly yours,



Thomas H. Wellen
COMPTROLLER
ACTING WATER REGISTRAR

THW/b

pc: Mayor Hogan
Commissioner Sharon