



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MAY 23, 2016

Regular meeting of the City Council held on Monday, MAY 23, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:59 PM.

Council President Clancy requested a moment of silence in honor of Officer Ronald Tarentino of the Auburn Police Department who was killed in the line of duty.

ORDERED: That the Minutes of the City Council meeting MAY 9, 2016, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed FY17 budget as submitted by Mayor Vigeant in the amount of \$149,863,278.00 for review and appropriation in which this spending plan reflects an increase of 4.96% over the approved Fiscal Year 2016 budget, Order No. 16-1006553, all were heard who wish to be heard, hearing recessed at 8:12 PM.

Councilors Present: Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing, & Robey.

ORDERED: That the Year-end transfer requests which moves funds from and to various accounts as noted on the attached spreadsheets which will cover expenses and balance accounts for FY16, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Health and Licensing				FISCAL YEAR:		2016		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,136.96	\$1,050.00	15120004	53140	Contract Services	\$1,000.00	15120005	54220	Office Supplies/Expense	\$823.42	
	Reason:	Funds available.					Additional funds needed for mileage reimbursements and supplies			
					\$50.00	11650002	51050	License Board Secretary	\$52.27	
						Funds needed for remaining meetings				
	\$1,050.00	Total			\$1,050.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Department of Public Works					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$12,397	\$5,970	60080001	50580	Assistant Chemist	\$9,180	60080006	55650	Sewer Maintenance	\$0	
	Reason:	Position vacant for a period of time.					Anticipated cost to cover remaining FY16.			
\$2,825	\$2,325	60080003	51440	Educational Incentives						
	Reason:	Position vacant for a period of time.								
\$1,085	\$885	60081003	51440	Educational Incentives						
	Reason:	Not used.								
\$60,073	\$40,918	61090001	50690	Foreman	\$40,918	61090006	55710	Water Maintenance	\$18,257	
	Reason:	Position Vacant.					Anticipated cost to cover remaining FY16.			
\$115,346	\$39,648	61090001	50740	Equipment Operators	\$39,648	61090003	51310	Overtime - Regular	\$147	
	Reason:	Vacant positions					Anticipated cost to cover remaining FY16.			
	\$89,746	Total			\$89,746	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Department of Public Works					FISCAL YEAR:	##		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$7,334.44	\$4,530	61090003	51470	Interim Foreman	\$4,530	61090006	55710	Water Maintenance	\$18,257	
	Reason:						Anticipated cost to cover remaining FY16.			
\$27,424.54	\$27,424	14001001	50630	Assistant Commissioner	\$27,424	11920006	52469	Repairs/Maintenance	\$149	
	Reason:	Vacant position					Anticipated cost to cover remaining FY 16			
\$22,499.34	\$22,499	14001002	50062	Finance Assistant	\$22,499	14001305	55310	Highway Construction	\$4,170	
	Reason:	Vacant position					Anticipated cost to cover remaining FY 16			
\$8,245.59	\$8,246	14001503	51430	Longevity	\$8,246	14001506	54640	Parks Maintenance	\$0	
	Reason:						Anticipated (cost to cover remaining FY 16			
\$2,075.60	\$2,076	14001503	51440	Educational Incentive	\$2,076	14001506	54640	Parks Maintenance	\$0	
	Reason:						Anticipated (cost to cover remaining FY 16			
	\$64,775	Total			\$64,775	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT: Department of Public Works					FISCAL YEAR:			
	FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$10,025.91	\$10,026	14001503	51920	Sick Leave BB	\$10,026	14001504	53140	Contract services	\$0
	Reason:							Anticipated cost to cover remaining FY 16	
\$98,618.19	\$7,000	14001503	50740	Equipment Operators	\$7,000	14001504	53140	Contract Services	\$0
	Reason:			Vacant positions				Anticipated cost to cover remaining FY 16	
\$3,073.39	\$3,073	14001503	51940	Clothing Allowance	\$3,073	14001504	53140	Contract Services	\$0
	Reason:			Vacant positions					
\$2,739.54	\$2,740	14001403	51920	Sick Leave BB	\$1,000	14001104	53150	Advertising	\$30
	Reason:							Anticipated cost to cover remaining FY 16	
					\$1,740	14001104	53180	Prof/Tech services	\$3,446
	Reason:							Anticipated cost to cover remaining FY 16	
	\$22,839	Total			\$22,839	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT: Department of Public Works					FISCAL YEAR:			
	FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$72,012.35	\$72,000	14001406	54830	Fuel and lubricants	\$60,000	11920006	52120	Electricity	\$249,951
	Reason:			Decrease in fuel costs				Anticipated cost to cover remaining FY 16	
					\$1,000	14001403	51470	Interim Foreman	\$0
	Reason:							Anticipated cost to cover remaining FY 16	
					\$11,000	14001504	53140	Contract Services	\$0
	Reason:							Anticipated cost to cover remaining FY 16	
	\$72,000	Total			\$72,000	Total			

