



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

JULY 7, 2014

Regular meeting of the City Council held on Monday, JULY 7, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, and Landers. Absent: Clancy. Meeting adjourned at 8:43 PM.

ORDERED: That the minutes of the City Council meeting MAY 19, 2014, **FILE**; adopted.
Councilor Oram abstained

ORDERED: That the minutes of the City Council meeting JUNE 16, 2014, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to propose installation of new joint owned stub pole #55-84 on public property. Pole will be set approximately 42' from existing joint owned pole #33. NGrid proposes installation of new joint owned anchor to be set in back of new Pole 55-84 to help support stub pole. Pole 55 currently has tree guy attached from Pole 55 to tree at 479 Hosmer St. that is to be removed. Customer requested to remove the tree guy, Order No. 14-1005849, all were heard who wish to be heard, hearing recessed at 8:03 PM.

Councilors Present: Pope, Ossing, Robey, Oram, Delano, Page, Elder, Tunnera, Irish, & Landers.

Absent: Clancy

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to relocate Pole 1, 2, 3, 4, and 12 on Simarano Dr. to accommodate City of Marlborough widening project, Order No. 14-1005850, all were heard who wish to be heard, hearing recessed at 8:07 PM.

Councilors Present: Pope, Ossing, Robey, Oram, Delano, Page, Elder, Tunnera, Irish, & Landers.

Absent: Clancy

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid and Verizon to relocate Pole 22 Simarano Drive and install new guy P21-84 to accommodate City of Marlborough widening project, Order No. 14-1005851, all were heard who wish to be heard, hearing recessed at 8:08 PM.

Councilors Present: Pope, Ossing, Robey, Oram, Delano, Page, Elder, Tunnera, Irish, & Landers.

Absent: Clancy

ORDERED: That the Capital Outlay transfer request in the amount of \$956,208.00 which moves funds from Undesignated Stabilization to School Equipment, Emergency Management, DPW Projects and Police Department as indicated on the attached spreadsheet, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Mayor				FISCAL YEAR:		2015		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$8,241,283.67	\$956,208.00	83600	32925	Undesignated Stabilization	\$500,000.00	19300006	58630	School Equipment	\$0.00	
	Reason:	To fund capital outlay requests								
					\$378,243.00	19300006	58596	Emergency Management	\$0.00	
	Reason:									
					\$27,985.00	19300006	58514	DPW Projects	\$0.00	
	Reason:									
					\$49,980.00	19300006	58593	Dept Equipment Police	\$0.00	
	\$956,208.00	Total			\$956,208.00	Total				

ORDERED: That the Building Department transfer request in the amount of \$33,580.00 which moves funds from Contract Services to various accounts as noted on the attached spreadsheet to fulfill obligation to Avalon Bay, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Building Department				FISCAL YEAR:		2015		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$75,000.00	\$33,580.00	12410004	53140	Contract Services	\$10,400.00	12410001	50970	Assistant Wiring Insp.	\$3,750.00	
	Reason:	Funds available through Avalon Bay mitigation payment						Necessary to complete add'l inspections for Avalon Bay		
					\$16,000.00	12410001	50250	Deputy Inspector	\$10,000.00	
	\$33,580.00	Total						Necessary to complete add'l inspections for Avalon Bay		
					\$6,250.00	12410001	50960	Assistant Plumb Insp	\$5,000.00	
								Necessary to complete add'l inspections for Avalon Bay		
					\$930.00	12410006	57100	Instate Travel	\$4,420.00	
								Necessary to reimburse inspectors for use of personal vehicle		
	\$33,580.00	Total			\$33,580.00	Total				

ORDERED: That the following Intermunicipal Agreement with Town of Hudson to assist with the Board of Health, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

INTERMUNICIPAL AGREEMENT
Between the City of Marlborough and the Town of Hudson

Pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Hudson (collectively, the “Parties”), is hereby entered into and is effective from 1st day of July, 2014 by and between the City of Marlborough (“Marlborough”) and the Town of Hudson (“Hudson”) in accordance with the following terms:

1. Purpose and Duties:

(A) This Agreement contractually enables the Director of Public and Community Health Services (the “Director”) in the Town of Hudson to perform operational consulting in the office of the Board of Health of the City of Marlborough (“Board of Health”). The Director shall remain an employee of the Town of Hudson, and shall be subject to standard personnel practices thereof.

