



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MARCH 27, 2017

Regular meeting of the City Council held on Monday, MARCH 13, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:23 PM.

ORDERED: That the Minutes of the City Council meeting March 13, 2017, **FILE**; adopted.

ORDERED: That the Police Transfer Request in the amount of \$74,380.00 which moves funds from and to various accounts as noted below to fund retirement payouts in the Police Department, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Police					FISCAL YEAR:	2017		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$99,166.19	\$37,680.00	12100003	51320	Overtime-Court Time	\$59,066.00	12100003	51920	Sick Leave Buy Back	\$82,562.93	
	Reason:	Excess funds					Retirement payout			
\$154,650.38	\$30,000.00	12100003	51440	Educational Incentive	\$15,314.00	12100001	50820	Police Sergeants	\$207,259.46	
		Excess funds					Retirement payout			
\$152,740.11	\$4,800.00	12100001	50510	Police Lieutenants						
	Reason:	Excess funds								
\$1,960.88	\$1,900.00	12100003	51370	Overtime-Celebrations						
	Reason:	Excess funds								
	\$74,380.00	Total			\$74,380.00	Total				

ORDERED: That the City Council approve the Massachusetts Department of Revenue Financial Review Recommendation for adopting an abbreviated budget authorization format for all departments for the City budget, refer to **FINANCE COMMITTEE**; adopted.

Background: In its 2006 *Financial Management Review* of the City of Marlborough, the Massachusetts Department of Revenue recommended that the City adopt several best practices including approving the City budget with salary and expenditure accounts for each department as opposed to the current practice of approving each individual line item. This recommendation was also made in the City's Fiscal Year 2016 audit performed by Roselli, Clark & Associates. Department heads would not be able to add funds to their approved salary or expenditure accounts without City Council approval. The Auditor will provide a summary of all transfers within a department's budget each month to the City Council.

ORDERED: That the Communication from Councilor Juarie, re: Certifications After Review of Evidence, Adjudicatory Public Hearing, Mina Property Group LLC Application for Special Permit to construct a commercial automotive at 408 Maple Street, 17-1006800A, **FILE**; adopted.

Suspension of the Rules to remove from Table the below mentioned Special Permit Application – CARRIES.

ORDERED: That there being no objection thereto set **MONDAY, MAY 8, 2017** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from BSL Marlborough Development LLC, to construct a 52-Unit, 60,823 +/- square foot Assisted Living Facility with a Special Care Unit, 421 Bolton Street, Order No. 17-1006816, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Communication from Chapa Quente Restaurant, 201 Main Street to use City property for outside seating commencing in May and ending in October, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from the Commonwealth of MA, acting through its Department of Recreation and Conservation, has under consideration the acquisition of approximately 33 ± acres of land in Marlborough, refer to **OPEN SPACE COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Bergeron re: Apex Center – Proposed Delegation of Sign Review, Order No. 16/17-1006443N, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Minutes, Council on Aging, January 10, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Assabet Valley Regional Technical High School, February 21, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, January 23, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, February 6 & 27, 2017, **FILE**; adopted.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Thursday March 23, 2017
In Council Chambers**

Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram, Doucette and Irish. Councilors Clancy, Delano, Landers, and Juairé were also in attendance. The meeting convened at 6:30 PM.