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	FIRE				FISCAL YEAR:	2016			
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$89,894.76	\$30,000.00	12200001	50335	Deputy Fire Chief	\$30,000.00	12200003	51300	Overtime	\$76,700.68	
	Reason:	Funds available due to unfilled positions					Balance may not be sufficient to complete FY16			
	\$30,000.00	Total			\$30,000.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Comptroller				FISCAL YEAR:	2016			
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$629,780.00	\$115,000.00	17520006	59254	Interest on BAN	\$5,000.00	11940006	51860	Widows Pension	\$12,439.30	
	Reason:	Excess due to lower than expected interest rate.				Reason:	Notification from Commonwealth of MA			
					\$25,000.00	11330006	53460	Postage	\$21,933.70	
	Reason:					Reason:	Voter Confirmation Mailing			
					\$60,000.00	11960006	51710	Workers Comp	\$0.00	
	Reason:					Reason:	Proposed settlements			
					\$25,000.00	11410006	53114	Appeal Tax Case	\$4,775.00	
	Reason:					Reason:	Appraisal for tax abatement issue			
	\$115,000.00	Total			\$115,000.00	Total				

ORDERED: That the transfer request in the amount of \$675,745.00 which moves funds from Undesignated to Overtime Snow & Ice, Snow Removal & Operating Expenses to fund the FY2016 Snow and Ice Deficit, refer to **FINANCE COMMITTEE**; adopted.

BUDGET TRANSFERS --										
	DEPT:	DPW					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$3,896,252.00	\$675,745.00	10000	35900	Undesignated Fund	\$98,745.00	14001203	51390	Overtime-Snow & Ice	-\$98,744.90	
	Reason:	To fund the snow & ice deficit for FY16								
					\$122,000.00	14001206	52960	Snow Removal	-\$119,837.47	
	Reason:									
					\$455,000.00	14001206	57040	Operating Expenses	-\$452,800.29	
	\$675,745.00	Total			\$675,745.00	Total				

ORDERED: That the Economic Development Corporation transfer request in the amount of \$722,580.00 which moves funds from Economic Development to MEDC Funding accounts to fully fund the FY17 operations and Walker Building Feasibility Study, X15/16-1006380, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,006,920.08	\$647,580.00	27000099	42440	Economic Development	\$647,580.00	11740006	53950	MEDC Funding	\$0.00	
	Reason:	To allow the MEDC to continue it's work in promoting the economic development of the City for FY17								
\$1,006,920.08	\$75,000.00	27000099	42440	Economic Development	\$75,000.00	11740006	53950	MEDC Funding	\$0.00	
	Reason:	Walker Building feasibility study								
	\$722,580.00	Total			\$722,580.00	Total				

ORDERED: That the transfer request in the amount of \$62,400.00 which moves funds from Parks and Fields Capital to Interest on BAN to fund the City’s interest payment obligations related to parks and recreation projects, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Comptroller					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$1,485,405.84	\$62,400.00	27000099	42445	Parks & Fields Capital	\$62,400.00	17520006	59254	Interest on BAN	\$629,780.00	
	Reason:	Local options meals tax to be used for FY16 BAN payments associated with parks & fields.								
	\$62,400.00	Total			\$62,400.00	Total				

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Community Compact Grant in the amount of \$5,000.00 awarded to the City to evaluate our economic competitiveness; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Dow Chemical Company grant in the amount of \$1,000.00 for general purposes associated with maintaining and beautifying our community; adopted.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,000,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2017, **APPROVED**; adopted.

