



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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JUNE 9, 2008**

Regular meeting of the City Council held on Monday JUNE 9, at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juare, Seymour, Clancy and Landers. Meeting adjourned at 11:08 p.m.

ORDERED: That the Mayor and Council President presented City Scholarships certificates to Paul DiTullio, 59 Walcott Circle, Paula Leocadio, 41 Briarwood Lane, Kathryn Philbrick, 30 Settlers Lane, Beth Gabrielli, 45 Hamilton Circle, and Devon Blake, 75 Schofield Drive, **FILE**; adopted.

ORDERED: Minutes, City Council Meeting, May 12, 2008, **FILE**; adopted.

ORDERED: Minutes of the Joint Convention Meeting June 2, 2008 **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on the application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunication Facility onto the existing Telecommunications Tower located at 75 Donald Lynch Blvd., all were heard who wish to be heard, hearing adjourned at 8:10 p.m.

ORDERED: Now being the time set for the PUBLIC HEARING on the resubmitting of application of the Special Permit by Arthur Bergeron, on behalf of Boston Post 355, LLC for permission to construct and operate a car wash at 355 Boston Post Rd. West, all were heard who wish to be heard, hearing adjourned at 8:16 p.m.

ORDERED: Now being the time set for the PUBLIC HEARING on the on the application for "**SECOND**" Special Permit Boston Post Rd LLC for permission to construct and operate a car wash at 355 Boston Post Rd. West as it is also located in the Water Supply Protection District, all were heard who wish to be heard, hearing adjourned at 8:18 p.m.

ORDERED: Now being the time set for the 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, all were heard who wish to be heard, hearing adjourned at 8:23 p.m.

ORDERED: Now being the time set for the 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, all were heard who wish to be heard, hearing adjourned at 9:00 p.m.

ORDERED: Now being the time set for the PUBLIC HEARING on the FY2009 Municipal Operating Budget submitted by Mayor Nancy Stevens, all were heard who wish to be heard, hearing adjourned at 9:40 p.m.

ORDERED: That the City Council meeting recessed at 9:40 p.m. and reconvened at 9:50 p.m., **APPROVED**; adopted.

ORDERED: That the communication from the Mayor regarding all capital project summaries and timelines for FY08 and FY09, **FILE**; adopted.

ORDERED: That the following budget transfer request in the amount of \$54,000.00 which would move funds from Undesignated to Open Space Stabilization which relates to funds received for wireless antennae locations within the City for fiscal years 2007 (\$31,500.00) and 2008 (\$22,500.00) which prior to FY2007 has been deposited directly into the Open Space account, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900	\$54,000.00
Undesignated Funds	

TO:

Acct. # 83600-32918	\$54,000.00
Open Space Stabilization	

ORDERED: That the following budget transfer request in the amount of \$30,972.00 which moved funds from Fringes to Sick Leave to provide for sick leave buy back relative to a retirement in the Marlborough Fire Department, refer to **FINANCE COMMITTEE**; adopted.

**(Councilor Juaire abstained)**

FROM:

Acct. # 11990006-51500	\$30,972.00
Fringes	

TO:

Acct. # 12200003-51920	\$30,972.00
Open Space Stabilization	

ORDERED: That the appointment of Eric Jusseume to a permanent full-time firefighter following successful completion of the Fire Academy's Recruit Program commencing early in July anticipating graduation and be prepared for regular duty by the end of September, **FILE**; adopted.

ORDERED: That the Marlborough Police Department has recently been awarded a Statewide Emergency Telecommunications Board grant in the amount of \$11,900.00 for the purpose of emergency telecommunications training as well as personnel overtime and mileage reimbursement associated with personnel attendance, **APPROVED**; adopted.

ORDERED: That the City's municipal aggregation program, in which there has been a volatile utility market in play over the last several months and numerous attempts to solicit competitive bids have proven unsuccessful in securing a better rate than National Grid, therefore has been temporality suspended, **FILE**; adopted.

**(Councilor Schafer and Ossing abstained)**

ORDERED: That the sum of Twelve Thousand Seven Hundred Sixteen Dollars and Eight Cents (\$12,716.08), designated as City appropriations, is hereby appropriated in the City of Marlborough,

This sum is to be placed into the budgetary line item as defined below, and it is further specified, pursuant to § 53E of Chapter 44 of the General Laws, that said amount shall be offset by the estimated receipts from the fees charged to users of the Site Plan Review process pursuant to § 63-15.F. of Chapter 63 of the City Code of the City of Marlborough, refer to **FINANCE COMMITTEE**; adopted.

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
26117401-50032	Twelve months of compensation for the City Planner.	\$12,716.08

ORDERED: That the communication from DPW Commissioner, Ronald M. LaFreniere regarding National Grid Utility Pole Relocation at 519 Elm St. for utility pole # 63, **FILE**; adopted.