(B) The duties and responsibilities of the Director shall be as follows:

- i. Provide direction, advice, and professional guidance to the Board of Health and their employees regarding the execution of their daily responsibilities;
- ii. In conjunction with the Mayor’s office, facilitating the delegation of duties in the Board of Health and offer recommendations to improve workflow;
- iii. In limited and/or emergency circumstances, assisting in the performance of health inspection services;
- iv. Maintaining separate and comprehensive records of all services performed for the City of Marlborough;
- v. Acting in the best interests of the health and well-being of the inhabitants of the City of Marlborough.

(C) In his consulting and advisory capacity, the Director shall NOT be responsible for the following:

- i. Approving expenditures, invoices or contracts pertaining to the Board of Health.
- ii. Authorizing time off for any employee or approving weekly time sheets.

2. Term: The term of this Agreement shall be from July 8, 2014 until November 1, 2014. The Town of Hudson and the City of Marlborough reserve the right to terminate this agreement at any time upon written notice of at least (15) business days. The Parties may extend this Agreement in one month increments.

- 3. Location and Time of Services: The Director shall work from the offices of the Board of Health for a period of six hours per week according to his availability and in consultation with the Mayor of Marlborough and the Executive Assistant of the Town of Hudson.
- 4. Compensation: The City of Marlborough agrees to pay the Town of Hudson the sum of \$1,250.00 per month for the services outlined in Section 1(B) of this Agreement. Payment shall be made monthly upon receipt of an invoice from the Town of Hudson. The City shall directly provide to the Director a stipend of \$50.00 per month for use of his personal vehicle for any and all travel expenses incurred in the performance of his duties under this Agreement.
- 5. Insurance: The Parties acknowledge that each maintains a minimum of \$1,000,000 of public liability and property damage insurance through the Massachusetts Interlocal Insurance Association (MIIA), and that each party is covered by insurance for this joint venture as stated in the General Liability Coverage Form MGP 001.
- 6. Amendments: This Agreement may be amended, extended, or modified only by a written instrument signed by both Parties.
- 7. Notice: Until changed by notice in the manner specified above in paragraph 6, the addresses and telephone numbers of the parties to this Agreement shall be:

FOR THE CITY OF MARLBOROUGH:

Arthur G. Vigeant, Mayor
 City of Marlborough
 140 Main Street
 Marlborough, MA 01752
 Telephone: (508) 460-3770

FOR TOWN OF HUDSON:

Thomas Moses, Executive Assistant
 Town Of Hudson
 78 Main Street
 Hudson, MA 01749
 Telephone: (978) 562-9963

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this ____ day of _____, 2014.

For City of Marlborough:

For Town of Hudson:

Arthur G. Vigeant, Mayor

Thomas Moses, Executive Assistant

Chair, Marlborough Board of Health

Chair, Hudson Board of Health

ORDERED: That the City Council to reconsider its directive to reduce the senior center bond request by \$750,000.00, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Appointments of Anthony Aruda and Ellen Silverstein to the Board of Assessors for terms of three years to expire from date of City Council approval and Bradford Dunn as the City's Principal Assessor for a three year term, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the following Reappointments to the Recreation Commission for the following terms, refer to **PERSONNEL COMMITTEE**; adopted.

- Robert Kays for a term to expire three years from date of City Council approval
- Dennis Zilembo for a term to expire two years from date of City Council approval
- Thomas Evangelous for a term to expire two years from date of City Council approval
- Brenda Calder for a term to expire three years from date of City Council approval.

ORDERED: That the Appointment of Assistant City Solicitor, Cynthia Panagore Griffin as Chair of the Cable Advisory Committee along with members IT Director, Mark Gibbs, MPS Finance Director, Michael Bergeron and city resident, William Spitzer and extend the opportunity for City Council to select a member as its fifth and final member, **FILE**; adopted.