ORDERED:

Public Safety Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2017, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than seventy-five thousand dollars shall be expended during fiscal year 2017, unless otherwise authorized by City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

Council on Aging Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2017, authorize a revolving fund to be utilized by the Council on Aging. It is further ordered that:

- (a) receipts credited to the fund shall be limited to donations to the Council on Aging/Senior Center; and
- (b) expenditures from said fund shall be limited to Council on Aging/Senior Center programming; and
- (c) the Executive Director of the Council on Aging shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than forty thousand dollars (\$40,000.00) shall be expended during Fiscal Year 2017, unless otherwise authorized by the City Council and Mayor; and
- (e) the Executive Director of the Council on Aging shall prepare a year-end report identifying funds received, funds expended, description of expenditures, and year-end balance; and
- (f) the provisions of this order shall not be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED:

Parks and Recreation Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2017 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; Sligo Hill and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than one hundred thousand dollars (\$100,000) shall be expended during Fiscal Year 2017, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Appointments of Councilor David Doucette, Derek Chaves, & Laura Kyle to the Commission on Disabilities for terms of three years from date of City Council confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

1. Section 650-12, entitled “Nonconforming uses,” is hereby amended by deleting the words “except that no special permit is needed if the alteration or expansion is to a nonconforming single- or two-family dwelling and said alteration or expansion does not increase the nonconforming nature of the dwelling,” and inserting in place thereof the following words:-- except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3).
2. Section 650-58, entitled “Provisions for Board of Appeals,” is hereby amended by adding to subsection B thereof, entitled “Powers and duties,” after sub-subsection (2), entitled “Variances,” the following new sub-subsection (3), entitled “Lawful pre-existing nonconforming single-family dwellings and two-family houses”:
 - (3) Lawful pre-existing nonconforming single-family dwellings and two-family houses.
 - (a) As of right. Lawful pre-existing nonconforming single-family dwellings and two-family houses may be altered, reconstructed, extended or structurally changed as a matter of right upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or change would not increase or intensify the existing nonconforming nature of the dwelling or house in question. Upon such a determination, an application to the Board of Appeals for a special permit need not be made, and the owner may apply to the Building Commissioner for a building permit.
 - (b) By special permit. Upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would increase or intensify the existing nonconforming nature thereof, a special permit granted by the Board shall be required to allow such alteration, reconstruction, extension or structural change. The Board may grant a special permit to allow such alteration, reconstruction, extension or structural change; provided, however, that the Board determines, by a finding under M.G.L. c. 40A, § 6, that the proposed alteration, reconstruction, extension or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use; and provided, further, that any such special permit shall comply with the requirements of the Zoning Ordinance of the City of Marlborough, including but not limited to Section 650-12, entitled “Nonconforming uses,” as amended. Application for a special permit in such a case shall be made to the Board pursuant to procedures set forth in Subsection C(5) of this Section 650-58.

- (c) By variance. Upon the determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would create a new nonconformity(ies), a variance granted by the Board shall be required to allow such alteration, reconstruction, extension or structural change. Application for a variance in such a case shall be made to the Board pursuant to the procedures set forth in Subsection C(1)-(4) of this Section 650-58.
3. Section 650-58, entitled “Provisions for Board of Appeals,” is hereby amended by adding to subsection C thereof, entitled “Procedure,” after sub-subsection (4), the following new sub-subsection (5), entitled “Special permit procedure”:

- (5) Special permit procedure. The application for a special permit proposing an alteration, reconstruction, extension or structural change which, per the determination of the Building Commissioner, would increase or intensify the existing nonconforming nature of a lawful pre-existing nonconforming single-family dwelling or two-family house, shall be filed with the City Clerk’s office in accordance with MGL Chapter 40A, accompanied by a filing fee in the amount calculated to be the same as for special permit applications submitted to the City Council. The application for the special permit shall be made in writing by the applicant or its duly authorized agent, who shall file the following number of sets of application materials at the offices set forth below:

Number of Sets	Office
1	Office of City Clerk
1	Building Department
1	Office of City Council
1	City Engineer
1	Legal Department
1	Conservation Officer

The Board may adopt rules and regulations for the issuance of special permits applicable to this Section 650-58 in accordance with M.G.L. c. 40A and the Zoning Ordinance of the City of Marlborough.

A public hearing shall be held on each special permit application proposing an alteration, reconstruction, extension or structural change which, per the determination of the Building Commissioner, would increase or intensify the existing nonconforming nature of a lawful pre-existing nonconforming single-family dwelling or two-family house. The procedures for the public hearing and for the notice thereof to parties in interest shall be in conformance with M.G.L. c. 40A, but the Board shall endeavor to hold the public hearing on a special permit application on the same evening as it would be holding the public hearing on any variance petition that may be associated with the same dwelling or house. Within 90 days after the close of the public hearing on the special permit application, the Board of Appeals shall take final action on a decision to grant or deny the requested special permit.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, JUNE 20, 2016**; adopted.

Councilor Oram recused.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 20, 2016** as **DATE FOR PUBLIC HEARING** On the Application for LED Sign Special Permit, Back Bay Sign on behalf of Carewell Urgent Care, 757 Boston Post Rd. East, to place a free-standing LED sign, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That the Communication from the Attorney Falk of Mirick O'Connell re: Easements for Atrium Place, X 16-1006366D, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Kevin Erikson of Walker Realty LLC re: Apex Center – Proposed Master Plan and draft of Development Agreement, refer to **URBAN AFFAIRS COMMITTEE**; adopted. (Plans and Maps may be viewed in the City Clerk's Office).

ORDERED: That the Communication from Attorney Bergeron of Mirick O'Connell re: Apex Center-Site Plan Review under the HRMUOD Ordinance, X16-1006443D, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 6, 2016** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install 4" conduit and new #2 AL cable in multiple areas on the opposite side of Sudbury St. at Farrington Lane, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Delano recused.

ORDERED: That the Application for Renewal of Junk Dealer's License, Gerald Dumais, Inc. d/b/a Dumais and Sons Second Hand Store, 6 High St., refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Communication from State Lottery Commission re: KENO Monitor to existing KENO To Go at 7-Eleven, 92 Broad St., **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, March 24, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessor's, May 4, 2016, **FILE**; adopted.

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

- a. Jodi Gale, 26 Franklin St., other property damage.

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: May 16, 2016

Time: 6:30 PM

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

Convened: 6:30 PM

Adjourned: 6:57 PM

Present: Chairman Landers; Public Services Committee Members Councilors Irish and Doucette; and Councilor Clancy

Order No. 16-1006520: Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #820, 769 Donald Lynch Boulevard. Police Chief Leonard approved the CORI report for Brian Novak and had no objection to the renewal of their Junk Dealer License. Brian Novak appeared on behalf of Best Buy Store, LP #820, located at 769 Donald Lynch Boulevard. Mr. Novak explained business has been good with recyclables and refurbished products. They recycle cell phones, accept trade-ins for new cell phones and recycle old electronics as well. **Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. The motion carried 3-0.**

Order No. 16-1006557: Application for Renewal of Junk Dealer's License, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road East. Police Chief Leonard approved the CORI report for Jean Rabelo and had no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Jean Rabelo and Mr. Julio Rabelo appeared on behalf of Post Road Used Auto Parts of Marlboro, Inc. The used car parts business is doing well. In addition, they sell older vehicles as is on either Craigslist or eBay as it is not viable to list it for parts. **Motion made by Councilor Irish, seconded by Councilor Doucette, to approve. The motion carried 3-0.**