**Suspension of the Rules requested – granted to allow the Public Facilities Director, City Solicitor and Chief Procurement Officer to address questions pertinent to pick-up and drop off locations, other programs/services hosted by the school and Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) compliances and costs.**

ORDERED: That City recently issued a Request for Proposals for the lease of a minimum of 6,500 square foot premises at the Bigelow School located at 57 Orchard St. and two proposals were submitted – one from the current tenant, the New Covenant Christian School, and the other from the Assabet Valley Collaborative, **TABLED UNTIL JUNE 23, 2008**; adopted.

ORDERED: That a request for permission to use the Rail Trail for the annual Sgt. William Kirby Road race, **APPROVED & REFER TO OPERATIONS AND OVERSIGHT COMMITTEE FOR REVIEW OF DISPOSITION OF RAIL TRAIL.**

**MOTION: Councilor Schafer requested to amend the APPROVAL with two conditions as follows:**

- ❖ Arrange for appropriate police detail at Road Crossings
- ❖ Clean up any trash left behind, **APPROVED AS AMENDED**; adopted.

ORDERED: That the proponent of Indian Hill Park development filed a Notice of Project Change pertinent to increasing the retail component from 110,000 square feet to 155,900 square feet, refer to **DPW**; adopted.

ORDERED: That the communication from the American Heart Association regarding CPR training, **FILE**; adopted.

ORDERED: That the request to extend deadline mitigation for condition #21 of Special Permit adopted April 4, 2007 for 175 Maple St., (#06-1001377), **EXTENDED FOR 45 DAYS FOLLOWING JUNE 9, 2008**, & refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 23, 2008** as date for a **PUBLIC HEARING** on the petition by Petition from National Grid to relocate pole #63 on Elm St. in an easterly direction 15' ±, refer to **PUBLIC SERVICES COMMITTEE** adopted.

ORDERED: That the application for a Junk Dealer's License, Nobiano Coelo Rangel, d/b/a/ Silver Games, 259 Boston Post Rd East #10, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Notice from Mosquito Control Project investigating resident's complaints about mosquitoes on June 4, 11, 18 & 25, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, April 9, 2008, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 28, 2008, **FILE**; adopted.

ORDERED: That the Minutes, MetroWest Regional Transit Authority, April 14, 2008, **FILE**; adopted.

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

- A. Nathan Stiryer, 177 Elm St., vehicle damage
- B. Bernadette Houldsworth., 247 West Hill Rd., property damage
- C. Joanne Levy, 41 Whispering Brook Rd., property damage
- D. Jeff Marques, 345 Oak Grove Ave., Fall River, vehicle damage
- E. Ming Fang, 12 Robert Rd., property damage

## Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

**Order No. 08-1001871 - Reappointments of Sheila Brecken, Paulina Lynch and Catherine Mockus to the Council on Aging Board whose terms of four years expire on May 1, 2012.** Catherine Mockus can not continue to serve on Council on Aging. **Recommendation of the Personnel Committee is to approve the reappointments of Sheila Brecken and Paulina Lynch 3-0 and refer back to Mayor the reappointment of Catherine Mockus.**

**Order No. 08-1001855 – Reappointments of George Whapham and Diane Halper to the Arts Lottery Council whose terms expire on May 1, 2010 and the appointments of Cheryl Desautels, Nena Bloomquist, Jackie DiBuono and Ruth Crowell to the Arts Lottery Council. . Recommendation of the Personnel Committee is to approve the reappointments of George Whapham and Diane Halper and appointments of Cheryl Desautels, Jackie DiBuono and Ruth Crowell 3-0.**

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 08-1001889 – Mayor’s Fiscal Year 2009 Budget -** The Finance Committee completed the review of the Mayor’s fiscal year 2009 budget. Councilor Pope abstained from the discussion on the Recreation Department budget. **Recommendation of the Finance Committee is to approve 3-2 (Councilors Ossing, Delano and Landers in favor) and (Councilors Ferro and Levy opposed) the FY09 budget of \$120,447,535.00 which is a \$840,534.00 reduction to the proposed Mayor's FY09 budget of \$121,288,069.00. Suspension of the Rules requested – does not carry.**

**Order No. 08-1001818 - Inspector General Report on Assabet Valley –** The Finance Committee discussed the Inspector General report regarding the accounting practices at Assabet Valley. Councilor Schafer abstained from the discussion. **Recommendation of the Finance Committee is to accept and place on file 5-0.**

**Order No. 08-1001872 - Renewal of GIS Revolving Fund –** The Finance Committee reviewed the Mayor’s letter dated April 23, 2008 requesting the approval of the Geographical Information System (GIS) revolving fund for 2009. **Recommendation of the Finance Committee is to approve the GIS revolving fund for 2009.**