1. **Order No. 17-1006837 (Orders 1 through 6) – FY17 Capital Bond Package for \$18,235,000.** The Finance Committee reviewed the Mayor's letter dated March 9, 2017 requesting the approval of five bonds totaling \$18,235,000.00 for high priority projects and several infrastructure projects throughout the City. The sixth order requests the approval of MGL Chapter 44 Section 20 to authorize the City to use the premium on the sale of bonds or notes to pay associated project costs and reduce the borrowing amount. The City Council approved the advertising of the five bonds at the March 13, 2017 City Council meeting. The Finance Committee took the following actions:
 - **Order #17-1006837-1: Rehabilitation or Improvements to Recreational Fields:** The Finance Committee voted 5 - 0 to approve the \$4,500,000.00 bond for the rehabilitation and improvements to recreational fields.
 - **Order #17-1006837-2: Street Construction:** The Finance Committee voted 5 - 0 to approve the \$9,535,000.00 bond for street construction.
 - **Order #17-1006837-3: Sewer Construction:** The Finance Committee voted 5 - 0 to approve the \$2,000,000.00 bond for sewer construction.
 - **Order #17-1006837-4: Water Main Construction:** The Finance Committee voted 5 - 0 to approve the \$1,500,000.00 bond for water main construction.
 - **Order #17-1006837-5: Sewerage Systems:** The Finance Committee voted 5 - 0 to approve the \$700,000.00 bond for sewerage systems.
 - **Order #17-1006837-6: Adopt MGL Chapter 44 Section 20:** The Finance Committee voted 5 - 0 to approve MGL Chapter 44 Section 20 that will authorize the City to use the premium on the sale of bonds or notes to pay associated project costs and reduce the borrowing amount.

Reports of Committees Cont'd:

2. **Order No. 17-1006838 – Transfer \$3,213,000.00 from Undesignated Funds to Purchase Department Equipment:** The Finance Committee reviewed the Mayor's letter dated March 9, 2017 requesting a transfer of \$3,213,000.00 from the Undesignated Funds account to fund department equipment for the Public Facilities, DPW, Police Department and Fire Department. The Finance Committee took the following actions:
 - **The Finance Committee voted 5 – 0 to approve the \$1,490,000.00 for Fire Department Equipment.**
 - **The Finance Committee voted 5 – 0 to approve the \$308,000.00 for Police Department Equipment.**
 - **The Finance Committee voted 5 – 0 to approve the \$1,415,000.00 for DPW and Public Facilities Equipment.**

The Finance Committee agreed to support suspending the rules at the March 27, 2017 City Council meeting to approve the \$3,213,000.00 for Department Equipment.

Continued Review:

3. **Order No. 17-1006795C: Fire Department City Code Changes.** The Finance Committee continued the discussion from the January 30, 2017 Finance Committee meeting which tabled the changes to the city code for the Fire department in order to resolve comments and obtain input from the solicitor.

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

The Finance Committee adjourned at 9:30 PM.

Suspension of the Rules requested - granted

ORDERED: That the \$3,213,000.00 Free Cash Transfer for Investments in Equipment and Facilities, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Various				FISCAL YEAR:		2017		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$9,963,790.00	\$3,213,000.00	10000	35900	Undesignated Fund	\$365,000.00	19300006	58467	Capital Outlay-Facilities	\$15.00	
Reason:		To fund equipment requests								
					\$1,050,000.00	19300006	58731	Capital Outlay-DPW	\$0.00	
					\$308,000.00	19300006	58593	Capital Outlay-Police	\$18,700.00	
Reason:										
					\$1,490,000.00	19300006	58512	Capital Outlay-Fire	\$0.00	
	\$3,213,000.00	Total			\$3,213,000.00	Total				

ORDERED: That the Fire Department transfer request in the amount of \$56,131.02 which moves funds from Reserve for Salaries to Sick Leave Buy Back to fund the balance of sick leave buy back payments for two retirees, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2017		
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$733,779.70	\$56,131.02	11990006	57820	Reserve for Salaries	\$56,131.02	12200003	51920	Sick Leave BuyBack	\$28,881.18	
Reason:						To fund sick leave buy back for two retirements				
	\$56,131.02	Total			\$56,131.02	Total				

ORDERED: THAT PURSUANT to § 15A of chapter 40 of the General Laws of Massachusetts, the City Council of the City of Marlborough hereby transfers the below-described portions of land of the City of Marlborough, being less than the entire land or parcels of land described therein and being no longer required for the purposes for which said portions of land were acquired, from general municipal purposes (Map 104, Parcel 46), the purpose of relocating South Street (Map 93, Parcel 54), the purpose of widening Maple Street at or near South Street (Map 93, Parcel 56), the purpose of the erecting a new fire station (Map 82, Parcels 138 and 135A), and the purposes of laying out a new City Highway location (Map 93, Parcel 49), to the purposes of a grant of easements,