Order No. 16-1006485A: Petition from National Grid and Verizon New England, Inc. to relocate P5, P6-50, P7, P8, P10, P10-80, P11, P11-50 along Main Street between Main Street and Francis Street. The City of Marlborough requests pole relocations to accommodate road improvement project. President Clancy spoke on behalf of the petition for the relocation of poles on East Main Street between Main Street and Francis Street. President Clancy explained the importance of the pole relocation approval so when the street is redone the poles and their wires are relocated for this project. The pole relocations are for East Main Street and the order should reflect that change.

Chairman Landers read the list of standard conditions as required by the City Engineer:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
3. The contractor is to ensure residents are always able to enter and exit their driveways.
4. Ensure construction safety controls are established (signage, drums, police details, etc....) and are in accordance with the latest MUTCD standards.

Reports of Committees Cont'd:

5. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
6. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
7. National Grid shall coordinate all utility pole relocations with the City of Marlborough in accordance with the approved reconstruction plans and meet with the Project Manager to ensure that proposed/existing utility poles are not left within the travel way unprotected.
8. National Grid shall coordinate with each homeowner and be sure to obtain any private easements as necessary prior to work commencing.
9. National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles.
10. Prior to the end of construction it is understood that there shall not be any double pole situations left along the street.

Motion made by Councilor Doucette, seconded by Councilor Irish, to approve as amended. The motion carried 3-0.

Order No. 16-1006500A: Petition from National Grid and Verizon New England, Inc. to install new intermediate pole P4-150 between existing P4-1 and P4-2 St. Martin Drive. A capacitor bank will be installed P4-150 to provide voltage support for customers located on St. Martin Drive. President Clancy informed the Public Services Committee there has been a lot of redevelopment in the area, creating new users and an increased need for electrical capacity.

Chairman Landers stated the list of standard conditions as required by the City Engineer are the same as Order No. 16-1006485A:

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
3. The contractor is to ensure residents are always able to enter and exit their driveways.
4. Ensure construction safety controls are established (signage, drums, police details, etc....) and are in accordance with the latest MUTCD standards.
5. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
6. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 and 765.
7. National Grid shall coordinate with each homeowner and be sure to obtain any private easements as necessary prior to work commencing.
8. National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles.
9. Prior to the end of construction it is understood that there shall not be any double pole situations left along the street.

Reports of Committees Cont'd:

Motion made by Councilor Doucette, seconded by Councilor Irish, to approve. The motion carried 3-0.

Motion made by Councilor Doucette, seconded by Councilor Irish, to adjourn. The motion carried 3-0. The meeting adjourned at 6:57 PM.

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Wednesday May 11, 2016
In Council Chambers**

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

- 1. Order No. 16-1006553 - Mayor Fiscal Year 2017 Operating Budget for \$149,863,278.00:** The Finance Committee reviewed the Mayor's letter dated May 5, 2016 requesting the approval of the Fiscal Year 2017 (FY17) operating budget for \$149,863,278.00.

Attachment 1 contains the projected tax implications based on the Mayor's FYI 7 budget. The Mayor's FYI7 budget results in a 1.69% estimated increase in the property tax levy or an increase of approximately \$81.70 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 2016.

Attachment 2 contains the projections for the state and local revenues for FYI7 that were used in developing the tax implications.

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

- Councilors Salary Account 11110003-50070 - \$4,205.00**
- Interest on BAN Account 17520006-59254 - \$50,000.00**
- Sewer Service Fund Legal Services Account 600080004-53110 - \$200,000.00**

The Finance Committee voted 5 - 0 to approve a \$254,205.00 reduction to the Mayor's FY17 budget of \$149,863,278.00. The Finance Committee voted 5 - 0 to approved a FY17 budget of \$149,609,073.00. This represents a 4.78% increase from the FY16 budget or an increase of \$6,821,311.00.

The Finance Committee adjourned at 9:19 PM.

