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CITY OF MARLBOROUGH

2014 DEC 11 P 1:14

1. Minutes of the City Council Meeting, DECEMBER 1, 2014.
2. PUBLIC HEARING On the Petition of NGrid and Verizon New England, Inc. to install new primary riser P20-50 to be located 23' off roadway in between existing P20 and P21 Ames St. Also to install 2-4" conduits encased in concrete, one primary pull box and underground cable along Ames St. Conduit system will be installed 3' back of curb on the north side of the roadway. This installation is required to provide electrical service to new multifamily residential development – The Preserve at Ames, Order No. 14-1006034.
3. PUBLIC HEARING On the Petition of National Grid and Verizon New England, Inc. to relocate joint owned P.5 on Norwood St. 4' north and install sidewalk guy. Existing pole is deteriorated and will be relocated further away from customer's driveway entrance, Order No. 14-1006012.
4. PUBLIC HEARING On the Application for Special Permit to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, to remove Condition #7 prohibiting LCD signs on the property, Order No. 14-1006011, X03-10047B.
5. Communication from the Mayor re: Mitigation Payment Acceptance from Atlantic Management in the amount of \$150,000.00 which moves funds from Undesignated to Sewer Maintenance to fund needed sewer upgrades for redevelopment project at 200 Forest St.
6. Communication from the Mayor re: Fire Department transfer request in the amount of \$53,214.30 which moves funds from Fringe to Sick Leave Buy Back to fund the sick leave buy back for a retiring member of the Fire Department.
7. Communication from the Mayor re: Sustainable Materials Recovery Program Municipal Grant in the amount of \$19,100.00 and Clean Energy Project Grant in the amount of \$26,300.00 awarded to DPW for purchasing recycling containers & related public education materials and replacement of the boiler at the Millham Water Treatment Plant respectively.
8. Communication from the Mayor re: "Panther Trail" Conceptual Plan.
9. Communication from the Mayor re: Order of Taking by Eminent Domain and Order of Acceptance of Public Way regarding Cul-De-Sac on D'Angelo Dr.
10. Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Order to Grant an Easement to the Massachusetts Electric Company.
11. Communication from Brian Falk of Mirick O'Connell requesting that the PUBLIC HEARING on the Application for Special Permit to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, to remove Condition #7 prohibiting LCD signs on the property, Order No. 14-1006011, X03-10047B, be rescheduled to a future date.
12. Communication from Brian Falk of Mirick O'Connell re: Application for Sign Ordinance Special Permit; Digital Federal Credit Union, 865 Donald Lynch Blvd.
13. Minutes, Board of Assessors, June 3, 2014.
14. Minutes, Traffic Commission, October 28, 2014.
15. Minutes, Zoning Board of Appeals, November 18, 2014.
16. Minutes, Conservation Commission, October 16, & November 6, 2014.
17. Minutes, Marlborough High School Council, December 3, 2014.
18. CLAIMS:
 - a. Elaine Alden, 70 Kelleher St., pothole or other road defect.
 - b. Doris Montoya, 479 Farm Rd., residential mailbox claim 2(a)

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- c. James Burgarella, 76 O'Grady Rd., residential mailbox claim 2(b)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

