



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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MARCH 24, 2008

Regular meeting of the City Council held on Monday MARCH 24, 2008 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juaire, Clancy and Landers. Meeting adjourned at 8:52 p.m.

ORDERED: Minutes, City Council meeting, March 10, 2008, **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on the application of Ming Wang for conversion of former State Armory Building into twelve residential condominiums in a Business B/Residence C zoned lot located at 358-364 Lincoln St., all were heard who wish to be heard, hearing adjourned at 8:07 p.m., **IN URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the following budget transfer in the amount of \$146,120.90 to fund a deficit in the overtime line items for both Police and Fire as a result of staff injuries, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12100001-50420 \$76,941.52

Police Officer

Acct. # 12100001-50820 \$9,696.72

Sergeants

Acct. # 12200001-50450 \$59,482.66

Firefighters

TO:

Acct. # 12100003-51310 \$76,941.52

Overtime

Acct. # 1210003-51320 \$9,696.72

OT Court

Acct. # 12200003-51300 \$59,482.66

Additional Overtime

(Councilor Juaire abstained)

ORDERED: That the following budget transfer in the amount of \$20,000 which would move funds from Undesignated Funds to Veterans Benefits to offset a projected year-end shortfall, **APPROVED**; adopted.

FROM:

Acct. # 100-35900 \$20,000.00

Undesignated Funds

TO:

Acct. # 154300006-57710 \$20,000.00

Veterans Benefits

ORDERED: That the following budget transfer in the amount of \$180,000.00 which would move funds from Undesignated Funds to DPW Repair Shop to fund a significant deficit relative to the purchase of fuel for City vehicles, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$180,000.00
Undesignated Funds

TO:

Acct. # 14001406-54830 \$180,000.00
DPW Repair Shop-Fuel

ORDERED: That the appointment of Ray Hale and Janice Merk to the Board of Library Trustees whose terms expire on the First Monday in February 2011, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the City of Marlborough grant a temporary utility easement, to be executed by the Mayor on behalf of the City, to NSTAR Gas Company (a/k/a "NStar"), as described in the attached Grant Of Temporary Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "Easement Agreement Plan, 215 Maple Street, Marlborough Fire Department, Exhibit A," dated December 3, 2007, for the purposes of making necessary excavations, locating, relocating, erecting, constructing, reconstructing, adding to, extending, repairing, replacing, maintaining, operating, inspecting or removing gas mains, together with an instrumentation or "traffic" box and appurtenances associated with the transportation, transmission and monitoring of gas service, and fittings, equipment and other fixtures and appurtenances necessary or useful in connection therewith for the transmission and/or distribution of natural gas on, over, under and across that certain parcel of the City of Marlborough's land described and shown on Exhibit A, which shall be recorded at the Middlesex South District Registry of Deeds, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the City of Marlborough grant a temporary utility easement, to be executed by the Mayor on behalf of the City, to Massachusetts Electric Company (a/k/a "NGrid"), as described in the attached Grant Of Temporary Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "NATIONAL GRID USA 05-07-1990675_1; DATE: 02/05/2007," for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating for the transmission of high and low voltage electric current and for the transmission of intelligence an underground electric distribution system in, through, under, over, and across a statutory private way named Crowley Drive and land of the City of Marlborough as shown and described on Exhibit A, which shall be recorded at the Middlesex South District Registry of Deeds, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 12, 2008** as the date for a **PUBLIC HEARING** on the application of 890 Boston Rd. LLC for adopting a proposed New Car Dealership Overlay District for Maps 62 parcels 1 and 24, refer to **PLANNING BOARD, URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the application from David P. Gadbois, on behalf of Guterrez Co., requesting an extension of a Sewer Permit for Devonshire at 495 Center which is located between Forest St. and Hayes Memorial Dr., refer to **PUBLIC SERVICES COMMITTEE**; adopted..

ORDERED: That there being no objection thereto set **MONDAY, MAY 12, 2008** as the date for a **PUBLIC HEARING** pursuant to § 5 of Chapter 40A of the General Laws, the City Council of the City of Marlborough, having received a submission from the Planning Board of the City of Marlborough to amend the zoning ordinance of the city of Marlborough, as amended, by further amending Chapter 200, Article VI, Section 200-30, entitled "Limited Development Subdivisions," now ordains that the Zoning Ordinance of the City of Marlborough, as amended, be further amended by adding thereto, as follows:

1. The introductory preamble to § 200-30 is hereby deleted in its entirety and replaced with the following:

A parcel located in a residence district with frontage on a public way may be subdivided, subject to a special permit from the Planning Board, into Limited Development Subdivision lots for the use only as single-family dwellings under the alternative lot area, frontage and dimensional criteria set forth below; provided, however, that the special permit applicant must clearly demonstrate to the Board that the parcel which is the subject of the special permit application could be subdivided by right under conventional subdivision requirements, as set forth in the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half times as many building lots as the number of building lots proposed in the special permit application.