Reports of Committees Cont'd:

**Marlboro City Council Finance Committee
Monday May 16, 2016
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Irish and Doucette. Councilors Clancy and Landers were also in attendance The meeting convened at 7:01 PM.

- 1. Order No. 16-1006554 – Transfer \$74,094.54 from Reserve for Salaries to Fund the Command Officers Contract:** The Finance Committee reviewed the Mayor's letter dated May 5, 2016 requesting the transfer of \$74,094.54 from the Reserve for Salaries account to fund the Command Officers Contract for fiscal years 2016, 2017 and 2018. **The Finance Committee voted 5 – 0 to approve the transfers.**

The Finance Committee agreed to support suspending the rules at the May 23, 2016 City Council meeting to approve the transfer.

- 2. Order No. 15/16-1006349 – Review the Year to Date Budget Report for Gifts, Grants, Donations and Capital Accounts for City and Schools for FY2015:** The Finance Committee continued the review (tabled at the January 19, 2016 and May 2, 2016 Finance Committee meeting) of the reports provided by the Mayor that identified the gifts, grants, donations and balances in the capital accounts. The Finance Committee received updated information just prior to the meeting. The Finance Committee noted the following:

- Report dated 4/30/16 page 51 – The Finance Committee asked the Auditor to provide an explanation of the various subdivision accounts that had a positive balance.
- The Mayor indicated that his Finance team is working on developing a policy on what types of balances should be available in various gifts/grants/donations and revolving fund accounts. When developed, this policy will be presented to the City Council for approval.
- The Finance Committee agreed to periodically request the Auditor provide the report on gifts/grants/donations/revolving funds/capital accounts to monitor fund balances to ensure the funds are being utilized in a timely fashion.
- **The Finance Committee voted 5 – 0 to accept and place on file the order.**

The Finance Committee meeting adjourned at 9:05 PM

Suspension of the Rules requested-granted

ORDERED: That the Police Department transfer request in the amount of \$74,094.54 which moves funds from Reserve for Salaries to various accounts as noted on the attached spreadsheet to fund the recently ratified collective bargaining agreement between the City and Command Officers Union for FY16, 17, & 18, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		Police				FISCAL YEAR:		2016			
Available Balance	Amount	FROM ACCOUNT:	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
\$520,539.84	\$74,094.54	11990006	57820	Reserve for Salaries	\$7,672.98	12100001	50500	Police Captains			\$38,855.67
	Reason:	Contractual Obligation				Reason:	Contractual Obligation				
					\$14,648.08	12100001	50510	Police Lieutenants			\$155,556.83
	Reason:					Reason:	Contractual Obligation				
					\$34,767.05	12100001	50820	Sergeants			\$130,515.94
	Reason:					Reason:	Contractual Obligation				
					\$5,324.22	12100003	51440	Education			\$235,814.15
	Reason:					Reason:	Contractual Obligation				
					\$1,422.67	12100003	51342	Longevity			\$50,469.51
	Reason:					Reason:	Contractual Obligation				
					\$645.66	12100003	51450	Night Diff.			\$48,182.16
	Reason:					Reason:	Contractual Obligation				
					\$69.58	12100003	51410	First Responder			\$15,768.14
	Reason:					Reason:	Contractual Obligation				
					\$517.64	12100003	51360	Training			\$10,074.08
	Reason:					Reason:	Contractual Obligation				
					\$6,058.42	12100003	51310	OT - Regular			\$48,898.48
	Reason:					Reason:	Contractual Obligation				
					\$56.50	12100003	51319	OT - Cell Watch			\$0.00
	Reason:					Reason:	Contractual Obligation				
					\$822.77	12100003	51320	OT - Court			\$58,027.68
	Reason:					Reason:	Contractual Obligation				
					\$2,088.97	12100003	51490	Holiday Pay			\$66,765.01
	Reason:					Reason:	Contractual Obligation				
	\$74,094.54	Total				\$74,094.54	Total				

Suspension of the Rules requested-granted

ORDERED: That the Mayor's Fiscal Year 2017 Operating Budget for \$149,863,278.00 be further modified by reducing the following accounts by a total of \$254,205.00:

- Councilors Salary Account 11110003-50070 - \$4,205.00
- Interest on BAN Account 17520006-59254 - \$50,000.00
- Sewer Service Fund Legal Services Account 600080004-53110 - \$200,000.00

Therefore, the FY17 operating budget for the City in the amount of **\$149,609,073.00**, which represents a 4.78% increase from the FY16 Budget or an increase of \$6,821,311.00, **APPROVED**.

