



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.**

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
SEPTEMBER 12, 2011**

Regular meeting of the City Council held on Monday, SEPTEMBER 12, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Ossing. Meeting adjourned at 8:30 PM.

ORDERED: That the minutes of the City Council Meeting AUGUST 29, 2011, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the communication from Councilor Tunnera that the Zoning Ordinance of the City of Marlborough be amended by deleting Section 650-26(A)(1)(a) of the City Code as presently written and inserting in place thereof the following:

(a) Affordable Housing and Affordable Housing Units. The term “affordable housing” shall refer to “affordable housing units”. The term “affordable housing units” shall mean those units of housing that are countable in the so-called Subsidized Housing Inventory (SHI) or any subsequent housing inventory used by the Department of Housing and Community Development of the Commonwealth of Massachusetts to determine the number of housing units in a community that are countable in meeting the City’s obligation to maintain at least 10% of the total number of housing units in the city as affordable pursuant to Massachusetts General Laws Chapter 40B sections 20-23. Any development subject to this section shall provide that at least 15% of the housing units to be constructed are countable as affordable housing units in the SHI, or a sum not less than the amount necessary, in the opinion of the city council pursuant to the special permit process, to cause the construction of said number of affordable housing units shall be paid to the Marlborough Community Development Authority at such time as the City Council shall determine, Order No. 11-1002985, hearing recessed at 8:15 p.m., adopted.

Councilors Present: Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy & Landers. Absent: Ossing

ORDERED: That the City of Marlborough hereby accepts the provisions of Section 59A of Chapter 48 of the General Laws, as amended, which authorizes the Marlborough Fire Department to aid another city, town, fire district or area under federal jurisdiction in the commonwealth or in any adjoining state in extinguishing fires therein, or rendering any other emergency aid or performing any detail as ordered by the head of the fire department, or the Massachusetts military reservation fire district and while in the performance of their duties in extending such aid the members of the Marlborough Fire Department shall have the same immunities and privileges as if performing the same within the City of Marlborough, **APPROVED**; adopted.

ORDERED: That Capital Bond Request for FY12, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Emergency Manager, Donald Cusson, re: Tropical Storm Irene, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 3, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify Special Permit 04-100527B to replace four existing panel antennae and the addition of three LTE antennas for Applicant's fourth generation (4G) wireless network along with associated cabling at 53 Brigham St., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 2 & 16, July 7, and August 4, 2011, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, August 9, 2011, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, July 26, 2011, **FILE**; adopted.

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

- A. Alan Deamicis, 9 Blaiswood Ave., other property damage
- B. Richard Clune, 77 Spring St., other property damage
- C. Thomas Parks, 19 Brown St., other property damage

Reports of Committees:

Councilor Ferro reported the following out of the Finance Committee:

Order No. 11-1002997 – Transfer \$179,973.09 to Fund DPW Engineers’ Union Contract. The Finance Committee reviewed the Mayor’s letter dated August 17, 2011 requesting the transfer of \$179,973.09 to fund the DPW Engineers’ Union contract. **Recommendation of the Finance Committee is to send transfer back to the Mayor 5-0.**

Order No. 11-1002982 – Transfer \$37,186.22 to Fund Fire Fighter Overtime. The Finance Committee reviewed the Mayor’s letter dated July 27, 2011 requesting the following two transfer for firefighter overtime:

- Transfer \$7,547.42 from Firefighter to Firefighter Overtime
- Transfer \$29,638.80 from Firefighter to Firefighter Overtime

Recommendation of the Finance Committee is to approve both transfers 5-0.

Order No. 11-1002995 – Transfer \$100,000 to Fund Fire Fighter Overtime. The Finance Committee reviewed the Mayor’s letter dated August 23, 2011 requesting the following three transfers from short term interest accounts to firefighter overtime:

- Transfer \$60,000 from City short term interest to Firefighter overtime
- Transfer \$20,000 from Sewer short term interest to Firefighter overtime
- Transfer \$20,000 from Water short term interest to Firefighter overtime

The Finance Committee noted that as of August 31, 2011, the Fire Department had spent \$125,000 in overtime in the first two months of the year. The balance in the overtime account is \$41,000 (including a \$17,000 transfer last month). If the \$37,000 transfer above is approved, the Fire Department will have \$78,000 for overtime. The Chief noted that overtime spending decreases after vacation season is over. Past performance indicates that this funding should last into 2012. Based on the unfilled positions (3) and individuals out on sick leave, the Chief will monitor overtime spending. **Recommendation of the Finance Committee is to deny the transfers 4-1 (Councilor Pope opposed)**

Order No. 11-1002999 – Grant for \$95,091 to cover Dispatch Center Salary and Overtime. The Finance Committee reviewed the Mayor’s letter dated August 24, 2011 requesting the approval of a \$95,901.00 reimbursement grant to cover salary and overtime costs in the 911 Dispatch Center. **Recommendation of the Finance Committee is to approve the grant 5-0.**

Order No. 11-1002994 – \$7,500,000 Bond for School Renovations. The Finance Committee reviewed the Mayor’s letter dated August 24, 2011 requesting the City Council approve a bond for \$7,500,000 for school renovations in order to receive the 54.6% reimbursement. The bond will cover new windows at the Kane School and windows, boilers and a roof at the high school. Mr. Ghiloni indicated that there is time for the Finance Committee to evaluate the bond. **Recommendation of the Finance Committee is to table the bond 5-0.**

ORDERED: That the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 03-100112B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 445 Simarano Dr., **TABLED UNTIL SEPTEMBER 26, 2011**; adopted.

ORDERED: That the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 97-6754F) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 75 Donald Lynch Blvd., **TABLED UNTIL SEPTEMBER 26, 2011**; adopted.

ORDERED: That the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 08/09-1002083B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 860 Boston Post Rd., **TABLED UNTIL SEPTEMBER 26, 2011**; adopted.

ORDERED: That the City Council **APPROVE**, in addition to those previously approved, the following potential suppliers of electricity in connection with the City’s municipal aggregation program, adopted:

- Constellation
- Easy Energy LLC
- GDF SUEZ Energy North America
- Halifax-American Operating Co.
- Hampshire Council of Governments
- Integrys Energy Services, Inc.
- Noble Americas Energy Solutions
- Patriot Energy Group
- TransCanada Power Marketing Ltd.

ORDERED: That the reappointment of Sean Fay to the Planning Board with term expiring February 1, 2016, **APPROVED**; adopted.

ORDERED: That the reappointment of Albert DeSimone as plumbing inspector for a three year term ending February 11, 2014, **APPROVED**; adopted.

ORDERED: That the appointment of Brenda Calder to the Parks and Recreation Commission to serve out the remaining term of Robert Lazaros which expires on May 6, 2013 and to reappoint Jeffrey Long to said Commission for three year terms upon approval, **APPROVED**; adopted.

ORDERED: That the reappointment of Jean Peters to the Library Board of Trustees for three year terms expiring February 3, 2014, **APPROVED**; adopted.

ORDERED: That the reappointments of Dorothy Hodgson and Rita Connors and appointment of Marie Elwood to the Council on Aging Board of Directors for four-year terms expiring the first Monday in May 2015, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 p.m.