2. The caption of Section 200-30A is hereby amended by deleting the word, "Dimensional."
3. Section 200-30A(8) is hereby deleted in its entirety and replaced with the following:

(8) The applicant for a special permit hereunder shall file with the Planning Board a preliminary plan that must clearly demonstrate to the Board that the parcel which is the subject of the special permit application is capable, as of right, of conventional subdivision, pursuant to the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half building lots for each building lot proposed under the Limited Development Subdivision criteria, refer to **PLANNING BOARD, URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Marlborough/Hudson I-495/I-290/Route 85 Interchange Improvement Project, refer to **DPW ENGINEERING AND CONSERVATION COMMISSION**; adopted.

ORDERED: That the communication from Ablitt & Charlton, P.C. re: Notice of Mortgagee's Sale of Real Estate for property located at 688 Boston Post Rd., Unit 328 of the Wayside Condominium, refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Minutes, Planning Board, February 11 & February 25, 2008, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, December 20, 2007 & January 17, 2008, **FILE**; adopted.

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

- A. Veronica Figueiredo-Larrick, 14 Turner Ridge Rd, vehicle damage
- B. Frances Sullivan, 10 Pinehill Rd., Framingham, MA, vehicle damage
- C. Sara McPherson, 397 May St., Worcester, MA, vehicle damage
- D. Marisa Rodrigues, 36 Jefferson St., property damage
- E. Louise Sullivan, 137 Grace Circle, property damage
- F. Gary Brown, 105 Newton St., property damage

Suspension of the Rules requested – granted

ORDERED: That the communication from Mark Cavanagh, Executive Director of the Massachusetts State Lottery Commission, pertinent to their latest venture, **KENO to go**, refer to **LEGISLATIVE AND LEGAL AFFIARS COMMITTEE**; adopted.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 08-1001815 - Transfer \$485,171.77 to fund second year of contract obligations – The Finance Committee reviewed the Mayor’s letter dated March 6, 2008 requesting a transfer of \$485,171.77 which is required to fund year two employee contract obligations for the following departments: Police, Fire, DPW, Library, Auditor, City Clerk, Board of Health and Public Facilities. The transfers would come from Reserve for Salaries (\$376,355.02) and Fringes (\$108,816.75 **Recommendation of the Finance Committee is to approve 5-0.**

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08-1001813 - Communication from Mayor Stevens recommending appointment of David McCabe as the final required appointment to the Community Development Authority, that of an individual with a financial background. In his eighth year of employ at Citizens Financial Group, Mr. McCabe is currently the Senior Vice President of Bank Integration for the RBS Lynk division. **Recommendation of the Personnel Committee is to approve 3-0.**

Suspension of the rules requested – granted to allow the Mayor to speak.

ORDERED: That the request to increase the salary of Officer Brian Cox from the minimum contractual amount of \$41,009.37 to a step III figure of \$51,041.72, **APPROVED**; adopted.

(Councilors Pope and Schafer opposed)

ORDERED: That the following budget transfer in the amount of \$27,581.00 from various Police Payroll accounts to Court OT, **APPROVED**; adopted.

FROM:

Acct. # 12100003-51920	\$6,522.00
Sick Leave Buy Back	
Acct. # 12100003-51410	\$15,000.00
First Responder	
Acct. # 12100001-50435	\$5,000.00
Police Specialists	
Acct. # 12100003-51370	\$1,059.00
Celebrations OT	

TO:

Acct. # 12100003-51320	\$27,581.00
Court OT	

ORDERED: That a transfer request in the amount of \$58,490.03 from Undesignated Funds to various other accounts as noted below, in order to address costs associated with the City's taking of Corbin plaza, **APPROVED**; adopted.

FROM:

Acct. # 100-35900	\$58,490.03
Undesignated Funds	

TO:

Acct. # 11930006-57415	\$26,255.83
Legal-Corbin Plaza	
Acct# 11930006-57416	\$10,400.00
Building Insurance-Corbin Plaza	
Acct # 11930006-57417	\$2,834.20
Liability Insurance-Corbin Plaza	
Acct # 11920006-52445	\$10,000.00
Maintenance-Corbin Plaza	
Acct # 11920006-52121	\$9,000.00
Electricity-Corbin Plaza	
(Councilor Pope opposed)	

ORDERED: That the reappointments of John Peltier and Kevin Boyle as Fence Viewers for a period of one year concluding the Monday, February 2, 2009, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:52 p.m.