Attachment 1 contains the projected tax implications based on the Mayor's FYI7 budget. The Mayor's FYI7 budget results in a 1.69% estimated increase in the property tax levy or an increase of approximately \$81.70 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 2016.

Attachment 2 contains the projections for the state and local revenues for FYI7 that were used in developing the tax implications.

Councilors Delano and Oram filed disclosure statements with the City Clerk.

ORDERED: That the Communication from the Mayor re: Downtown Economic Development transfer requests in the amount \$650,000.00 each which moves funds from Undesignated to Capital Outlay-Downtown and Stabilization-Downtown for downtown economic development, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$4,896,252.00	\$650,000.00	10000	35900	Undesignated Fund	\$650,000.00	83600	32700	Stabilization-Downtown	\$0.00	
	Reason:							Mitigation funds received to date from Avalon Bay and Crabtree Lake Williams to be used for downtown economic development.		
	Reason:									
	Reason:									
	Reason:									
	\$650,000.00	Total			\$650,000.00	Total				

ORDERED: That the Communication from the Mayor re: Miscellaneous Salary Item transfer requests in the amount of \$18,635.00 which moves funds from City Collector to various salary line items as indicated on the attached spreadsheet to balance salary accounts for the remainder of this fiscal year, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Various					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available		Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance	Amount								Balance	
						To fund various salary accounts thru year-end				
\$30,104.45	\$18,635.00	11440001	50042	City Collector						
					\$4,100.00	11920001	50690	Foreman-Public Fac	\$9,021.86	
	Reason:	Position vacant for a period of time.								
					\$1,035.00	12100003	50540	Chief Dispatcher	\$9,239.78	
					\$980.00	12200001	50130	Fire Chief	\$26,482.85	
					\$1,805.00	12410001	50090	Bldg Commissioner	\$15,607.37	
					\$3,450.00	12410001	50260	Local Inspector	\$18,406.13	
					\$340.00	12410001	50370	Plumbing Inspector	\$12,432.76	
					\$500.00	12410001	50380	Electrical Inspector	\$6,073.09	
					\$1,500.00	15120001	50390	Nurse	\$10,139.07	
					\$1,425.00	15120001	50605	Dir of Public Health	\$14,219.14	
					\$1,500.00	15120001	50611	Asst Sanitarian	\$17,353.44	
					\$2,000.00	12100003	51120	Crossing Guards	\$3,841.07	
	\$18,635.00	Total			\$18,635.00	Total				

ORDERED: That the Communication from the Mayor re: Recreation Department transfer request in the amount of \$10,480.00 which moves funds from Events Coordinator to Director and Sick Leave Buy Back accounts due to a retirement in the Recreation Department, **APPROVED**; adopted.

Councilor Oram recused.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Recreation				FISCAL YEAR:		2016		
FROM ACCOUNT:					TO ACCOUNT:					
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$18,594.00	\$10,480.00	14920003	50999	Events Coordinator	\$5,480.00	14920001	50110	Director	\$2,911.73	
Reason:		Position filled late in the year				Retirement. Vacation payout				
					\$5,000.00	14920003	51920	Sick Leave Buy Back	\$9.68	
						Retirement. Sick leave payout.				
	\$10,480.00	Total			\$10,480.00	Total				