NOTE: Council President Pope appointed Councilor Delano to the Cable Advisory Committee.

ORDERED: That the Appointment of Alfred Weaver to serve as his appointee on the OPEB Board of Trustees, **FILE**; adopted.

NOTE: Council President Pope appointed Councilor Ossing to the OPEB Board of Trustees.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," WHICH AMENDMENTS SHALL SUPERCEDE SECTION 526-7N AS PROMULGATED UNDER ORDER NO. 13-1005520A, AS FOLLOWS:

1. § 526-2, entitled "Definitions," is amended by inserting the following definitions:
DIGITAL DISPLAY SIGN: A sign or portion thereof that incorporates light-emitting diode (LED), fiber optic or similar technology to allow messages to change or stay static.

ELECTRONIC MESSAGE CENTER (EMC) SIGN: An on-premises electronically-activated changeable sign or portion thereof whose variable message and/or graphic presentation capability can be electronically programmed and have the capability of changing or staying static. EMCs typically use light-emitting diodes (LEDs) as a lighting source or similar technology.

PUBLIC SERVICE ANNOUCEMENTS: An announcement made by a nonprofit or civic organization.

2. Chapter 526 is further amended by inserting after § 526-12 a new section, entitled “Electronic Message Center and Digital Display Signs,” as follows:

§ 526-13. Electronic Message Center Signs and Digital Display Signs.

A. Applicability.

Notwithstanding any general ordinance or special law to the contrary, the following regulations governing Electronic Message Center (“EMC”) Signs and Digital Display Signs shall be in effect.

The regulations in § 526-13 permit Digital Display signs and Electronic Message Center (“EMC”) signs in all zoning districts except for Rural Residence (“RR”) Districts, Residence (“A-1”) Districts, Residential (“A-2”) Districts, Residential (“A-3”) Districts, Residential B (“RB”) Districts, Residential C (“RC”) Districts, Retirement Community Residential (“RCR”) Districts, and the Downtown Business District outlined in § 526-9L., in which districts such signs are strictly prohibited. Digital Display signs and EMC signs shall be permitted with the approval of the Building Inspector and shall be subject to all other provisions governing signs in

Chapter 526 of the City’s sign ordinance. In the event of a conflict between these provisions and other provisions governing signs in Chapter 526, these provisions shall prevail.

This § 526-13 shall apply to all exterior Digital Display signs and all exterior EMC signs, and also to all such signs that are within 3 feet of the interior of a business window and that are visible from the outside of the business window. It shall not otherwise apply to signs or displays located within a commercial structure.

B. Standards.

EMC signs and Digital Display signs shall be allowed, but only pursuant to the following standards:

1. Sign Type: EMC signs are permitted. They shall only be permitted as part of a freestanding sign and shall comply with all of the requirements of § 526-9.
2. Number of Signs: There shall only be one (1) EMC sign permitted on each nonresidential-zoned parcel.
3. Display Area: No more than twenty-five percent (25%) of the allowable sign face shall be dedicated to the EMC portion of said sign. The EMC display portion of said sign is not to exceed a maximum of twenty-four (24) square feet.

