



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
DECEMBER 19, 2011**

Regular meeting of the City Council held on Monday, DECEMBER 19, 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 8:35 PM.

ORDERED: That the minutes of the City Council Meeting DECEMBER 5, 2011, **FILE**; adopted.

ORDERED: That the City Council president recognized Boy Scout Troop 41 for the Citizenship and Community Merit Badges, **FILE**; adopted.

ORDERED: That the Memorial Beach property located at 706 Hosmer Street and shown on the Marlborough Assessor's Maps as Map 7, Parcel 49, as purchased by the city of Marlborough in April of 1953 for general purposes, but excluding a sub-parcel to be created through the Approval Not Required (ANR) process for the sewer pump station currently located on said Parcel 49, is hereby permanently dedicated to recreation purposes under the provisions of M.G.L. c. 45, § 14; and further, that, as so dedicated, said property is hereby placed under the care, custody, management and control of the City of Marlborough Recreation Commission, **APPROVED**; adopted.

ORDERED:

**A RESOLUTION**

**TO APPLY FOR AND ACCEPT GRANT**

**FROM THE COMMONWEALTH OF MASSACHUSETTS,**

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,**

**FOR THE RENOVATION AND EXPANSION OF MEMORIAL BEACH**

WHEREAS, Memorial Beach, located at 706 Hosmer Street and shown on the Marlborough Assessor's Maps as Map 7, Parcel 49, is a community-wide asset, and the preservation of and improvements to this facility are a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, except for a sub-parcel to be created through the Approval Not Required (ANR) process for the sewer pump station currently located on said Parcel 49, Memorial Beach has been permanently dedicated to recreation purposes under M.G.L. c. 45, § 14, and is under the care, custody, management and control of the Recreation Commission of the city of Marlborough; and

WHEREAS, Memorial Beach’s ultimate renovation, to be guided by the recently completed Master Plan, will greatly enhance this facility with improved and expanded path systems and accessibility, bath house improvements, new children’s play area and basketball court, parking area reconfiguration, drainage improvements and planting, new picnic areas, floats, accessible beach access and other site improvements to increase and enhance recreation use; and

WHEREAS, the main focus of the Master Plan is to renovate the facility to improve its functionality and appearance, and to expand its use to an all-season recreational facility; and

WHEREAS, the Commonwealth of Massachusetts’ Executive Office of Energy and Environmental Affairs (“EOEEA”) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities (“PARC”) grant program (301 CMR 5.00); and

WHEREAS, the project cost as outlined in the Master Plan totals \$1,000,000 (One Million Dollars), and the City Council has voted on June 20, 2011 to authorize the bond funding in the amount of up to \$1,000,000 (One Million Dollars);

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Mayor be, and hereby is, authorized to apply for and accept a PARC grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the PARC grant to be administered by the Recreation Commission; and
3. That this Resolution shall take effect upon its passage.

**APPROVED;** adopted.

ORDERED: Under authority of MGL, Chapter 44, Section 53A, the City Council hereby **APPROVES** the FFY10 State and Tribal Assistance Grant in the amount of \$291,000.00 awarded to the City of Marlborough which provides reimbursement monies for design and construction of upgrades to the Westerly Wastewater Treatment Facility; adopted.

ORDERED: That the transfer request in the amount of \$3,163.00 which moves funds from Economic Development Special Revenue to Undesignated which will fully reimburse the City for its advance of \$200,000.00 from Undesignated Funds which were transferred prior to the establishment of the Economic Development Special Revenue Fund, **APPROVED;** adopted.

ORDERED: That the transfer request in the amount of \$2,000.00 which moves funds from Professional and Technical to Assistant Building Inspector to provide coverage due to an extended employee leave, **APPROVED;** adopted.

FROM:

Acct. # 12410004-53180	\$2,000.00
Professional and Technical	

TO:

Acct. # 12410001-50260	\$2,000.00
Assistant Building Inspector	

ORDERED: That the transfer request in the amount of \$500.00 which moves funds from Longevity to Longevity necessary to fund longevity payment associated with an employee's contract, **APPROVED**; adopted.

FROM:

Acct. # 11610003-51430 \$500.00  
Longevity

TO:

Acct. # 14920003-51430 \$500.00  
Longevity

ORDERED: That the transfer request in the amount of \$250.00 which moves funds from Longevity to Longevity necessary to fund longevity payment associated with an employee's contract, **APPROVED**; adopted.