**Order No. 08-1001874 - Renewal of Fairmount Hill Revolving Fund –** The Finance Committee reviewed the Mayor’s letter dated April 23, 2008 requesting the approval of the Fairmount Hill revolving fund for 2009. **Recommendation of the Finance Committee is to approve the Fairmount Hill revolving fund for 2009 and request the DPW Commissioner provide the plans for utilizing the funds (145,667.83) to the City Council by June 9, 2008.**

**Order No. 08-1001873 - Renewal of Sligo Hill Revolving Fund** – The Finance Committee reviewed the Mayor’s letter dated April 23, 2008 requesting the approval of the Sligo Hill revolving fund for 2009. **Recommendation of the Finance Committee is to approve the Sligo Hill revolving fund for 2009 and the Public Facilities Director report back to the City Council within 90 days of options for the use of the funds (\$463,284.86).** Items to consider include options for the tower – repair, replace, new antennas as well as needs for the remaining fields in the city.

**Order No. 08-1001890 - Interdepartmental Transfers of \$9,154.00 and \$90,243.55** – The Finance Committee reviewed the Mayor’s letter dated May 7, 2008. The transfer of \$9,154.00 moved funds from Council on Aging, Auditor and Inspectional Services to various line items in the Inspectional Services department. The second transfer of \$90,243.55 moved funds from Reserve for Salaries and Fringes to fund contractual salary increases for the Library, Public Facilities, Inspectional Services and Police Department. **Recommendation of the Finance Committee is to approve both transfers 5-0.**

**Order #08-1001892 - Intra-departmental Transfers of \$112.93, \$4,000.00 and \$20,252.00** – The Finance Committee reviewed the Mayor’s letter dated May 7, 2008 requesting intra departmental transfer of \$112.93 in the City Clerk office, \$4,000.00 in Public Facilities and \$20,252.00 in the Police Department. **Recommendation of the Finance Committee is to approve all three transfers 5-0.**

**Order No. 08-1001891 - DPW Transfers in the Amount of \$214,916.71** – The Finance Committee reviewed the Mayor’s letter dated May 7, 2008 requesting DPW salary related transfers in the amount of \$214,916.71. The Mayor provided an additional letter dated May 21, 2008 requesting a reduction of \$8,500.00 from the original transfer request. **Recommendation of the Finance Committee is to approve the transfers of \$206,416.71, 5-0.**

**Suspension of the Rules requested – granted**

ORDERED: That **\$33,700,000** (thirty three million seven hundred thousand) dollars is appropriated for the purpose of financing the construction and upgrade to the Westerly Wastewater Treatment Plant including without limitation all cost thereof as defined in Section I of Chapter 29C of the General Laws, as most recently amended by ST. 1998, c.78; to meet this appropriation the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow **\$33,700,000** dollars, and issue bonds or notes therefore under Chapter 44 Section 8 (15) and/or Chapter 29 of the General Laws, as most recently amended by ST. 1998, c.78; that such bonds or note shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the Auditor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section I of Chapter 29C, as most recently amended by ST. 1998,e.78; that the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, e.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory

agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any action necessary to carry out the project, **APPROVED**; adopted.

**Yea: 10 – Nay: 1**

**Yea: Ferro, Schafer, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Vigeant & Levy**

**Nay: Delano**

**ORDERED:** That the Marlborough City Council meet with the Commissioner and Assistant Commissioner of Public Works for an update regarding mandatory recycling, pay-as-you-throw and other trash disposal programs, refer to **COUNCIL PRESIDENT AND MAYOR'S OFFICE**; adopted. Order submitted by Councilors Pope, Delano and Clancy.

**ORDERED:** That The Commissioner of Public Works shall produce a report on the Forestry, Parks and Cemetery Division detailing, for each function performed by the division, both the all-in cost associated with the function and the projected cost of outsourcing the function. Both direct and indirect costs, including but not limited to salary, overtime, longevity, SLBB, clothing allowance, educational incentives, meal allowance, health and life insurance, retirement and pension, workers comp insurance, temp help, materials, supplies, equipment, equipment r&m, vehicle r&m, and fuel shall be used. The all-in cost analysis shall reconcile to FY08 actual costs and projected outsourcing costs shall be obtained through a request for information or another valid means. Said report shall be submitted to the full City Council no later than 90 days from the date this order is adopted, refer to **DPW COMMISSIONER**; adopted. Order submitted by Councilors Levy, Ferro, Delano and Seymour.

**(Councilor Juairé requested to be recorded in opposition)**

**ORDERED:** That the following budget transfer requests in the amount of \$940,378.00 which would move funds from Stabilization to DPW Projects, Public Facilities, Police Vehicle, Police Equipment, Recreation Equipment and City Hall Equipment to fund appropriate capital outlay accounts, **APPROVED**; adopted.