ORDERED: That the City Council of the City of Marlborough hereby **RESCINDS** previously authorized but unissued amounts of the following described loan orders, which are henceforth of no further force or effect:

the \$110,000 balance of the \$110,000 authorized to be borrowed to pay costs of park reconstruction, duly adopted by order of this Council and approved by the Mayor on October 4, 2010;

the \$464 balance of the \$810,464 authorized to be borrowed to pay costs of fire department equipment, duly adopted by order of this Council and approved by the Mayor on July 1, 2008;

the \$494 balance of the \$3,923,613 authorized to be borrowed to pay costs of street construction, duly adopted by order of this Council and approved by the Mayor on July 1, 2008;

the \$12,509,021 balance of the \$33,700,000 authorized to be borrowed to pay costs of waste water treatment plant upgrades, duly adopted by order of this Council and approved by the Mayor on June 11, 2008;

the \$172,400 balance of the \$200,000 authorized to be borrowed to pay costs of water meters, duly adopted by order of this Council and approved by the Mayor on September 26, 2006;

the \$57,000 balance of the \$507,000 authorized to be borrowed to pay costs of water mains, duly adopted by order of this Council and approved by the Mayor on September 19, 2006;

the \$220,600 balance of the \$220,600 authorized to be borrowed to pay costs of water department equipment, duly adopted by order of this Council and approved by the Mayor on September 19, 2006;

the \$700 balance of the \$983,700 authorized to be borrowed to pay costs of water construction, duly adopted by order of this Council and approved by the Mayor on January 16, 1997;

the \$400 balance of the \$2,500,000 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on July 24, 1997;

the \$6,500 balance of the \$172,000 authorized to be borrowed to pay costs of drainage construction, duly adopted by order of this Council and approved by the Mayor on September 14, 1995;

the \$17,900 balance of the \$1,492,000 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on October 3, 1995;

the \$912 balance of the \$455,912 authorized to be borrowed to pay costs of departmental equipment, duly adopted by order of this Council and approved by the Mayor on November 30, 2000;

the \$75,000 balance of the \$3,500,000 authorized to be borrowed to pay costs of water improvements, duly adopted by order of this Council and approved by the Mayor on September 1, 1992;

the \$139,962 balance of the \$2,000,000 authorized to be borrowed to pay costs of watershed land acquisition, duly adopted by order of this Council and approved by the Mayor on May 27, 1993;

the \$27,000 balance of the \$417,000 authorized to be borrowed to pay costs of public facility improvements, duly adopted by order of this Council and approved by the Mayor on October 31, 1994;

the \$35 balance of the \$147,035 authorized to be borrowed to pay costs of the Florence Street drains, duly adopted by order of this Council and approved by the Mayor on June 14, 2005;

the \$500 balance of the \$200,000 authorized to be borrowed to pay costs of cemetery plot development, duly adopted by order of this Council and approved by the Mayor on August 26, 1999; and

the \$500 balance of the \$42,500 authorized to be borrowed to pay costs of parks and cemetery equipment, duly adopted by order of this Council and approved by the Mayor on January 14, 1999; adopted.

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

ORDERED: That the Communication from the Mayor re: The City’s Apportionment of FY17, Chapter 90 Funds in the amount of \$1,119,210.00 in which the funds will be used for road infrastructure projects, **FILE**; adopted.

ORDERED: That the Fire Department transfer request in the amount of \$33,351.29 which moves funds from Reserve for Salaries to Sick Leave Buy Back to fund the balance of sick leave buy back pertinent to a retiring employee, **APPROVED**; adopted.

		FROM ACCOUNT:				TO ACCOUNT:				
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$520,539.84	\$33,351.29	11990006	57820	Reserve for Salaries	\$33,351.29	1.2E+07	51920	Sick Leave Buy Back		\$4,428.91
	Reason:	Retirement payout of sick leave buy back								
	\$33,351.29	Total			\$33,351.29	Total				

ORDERED: That the Application for Renewal of Junk Dealer’s License, TVI, Inc. d/b/a Savers, 222A East Main Street, **APPROVED WITH THE FOLLOWING CONDITIONS AND WAIVERS:**

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.

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

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

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:59 PM.