



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**MAY 8, 2017**

Regular meeting of the City Council held on Monday, May 8, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:30 PM.

**ORDERED:** That the Minutes of the City Council meeting April 24, 2017, **FILE**; adopted.

**ORDERED:** That the **PUBLIC HEARING** On the Proposed FY18 Budget as submitted by Mayor Vigeant in the amount of \$156,990,717.00 for review and appropriation in which this spending plan reflects an increase of 4.9% over the approved Fiscal Year 2017 budget, Order No. 17-1006884, all were heard who wish to be heard, hearing recessed at 8:09 PM.

**ORDERED:** That the DPW transfer request in the amount of \$23,900.00 which moves funds from Interest on Ban to various DPW accounts as noted below to fund the recently ratified Memorandum of Agreement between City of Marlborough and the DPW Foreman, SEIU, Local 88 for Fiscal Years 2016, 2017 & 2018, refer to **FINANCE COMMITTEE**; adopted.

		FROM ACCOUNT:				TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$389,500.00	\$23,900.00	17520006	59254	Interest on Ban	\$6,000.00	14001301	50690	Foreman-Streets	\$47,968.70	
	Reason:	Calculated amounts for contractual obligations								
					\$2,100.00	14001401	50690	Foreman-Repair Shop	\$13,683.11	
					\$7,900.00	14001501	50690	Foreman-Parks	\$54,732.38	
	Reason:									
					\$7,900.00	61090001	50690	Foreman-Water	\$42,351.15	
	\$23,900.00	Total			\$23,900.00	Total				

- ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Public Safety and Security State 911 Support and Incentive Grant Acceptance in the amount of \$1,484.24 to replace body armor for officers whose vests have expired and need replacement; adopted.
- ORDERED: That the City Council of the City of Marlborough authorizes the Marlborough Public Library, by and through its Trustees, to apply for, accept, and expend any state funds which may be available for the proposed construction project at the Marlborough Public Library, refer to **FINANCE COMMITTEE**; adopted.
- ORDERED: That the City Council of the City of Marlborough approves the preliminary architectural design, entitled "Marlborough Public Library Conceptual Schematic, Feasibility Study, January 2017," by LLB Architects, 161 Exchange Street, Pawtucket, RI, attached herewith, for the proposed project at the Marlborough Public Library, refer to **FINANCE COMMITTEE**; adopted.
- ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Patrick Mauro of Royce Road Museum Realty Trust to build an addition to a single-family residence, 91 Royce Road, Order No. 17-1006869, all were heard who wish to be heard, hearing recessed at 8:25 PM.
- ORDERED: That the 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. 17-1006816A, all were heard who wish to be heard, hearing recessed at 9:00 PM.
- ORDERED: That the Communication from Retirement Board re: Granting Cost of Living Adjustment pursuant to MGL, Chapter 32, Section 103(i), **FILE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, JUNE 5, 2017** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Bohler Engineering on behalf of McDonald's USA, LLC to modify the existing drive-thru and associated menu boards and propose a new side-by-side drive-thru and menu boards to optimize circulation and restaurant operations at 250 Maple Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY MAY 22, 2017** as **DATE FOR PUBLIC HEARING** On the Petition from NGRID to relocate P6, Elm Street, 3.5' North at Marlborough's request for road improvement project, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY MAY 22, 2017** as **DATE FOR PUBLIC HEARING** On the Petition from NGRID to relocate P20, Pleasant Street, 4.5' West, at Marlborough's request for road improvement project, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Gerald Dumais, d/b/a/ Dumais & Sons Second Hand Store, 65 Mechanic Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Communication from the Department of Public Utilities, Condensed Financial Return for NSTAR Gas Co., year-end, December 2016, **FILE**; adopted.

ORDERED: That the Minutes, License Board, March 1, 2017, March 3, 2017, & March 29, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, March 16, 2017 & April 6, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, March 2, 2017 & March 28, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, April 6, 2017, **FILE**; adopted.

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

- a. Alfredo Vidal, 611 Hosmer St., residential mailbox claim 2(a).
- b. Richard Trotta, 39 Blaiswood Ave., residential mailbox claim 2(a) & other property damage.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Wednesday April 26, 2017  
In Council Chambers**

**Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram, Irish and Doucette. Councilors Clancy, Delano, Landers, Tunnera and Juairé were also in attendance. The meeting convened at 6:00 PM.**

1. **Order No.17-1006884-Mayor Fiscal Year 2018 Operating Budget for \$156,990,717.00:** The Finance Committee reviewed the Mayor's letter dated April 20, 2017 requesting the approval of the Fiscal Year 2018 (FY18) operating budget \$156,990,111.00.