AND WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the hereinafter described easements, as shown on a set of plans thereof, be accepted as municipal easements:

DESCRIPTION

1. In, on, under, through and across a portion of the land located at 506 Maple Street, Marlborough, MA, which land is also known and numbered as Map 104, Parcel 46 on the Assessors' Map of the City of Marlborough, being a 108 ± S.F. permanent easement for a guy pole, grading, and driveway tie-in purposes identified as PUE-28 on sheets 10 and 15 of a set of plans; and a 833 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-72 on sheet 15 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 1/13/2017;
2. In, on, under, through and across a portion of the land located at the corner of South Street and Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 54 on the Assessors' Map of the City of Marlborough, being a 282 ± S.F. permanent easement for a sidewalk and signal equipment purposes identified as E-36 on sheets 11 and 18 of a set of plans; and a 737 ± S.F. temporary easement for grading purposes identified as TE-75 on sheet 18 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 1/13/2017;
3. In, on, under, through and across a portion of the land located at 361 Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 56 on the Assessors' Map of the City of Marlborough, being a 666 ± S.F. permanent easement for sidewalk purposes identified as E-37 on sheets 11 and 18 of a set of plans; and a 1,725 ± S.F. temporary easement for grading purposes identified as TE-76 on sheet 18 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 1/13/2017;

4. In, on, under, through and across a portion of the land located at 215 Maple Street, Marlborough, MA, which land is also known and numbered as Map 82, Parcel 138 on the Assessors' Map of the City of Marlborough, being a 434 ± S.F. permanent easement for signal cabinet and conduit purposes identified as E-38 on sheets 11, 12, 21, and 22 of a set of plans; a 1,341 ± S.F. temporary easement for grading and driveway tie-in purposes identified as TE-78 on sheets 21 and 22 of a set of plans; and a 361 ± S.F. temporary easement for grading purposes identified as TE-81 on sheets 21 and 22 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 1/13/2017;
5. In, on, under, through and across a portion of the land located at Maple Street, Marlborough, MA, which land is also known and numbered as Map 82, Parcel 135A on the Assessors' Map of the City of Marlborough, being a 755 ± S.F. temporary easement for grading purposes identified as TE-38 on sheet 22 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 1/13/2017;
6. In, on, under, through and across a portion of the land located at Maple Street, Marlborough, MA, which land is also known and numbered as Map 93, Parcel 49 on the Assessors' Map of the City of Marlborough, being a 1,337 ± S.F. permanent easement for sidewalk purposes identified as E-10 on sheets 10, 11, 16, and 17 of a set of plans; and a 1,539 ± S.F. temporary easement for grading purposes identified as TE-17 on sheets 16 and 17 of a set of plans, said plans being entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 1/13/2017;

Said set of plans relating to the proposed Route 85 (Maple Street) Reconstruction Project and entitled "Massachusetts Department of Transportation Highway Division, Plan of Route 85 (Maple Street), Marlborough, Middlesex County, Preliminary Right-Of-Way, by VHB" with a revised date of 1/13/2017, as further revised, to be recorded at the Middlesex County South Registry of Deeds.

Title to the above described easements as shown on said set of plans has been granted to the City of Marlborough in a Grant of Easements from the City of Marlborough, said Grant of Easements to be recorded in the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

The easements described herein be accepted as municipal easements in the City of Marlborough.

APPROVED; adopted.

Yea: 11- Nay: 0

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

ORDERED: That the Reappointment of Mark Bartlett to the Cultural Council for a term of three years which expired in August 2016, **APPROVED**; adopted.

ORDERED: That the Appointment of Jared Falcon to the Zoning Board of Appeals as an alternate member for a term of two years to commence upon City Council approval, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:23 PM.