FROM:

Acct. # 11610003-51430 \$250.00  
Longevity

TO:

Acct. # 16100003-51430 \$250.00  
Longevity

ORDERED: That the Communication from School Committee Secretary, Joseph Valarioti re: Repair and Renovation School Project in the amount of \$62,434,488.00, **FILE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Project re: Tire Recycling Program, **FILE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Project re: Notice of Public Meeting to Present and Discuss its Preliminary Budget for FY13, **FILE**; adopted.

ORDERED: That the Communication from the Public Employee Retirement Administration Commission re: Appropriation for FY13, **FILE**; adopted.

ORDERED: That there being no objection thereto set **THE THIRD REGULARLY SCHEDULED MEETING IN 2012** as date for a **PUBLIC HEARING** on the Petition from National Grid to install 2 5" PVC electrical conduits concrete encased from manhole 1-1 to P.30, Robin Hill St., refer to **PUBLIC SERVICES COMMITTEE AND CARRY OVER TO NEXT LEGISLATIVE YEAR**; adopted.

ORDERED: That the Minutes, Planning Board, November 21, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Cable Trust, November 2009-November 2011, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Community Development Authority, October 27 & December 8, 2011, **FILE**; adopted.

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

A. Charles Packard, 87 Thomas Dr., other property damage

**Suspension of the Rules requested - granted**

ORDERED: That the portion of the public way identified on a plan entitled, "Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002," which is attached hereto and incorporated herein by reference, and containing 316.41± square feet, which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Kenneth D. and Kristin L. Regan, Jr., based, however, upon the following conditions:

1. The license shall be on a temporary one-year basis, requiring further City Council approval one year from the date of adoption of this order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees' use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough's winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT  
PROVIDING A SIMPLIFIED PROCEDURE  
FOR THE LAYOUT AND ACCEPTANCE OF CERTAIN WAYS  
IN AND BY THE CITY OF MARLBOROUGH**

**Be it enacted** by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1.** Notwithstanding the provisions of Chapters 82 and 79 of the General Laws or any other general or special law, the city of Marlborough may employ the procedure hereinafter set out for municipal acceptance of roads constructed within a subdivision in accordance with a definitive plan approved by the planning board of the city of Marlborough. The said board, upon request of either the city council for the city of Marlborough or of a developer, or upon its own initiative, shall prepare a written certification that a subdivision road has been laid out and constructed in accordance with the board's rules and regulations and the approved definitive plan. The said board shall submit to the said city council the board's certification, together with original mylars of an acceptance plan, in required form for recording at the Registry of Deeds, and an as-built plan(s). The cost for preparing acceptance plans and as-built plans, if necessary, shall be paid from any funds which may remain in the subdivision bond of the developer. The said city council shall hold a public hearing, after giving written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road, as appears from municipal records, and after giving notice by publication in a newspaper of local circulation at least seven days prior to the hearing. The sole purpose of the public hearing shall be to determine whether it is in the public interest to accept the road as a public way. If the said city council determines, after the public hearing, that it is in the public interest to accept the road, it shall so vote, by a two-thirds majority, and cause to be prepared for recording at the Middlesex South District Registry of Deeds an order of acceptance containing said vote. The order of acceptance, together with the original mylar acceptance plan(s), shall be recorded within thirty (30) days following the said vote, and, upon recordation, shall operate to vest in the city of Marlborough, with no additional notice or other action required, the ownership in fee to the road, together with the ownership of all utility, drainage, flowage, and other easements shown for all municipal purposes including but not limited to repair, improvement, reconstruction, removal and replacement, as well as all pipes, structures, and other improvements located therein. No owner of, or holder of any interest in, land abutting a road so accepted or subject to an easement shown on said acceptance plan shall have any claim for compensation against the city on account of said acceptance.

**SECTION 2.** This act shall take effect upon its passage, **CARRY OVER TO NEXT LEGISLATIVE YEAR**; adopted.

**ORDERED:** That the City of Marlborough accepts MGL Chapter 149, Section 33E herewith as amended, an act relative to live organ donation, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE AND CARRY OVER TO NEXT LEGISLATIVE YEAR**; adopted.

Section 33E. (a) An employee of the commonwealth or of a county, or of a city or town that accepts this section, may take a leave of absence of not more than 30 days in a calendar year to serve as an organ donor, without loss of or reduction in pay, without loss of leave to which he is otherwise entitled and without loss of credit for time or service.

(b) If the necessity for leave under this section is foreseeable, the employee shall provide the employer with not less than 7 days' notice before the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.

(c) An employer may require that a request for leave under this section be supported by a certification issued at such time and in such manner as the attorney general may by regulation require.