Attachment 1 contains the projected tax implications based on the Mayor's FY18 budget. The Mayor's FY18 budget results in a less than 3% estimated increase in the property tax levy or an increase of approximately \$142.67 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2017.

Attachment 2 contains the projections for the state and local revenues for FY18 that were used in developing the tax implications.

For the FY18 budget, the City Council approved Order No.17-1006856 (April 24, 2017) for the abbreviated budget format that approves a salary amount and expenditure amount for all departmental budgets with a one year sunset clause.

The Finance Committee voted 5 - 0 to approve the following reductions to the FY18 budget:

**City Council** - reduce the Secretary/Research Assistant line item 50350 by \$6,195.00 to align with the salary ordinance. The City Council budget approved by Finance Committee was:

- City Council Salaries - \$208,545
- City Council Other - \$1 ,500
- City Council FY18 Budget- \$210,045

## Reports of Committees Cont'd:

**Public Facilities** - reduce the Electricity line item 52120 by \$400,000 in anticipation of savings associated with net metering. The Public Facilities budget approved by Finance Committee was:

- Public Facilities Salaries - \$564,960
- Public Facilities Other - \$2,123,800
- Public Facilities FYI 8 Budget - \$2,688,760

**Assabet Valley**-reduce the School Committee line item 50349 by \$3,000 because there is no salary ordinance to align with this budget item. The Assabet Valley budget approved by Finance Committee was:

- Assabet Valley FY18 Budget - \$5,410,265

The Finance Committee voted 5 - 0 to approve a \$409,195.00 reduction to the Mayor's FY18 budget of \$156,990,717.00. The Finance Committee voted 5 - 0 to approved a FY18 budget of \$156,581,522.00. This represents a 4.66% increase from the FYI 7 budget or an increase of \$6,972,449.00.

The FIN COM adjourned at 10:05 PM.

**Marlboro City Council Finance Committee  
Monday May 1, 2017  
In Council Chambers**

Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram, Doucette and Irish. Councilors Clancy, Landers and Juairé were also in attendance. The meeting convened at 6:02 PM.

1. **Order No. 17-1006885 – Transfer \$290,000.00 from Undesignated Funds to Capital Outlay for Maple Street Land Acquisition:** The Finance Committee reviewed the Mayor's letter dated April 20, 2017 requesting a transfer of \$290,000.00 from Undesignated Funds to a new capital outlay account in the DPW to fund right of way acquisitions related to the Maple Street reconstruction project. The Finance Committee voted 5 - 0 to approve the transfer.
2. **Order #17-1006886 – Transfer \$275,000.00 for Fire Department Overtime:** The Finance Committee reviewed the Mayor's letter dated April 20, 2017 requesting a transfer of \$275,000.00 from various Marlboro Fire Department accounts to the overtime account. The Finance Committee voted 5 - 0 to approve the transfers.
3. **Order #17-1006887 – Transfer \$73,475.00 from Interest on BAN Account to fund the Marlboro Public Works Equipment Operator Association (MPWEOA) Contract for FY16, 17 and 18:** The Finance Committee reviewed the Mayor's letter dated April 20, 2017 requesting a transfer of \$73,475.00 from the Interest on BAN Account to fund the Marlboro Public Works Equipment Operator Association (MPWEOA) Contract for FY16, 17 and 18. The Finance Committee voted 5 - 0 to approve the transfers.

## Reports of Committees Cont'd:

- 4. Order #17-1006888 – Financial and Investment Policies:** The Finance Committee reviewed the Mayor's letter dated April 20, 2017 requesting the approval of the financial and investment policies for the City of Marlboro. Based on the recommendation of the Comptroller, the Finance Committee agreed to change the debt ratio for the water and sewer debt service to 25% at the bottom of page 9. The Finance Committee voted 5 - 0 to approve the financial and investment policies.

**The Finance Committee agreed to support suspending the rules at the May 1, 2017 City Council meeting to approve all four Orders.**

The Finance Committee adjourned at 7:25 PM.