**FROM:**

Acct. # 836000-11515	\$940,378.00
Stabilization	

**TO:**

Acct. # 19300006-58514	
Department of Public Works	
Street Sign Replacement	\$64,000.00
Street Overlays (Rawlins Ave/River Street)	45,000.00
Guardrail (Richer School)	20,000.00
Crack Sealing (Various locations)	75,000.00
Salt Storage Shed	200,000.00
Drainage Relocation (UG tank removal)	6,000.00
Evergreen Cemetery (Roadway/water lines)	95,000.00
Total	\$505,000.00

Acct. # 19300006-58467	
Public Facilities	
Vehicle	\$30,000.00
Energy Upgrades	\$200,000.00
Total	\$230,000.00

Acct. # 19300006-58508	
Police Vehicles	
(2) Unmarked and (1) 4-Wheel Drive Vehicles,	\$89,000.00
Acct. # 19300006-58593	\$70,000.00
Police Equipment	
Investigative Equipment, Mobile Data Terminals	
Total	\$159,000.00
Acct. # 19300006-58718	\$27,878.00
Recreation Equipment	
Williams Street Ballfields (Relocate outfield and batting cages)	
Acct. # 19300006-58595	
City Hall Equipment	
Inspectional Services	
Ford Pick-Up (1/2 ton)	\$18,500.00

**(Councilor Schafer requested to be recorded in opposition.)**

ORDERED: That the reappointments of David Williams and John Skarin to the Conservation Commission whose terms expire on March 5, 2011, **APPROVED**; adopted.

ORDERED: That the reappointment of Robert Lazaros to a position on the Recreation Commission whose term expires on March 5, 2011, **APPROVED**; adopted.

ORDERED: That the reappointment of Varoojan Aykanian as Voter Registrar whose term expires on April 1, 2011, **APPROVED**; adopted.

ORDERED: That the alternate appointment of Richard Towle on the Council on Disabilities whose term is three years commencing upon confirmation, **APPROVED**; adopted.

ORDERED: That the recommendation of the Finance Committee is to advertise **ONLY** Bond Numbers 1, 2, 3, 5 & 6 and **TABLE BONDS 1 -11 UNTIL JUNE 23, 2008, APPROVED**; adopted.

**(Councilor Schafer requested to be recorded in opposition)**

The following Order Numbers reflect the bonds that were advertised.

Order No. 08-1001794-1  
08-1001794-2  
08-1001794-3  
08-1001794-5  
08-1001794-6

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At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

ORDERED:

That the sum of \$2,302,848 (two million three hundred and two thousand eight hundred and forty eight) dollars be and is hereby appropriated for departmental equipment.

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 \$2,302,848.



Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

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At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

ORDERED:

That the sum of \$3,923,613 (three million nine hundred twenty three thousand six hundred thirteen) dollars be and is hereby appropriated for street construction.

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 \$3,923,613.

Pursuant to the provisions of Chapter 44, Section 7 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

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At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

ORDERED:

That the sum of \$327,000 (three hundred twenty seven thousand) dollars be and is hereby appropriated for sidewalk construction.

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 \$327,000.

Pursuant to the provisions of Chapter 44, Section 7 (6) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

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At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

ORDERED:

That the sum of \$810,464 (eight hundred ten thousand four hundred sixty four) dollars be and is hereby appropriated for fire departmental equipment.

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 \$810,464.

Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

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At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

**ORDERED:**

That the sum of \$1,143,033 (one million one hundred forty three thousand thirty three) 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 \$1,143,033.

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.

**Order No. 08-1001794-4** - The sum of \$728,000.00 (seven hundred twenty eight thousand) dollars be appropriated for sewer construction. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**Order No. 08-1001794-7** - The sum of \$200,000.00 (two hundred thousand) dollars be appropriated for energy improvements to buildings. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**Order No. 08-1001794-8** - The sum of \$95,000.00 (ninety five thousand) dollars be appropriated for developing cemetery roads and paths. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**Order No. 08-1001794-9** - The sum of \$75,000.00 (seventy five thousand) dollars be appropriated for engineering and architectural design. **Recommendation of the Finance Committee is to refer the bond back to the Mayor 5-0 as there was not enough information on the scope of the project.**

**Order No. 08-1001794-10** - The sum of \$1,092,500.00 (one million ninety two thousand five hundred) dollars be appropriated for park reconstruction. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**Order No. 08-1001794-11** - The sum of \$402,000.00 (four hundred two thousand) dollars be appropriated for computer hardware. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**ORDERED:** That the following budget transfer requests in the amount of \$50,000.00 which would move funds from Stabilization to DPW Projects, **APPROVED**; adopted.

FROM:

Acct. # 836000-11515	\$50,000.00
Stabilization	

TO:

Acct. # 19300006-58514	\$50,000.00
DPW for GPS vehicle system purchases	

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 11:08 p.m.