(d) The attorney general shall enforce this section, and may obtain injunctive or declaratory relief for this purpose. Violation of this shall be subject to the second paragraph of section 150 and to section 180.

**ORDERED:** That the City of Marlborough maintain its trash pickup system until a new system is approved by the City Council. This will allow the Councilors to discuss amongst themselves and their constituents any possible changes in the trash pickup system, if the Council deems any changes necessary, **CARRY OVER TO NEXT LEGISLATIVE YEAR**; adopted.

**ORDERED:** That the sum of \$7,500,000 (seven million five hundred thousand) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$7,500,000.

Pursuant to the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than twenty (20) years from its date of issue, **APPROVED**; adopted.

**Yea: 10- Nay: 0**

**Yea: Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Vigeant, Pope & Levy**

**Absent: Ossing**

**Suspension of the Rules requested – granted to allow for modified submission of Excel spreadsheets which are included in the Order.**

ORDERED: That the following transfer requests to fund the newly ratified agreement between the City of Marlborough and the DPW Foremen's Union, **APPROVED**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$14,725	11990006	57820	Reserve for Salaries & Benefits	\$14,733	14001301	50690	Foreman, Streets	\$142,302
					Reason:	Funding for union contract			
\$516,499	\$338	11990006	57820	Reserve for Salaries & Benefits	\$442	14001303	51310	Overtime, Streets	\$15,711
					Reason:	Funding for union contract			
\$516,499	\$551	11990006	57820	Reserve for Salaries & Benefits	\$771	14001303	51430	Longevity, Streets	\$2,427
					Reason:	Funding for union contract			
\$516,499	\$80	11990006	57820	Reserve for Salaries & Benefits	\$80	14001303	51470	Interim Foreman, Streets	\$1,251
					Reason:	Funding for union contract			
\$516,499	\$345	11990006	57820	Reserve for Salaries & Benefits	\$623	14001303	51920	SLBB, Streets	\$33,911
					Reason:	Funding for union contract			
				Total:	\$16,649				
CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$50	11990006	57820	Reserve for Salaries & Benefits	\$50	14001303	51990	Clothing Allowance, Streets	\$2,679
					Reason:	Funding for union contract			
\$516,499	\$1,055	11990006	57820	Reserve for Salaries & Benefits	\$1,221	14001203	51390	Overtime S&I	\$94,064
					Reason:	Funding for union contract			
				Total:	\$1,271				

--BUDGET TRANSFERS --										
	DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$11,136	11990006	57820	Reserve for Salaries & Benefits	\$11,142	14001501	50690	Foreman, FP&C	\$107,953	
					Reason:	Funding for union contract				
\$516,499	\$293	11990006	57820	Reserve for Salaries & Benefits	\$293	14001503	51310	Overtime, FP&C	\$13,642	
					Reason:	Funding for union contract				
\$516,499	\$400	11990006	57820	Reserve for Salaries & Benefits	\$517	14001503	51430	Longevity, FP&C	\$89	
					Reason:	Funding for union contract				
\$516,499	\$80	11990006	57820	Reserve for Salaries & Benefits	\$80	14001503	51470	Interim Foreman, FP&C	\$2,617	
					Reason:	Funding for union contract				
\$516,499	\$173	11990006	57820	Reserve for Salaries & Benefits	\$299	14001503	51920	SLBB, FP&C	\$13,765	
					Reason:	Funding for union contract				
				Total:	\$12,331					
CITY OF MARLBOROUGH										
--BUDGET TRANSFERS --										
	DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$7,043	11990006	57820	Reserve for Salaries & Benefits	\$14,536	61090001	50690	Foreman, W&S	\$106,727	
					Reason:	Funding for union contract				
\$516,499	\$1,684	11990006	57820	Reserve for Salaries & Benefits	\$1,684	61090003	51310	Overtime, W&S	\$85,576	
					Reason:	Funding for union contract				
\$516,499	\$230	11990006	57820	Reserve for Salaries & Benefits	\$297	61090003	51430	Longevity, W&S	\$3,380	
					Reason:	Funding for union contract				
\$516,499	\$80	11990006	57820	Reserve for Salaries & Benefits	\$80	61090003	51470	Interim Foreman, W&S	\$10,182	
					Reason:	Funding for union contract				
\$516,499	\$173	11990006	57820	Reserve for Salaries & Benefits	\$299	61090003	51920	SLBB, W&S	\$16,172	
					Reason:	Funding for union contract				
				Total:	\$16,896					



**Suspension of the Rules requested – granted to allow the Mayor to address the Council as this was the last meeting by which she held the Office of Mayor; adopted.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:35 p.m.