**Suspension of the Rules requested – granted**

**ORDERED:** That the Mayor's Fiscal Year 2018 Operating Budget for \$156,990,717.00 be further modified by reducing the following accounts by a total of \$409,195.00:

**City Council** - reduce the Secretary/Research Assistant line item 50350 by \$6,195.00 to align with the salary ordinance. The City Council budget approved by Finance Committee was:

- City Council Salaries - \$208,545
- City Council Other - \$1 ,500
- City Council FY18 Budget- \$210,045

**Public Facilities** - reduce the Electricity line item 52120 by \$400,000 in anticipation of savings associated with net metering. The Public Facilities budget approved by Finance Committee was:

- Public Facilities Salaries - \$564,960
- Public Facilities Other - \$2,123,800
- Public Facilities FYI 8 Budget - \$2,688,760

**Assabet Valley**-reduce the School Committee line item 50349 by \$3,000 because there is no salary ordinance to align with this budget item. The Assabet Valley budget approved by Finance Committee was:

- Assabet Valley FY18 Budget - \$5,410,265

Therefore, the FY18 operating budget for the City in the amount of **\$156,581,522.00**, which represents a 4.66% increase from the FY17 Budget or an increase of \$6,972,449.00, be and is herewith **APPROVED**.

Attachment 1 contains the projected tax implications based on the Mayor's FY18 budget. The Mayor's FY18 budget results in a less than 3% estimated increase in the property tax levy or an increase of approximately \$142.67 to the average home. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2017.

Attachment 2 contains the projections for the state and local revenues for FY18 that were used in developing the tax implications.

For the FY18 budget, the City Council approved Order No.17-1006856 (April 24, 2017) for the abbreviated budget format that approves a salary amount and expenditure amount for all departmental budgets with a one year sunset clause.

**APPROVED;** adopted.

**Suspension of the Rules requested – granted**

**ORDERED:** That the DPW transfer request in the amount of \$290,000.00 which moves funds from Undesignated to Capital Outlay-Maple Street Reconstruction to fund right of way acquisitions related to the Maple Street reconstruction project, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT:	Legal				FISCAL YEAR:	2017		
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$6,750,790.00	\$290,000.00	10000	35900	Undesignated Fund	\$290,000.00	19300006	59576	Capital Outlay-Maple St Recon	\$0.00
	Reason:	To fund damages awards for eminent domain takings							
	Reason:								
	Reason:								
	Reason:								
	\$290,000.00	Total			\$290,000.00	Total			

**Suspension of the Rules requested – granted**

ORDERED: That the Fire Department transfer request in the amount of \$275,000.00 which moves funds from various accounts to Overtime accounts as noted on the attached spreadsheets to fund Overtime costs, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		FIRE				FISCAL YEAR:		2017		
		FROM ACCOUNT:				TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$35,004.87	\$12,000.00	12200003	51440	Educational Incentive	\$12,000.00	12200003	51300	Overtime	\$75,938.75	
	Reason:	Firefighter vacancies, retirements & extended absences				Firefighter vacancies, retirements & extended absences				
\$28,685.41	\$17,000.00	12200003	51450	Night Shift Differential	\$17,000.00	12200003	51300	Overtime	\$75,938.75	
	Reason:	Firefighter vacancies, retirements & extended absences				Firefighter vacancies, retirements & extended absences				
\$61,809.99	\$46,000.00	12200003	51480	EMT	\$46,000.00	12200003	51300	Overtime	\$75,938.75	
	Reason:	Firefighter vacancies, retirements & extended absences				Firefighter vacancies, retirements & extended absences				
\$121,658.21	\$51,358.41	12200003	51490	Holiday Pay	\$51,358.41	12200003	51300	Overtime	\$75,938.75	
	Reason:	Firefighter vacancies, retirements & extended absences				Firefighter vacancies, retirements & extended absences				
	Reason:									
	Reason:									
	\$126,358.41	Total			\$126,358.41	Total				