19. **Order No. 14-1005998 – Transfer \$1,363,198.00 from Undesignated Funds to fund Department Equipment.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$1,363,198.00 from the Undesignated Funds account for DPW, Police and Emergency Management department equipment. The \$93,420.00 request for defibrillators was reduced by \$6,570.00 (new total of \$86,850.00) due to smaller sized units for the Police motorcycles. **The Finance Committee voted 5 - 0 to approve the transfer of \$1,356,628.00 for department equipment.**
20. **Order No. 14-1005999 – Transfer \$23,992.00 to Fund Senior Clerk Position in Council on Aging.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$23,992.00 from the Council on Aging Clerk position and DPW Finance Assistant position to fund a Senior Clerk position in the Council on Aging. **The Finance Committee voted 5 - 0 to approve the transfer.**
21. **Order No. 14-1006000 – Transfer \$20,000.00 to Fund Contract Services in the Board of Health.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$20,000.00 from the Mayor Audit Services account and Comptroller Senior Clerk account to fund the contract services account in the Board of Health to cover food compliance and inspectional services and plan reviews of new food establishments. **The Finance Committee voted 5 - 0 to approve the transfer.**
22. **Order No. 14-1006026 – Transfer \$159,777.53 to Fund Fire Department Retirements and Overtime.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$159,777.53 from the following accounts to cover a retirement and overtime:
- Transfer \$25,138.43 from Firefighter account to Overtime
 - Transfer \$65,940.30 from the Fringe account to Sick Leave Buy Back
 - Transfer \$68,698.80 from the Fringe account to Firefighter account
- The Finance Committee voted 5 - 0 to approve the transfer.**
23. **Order No. 14-1006027 – Transfer \$24,630.00 to Fund the Retirement of a DPW Employee.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$24,630.00 from the Fringe account to the Water Department Sick Leave Buy Back account to cover the retirement of a DPW employee. **The Finance Committee voted 5 - 0 to approve the transfer.**
24. **Order No. 14-1005997 – Turf Field Bond for \$3,855,059.00.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 for bond request in the amount of \$3,855,059.00 to fund the city's first synthetic turf athletic field at the Whitcomb Middle School. Funding for this bond will be from the local option meals tax that is dedicated to the city parks and recreation facilities. The Finance Committee voted 4-0-1 (Councilor Elder abstained from participating) to table the order. **The Finance Committee requested the following information be made available for the next Finance Committee meeting:**

From Legislative and Legal Affairs Committee**25. Order No. 14-1005962 - An Amendment to the City Code Relative to the Municipal Finance Department Appointment Terms.**

The committee discussed amending the city code to change the length of term for the Comptroller/Treasurer from a two year appointment and the City Collector from a one year appointment to three year appointments each. The committee recommended a three year term for the Comptroller/Treasurer and a two year term for City Collector and additional changes to wording as indicated.

“The Mayor shall, subject to confirmation of the City Council, appoint a Comptroller-Treasurer for a term of three years to expire the day following his/her approval by the City Council.”

"Tax Collector; appointment, terms, and duties", is hereby amended by deleting the word “annually” and inserting in place thereof the words “for a two year term to expire the day following his/her approval by the City Council.”

The text of §67-11 contains the language “He shall perform all the duties required of him as set forth in the General Laws of the commonwealth”, in addition to changing “He” to “The Tax Collector”, it was requested “him” be changed to “him/her” so the sentence reads, “The Tax Collector shall perform all the duties required of him/her as set forth in the General Laws of the commonwealth.”

Recommendation of the Legislative and Legal Affairs Committee is to approve as amended, the Comptroller/Treasurer to a three year term, the Tax Collector to a two year term, and with amendments as to wording.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

26. Order No. 14-1006006 - Downtown Zoning Committee Parking Recommendation.

The committee discussed the recommendation of the Downtown Zoning Committee to increase the parking fine from \$15 to \$25 with regards to all areas where parking is prohibited or regulated excluding fire lane violations which remains unchanged.

Recommendation of the Legislative and Legal Affairs Committee is to approve the increase of the parking fine from \$15 to \$25.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

27. Order No. 14-1006009A - Proposed Order to Grant an Easement from the City to Massachusetts Electric Company for the Purposes of Providing New and Updated Service for Ward Park from South Street to New Street.

The committee discussed the order to grant an easement from the City of Marlborough to Massachusetts Electric Company for the placement of poles and transformers and all necessary associated equipment to provide new and updated service for Ward Park from South Street to New Street.

Recommendation of the Legislative and Legal Affairs Committee is to approve the requested easement as proposed.

Motion to approve by Councilor Delano, seconded by the Chair.

Motion Passed: 3-0

Motion made by Councilor Delano, seconded by the Chair, to request a suspension of the rules at the next regular meeting of City Council to send to the legal department for proper legal form.

Motion Passed: 3-0