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
\$589,394.34	\$17,928.22	12200001	50450	Firefighter	\$17,928.22	12200003	51300	Overtime	\$75,938.75
	Reason:	Transfer is available due to 111F payments				Firefighter vacancies, retirements & extended absences			
\$370,515.07	\$29,569.37	12200001	50810	Fire Lieutenant	\$29,569.37	12200003	51300	Overtime	\$75,938.75
	Reason:	Transfer is available due to 111F payments				Firefighter vacancies, retirements & extended absences			
\$20,562.59	\$13,144.00	12200003	51226	First Responder	\$13,144.00	12200003	51300	Overtime	\$75,938.75
	Reason:	Firefighter vacancies, retirements & extended absences				Firefighter vacancies, retirements & extended absences			
\$17,410.00	\$15,000.00	12200003	51412	HAZMAT Pay	\$15,000.00	12200003	51300	Overtime	\$75,938.75
	Reason:	Firefighter vacancies, retirements & extended absences				Firefighter vacancies, retirements & extended absences			
\$86,096.78	\$73,000.00	12200003	51430	Longevity	\$73,000.00	12200003	51300	Overtime	\$75,938.75
	Reason:	Firefighter vacancies, retirements & extended absences				Firefighter vacancies, retirements & extended absences			
	\$148,641.59	Total			\$148,641.59	Total			



**Suspension of the Rules requested – granted**

ORDERED: That the DPW transfer request in the amount of \$73,475.00 which moves funds from Interest on Ban to various laborer payroll accounts in DPW as noted on the attached spreadsheet to fund the recently ratified Memorandum of Agreement with Marlborough Public Works Equipment Operators Association (MPWEOA) for FY16-18, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	DPW				FISCAL YEAR:	2017		
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$389,500.00	\$73,475.00	17520006	59254	Interest on Ban	\$22,100.00	14001303	50740	Equipment Operators-Sts	\$164,918.62
	Reason:	Calculated amounts for contractual obligations							
					\$5,525.00	14001403	50745	Motor Equipment Repairman	\$35,046.33
					\$22,100.00	14001503	50740	Equipment Operators-Parks	\$132,442.49
	Reason:								
					\$20,100.00	61090001	50740	Equipment Operators-Water	\$134,714.23
	Reason:								
					\$1,850.00	60085001	50750	Equipment Operators-Sewer	\$11,522.56
	Reason:								
					\$1,800.00	14001303	50790	Dispatcher-Streets	\$9,537.10
	\$73,475.00	Total			\$73,475.00	Total			

**Suspension of the Rules requested – granted**

ORDERED: That the attached Review & Approval of Financial and Investment Policies, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer’s License, Jean Rabelo on behalf of Post Road Used Auto Parts of Marlborough, Inc., 785 Boston Post Road East, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer’s License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer’s License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer’s License, Kristi Carlson on behalf of Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Kristi Carlson on behalf of Best Buy Stores, LP #820, 769 Donald Lynch Boulevard, **TABLED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, TVI, Inc. on behalf of Savers, 222A East Main Street, **APPROVED WITH THE FOLLOWING CONDITIONS & WAIVERS**; adopted.

#### Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

#### Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

**Councilor Elder opposed.**

ORDERED:

**CERTIFICATE OF ANNOUNCEMENT**  
**CITY COUNCIL**  
**CITY OF MARLBOROUGH, MASSACHUSETTS**

In accordance with 301 CMR 51.08, I hereby certify that on March 27, 2017, a public announcement was made at a regularly scheduled City Council meeting of the Commonwealth's interest in acquiring the land, or other property interest, shown on the locus map entitled Exhibit A, in the City of Marlborough.

Date: May 8, 2017

\_\_\_\_\_  
Edward J. Clancy, Council President  
Marlborough City Council

**APPROVED**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing & Robey.**

ORDERED:

**120 DAY WAIVER FORM**  
**CITY COUNCIL**  
**CITY OF MARLBOROUGH, MASSACHUSETTS**

Pursuant to Code of Massachusetts Regulations chapter 301 section 50.0, et seq., Edward Clancy, Council President for the City of Marlborough City Council, 140 Main Street, Marlborough, MA 01752, on behalf of said City Council, hereby agree to waive the 120 day notice period as required by said 301 CMR 51.00, et seq. as to a parcel of land consisting of 33+/- acres of forestland and open space land in Marlborough, which the Department of Conservation and Recreation is considering acquiring.

Date: May 8, 2017

\_\_\_\_\_  
Edward J. Clancy, Council President  
Marlborough City Council

**APPROVED**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing & Robey.**

ORDERED: That City Council President Clancy execute the Certificate of Announcement, regarding the Commonwealth's interest in acquiring the land, as shown on the locus map entitled Exhibit A, in the City of Marlborough and 120 Day Waiver, as to a parcel of land consisting of 33+/- acres of forestland and open space land in Marlborough, which the Department of Conservation and Recreation is considering acquiring, be and is herewith **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juair, Oram, Ossing & Robey.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:30 PM.