4. Design: The EMC area must be integral to the design of the sign and shall not be the dominant element. The EMC portion of the sign face shall not be the uppermost element, but shall instead be located in the bottom one-half ($1/2$) of the sign face. Digital Display signs may be located on free standing signs and wall signs, but are prohibited on portable, temporary, awning, marquee or canopy, projecting banner, window sign, and suspended signs.
5. Automatic Dimming: No Digital Display sign or EMC sign shall be erected without an automatic light sensing device such as a light detector or photocell by which the sign's brightness can be dimmed when ambient light conditions darken.
6. Brightness and Color: The Digital Display sign or EMC sign must not display light of such intensity or brilliance so as to cause glare or otherwise impair the vision of any driver or result in a nuisance to any driver. Colors shall be permitted for electronic displays with a black background or field, and the light intensity shall not exceed a maximum luminance intensity level for all accessory and non-accessory EMC signs shall not exceed 350 (cd/m²) nits from sunset to sunrise, and 6,000 (cd/m²) nits from sunrise to sunset. A photoelectric sensor shall be installed on the sign structure and set to register the ambient light produced at sunset on any given day. The ambient light level shall determine the cutoff between the two (2) maximum luminance intensity levels, measured in nits, set forth above. Upon installation of the sign, an employee or agent of the Building Department shall confirm compliance with the above nit levels. EMC and Digital Display signs are subject to inspection at the discretion of the Building Inspector. All lighting used to illuminate signs shall be installed so that neither direct nor reflected illumination from such lighting shall cause a public nuisance to adjacent lots or abutting streets. In addition to the maximum luminosity intensity levels set forth above, all displays should adjust brightness intensity according to ambient light conditions to ensure optimum legibility.
7. Inspections: Luminosity levels shall be inspected as needed by the City's zoning enforcement officer, or an agent of the City's zoning enforcement officer, using standard industry best practices for such measurement.
8. Effects: Except for temperature and time, the EMC message or the digital display shall not grow, melt, X-ray, scroll, write on, travel, inverse, roll, twinkle, snow, rotate, flash, blink, move, spin, wave, rumble or present pictorials or other animation and/or intermittent illumination. The message shall be limited to alphanumeric characters.
9. Operational Limitations: Such displays shall contain static messages only, and shall not have movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the slashing, scintillating or varying of light intensity.

10. Minimum Display Time: Each message on the EMC sign must be displayed for a minimum of 10 seconds.
11. Message Change Sequence: The change of messages on an EMC sign must be accomplished with a maximum interval of no more than 0.3 seconds of time between messages.
12. Setbacks from Residential Zoned Areas: The sign must be set back a minimum distance of two hundred feet (200') from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially-zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially-zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.
13. Hours of Operation: EMC signs shall be operational only during the time that the associated commercial operation is open for business to the public, and said signs shall be turned off at the conclusion of posted business hours.
14. Malfunctioning Signs: Signs that malfunction shall be turned off immediately.
15. Spacing: Digital Display signs and EMC signs shall be at least one hundred feet (100') apart. If, because of the shape and size of a commercial lot it is not possible to place a new sign more than 100 feet from an existing EMC sign or Digital Display sign, then the Planning Board may grant a variance for closer placement.
16. Public Service Announcements: EMC signs shall be available for public service announcements (PSAs). During a calendar year, ten percent (10%) of the operational time of EMC signs shall be made available at no cost to non-profit organizations for the display of PSA messages.

C. Legally Pre-Existing Non-Conforming EMC And Digital Display Signs.

Legally pre-existing non-conforming EMC signs and Digital Display signs, to the extent they have the technical capability to do so, shall be operated in conformance with the operational standards set forth in this § 526-13. In the absence of a light sensing device, sign owners shall ensure either that the signs are dimmed to meet brightness standards set forth in § 526-13 B(6.) above or that the signs are turned off from sunset to sunrise. All legally pre-existing non-conforming signs shall be brought into compliance with this amendment upon being significantly updated or replaced, as determined by the Building Inspector or a designee of the Building Inspector, or at the end of 10 years from the date of approval of this amendment, whichever is sooner.

D. Governmental Exemption.

Governmental entities are exempt from the above provisions and regulations.

Refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the following Order of Acceptance of Deeds in the area known as Deer Foot Park, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept for conservation purposes title, by deeds of conveyance, to certain parcels of land located within the area known as Deer Foot Park, which is located off of Concord Road, said deeds to be recorded herewith at the Middlesex County South Registry of Deeds, an appropriation of money for said purposes having been heretofore approved and presently available in Account No. 30046006-58160 and in Account No. 30046006-58160.

GRANTOR: Deborah Schreiber Rodriguez

Those certain lots numbered 624, 625, 646, and 647, being approximately 0.23124426 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors' Map of the City of Marlborough.

GRANTOR: Steven J. King

Those certain lots numbered 519 and 520, being approximately 0.11478421 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 25 on the Assessors' Map of the City of Marlborough.

GRANTORS: Robert A. Barden and Alice C. Barden

That certain lot numbered 384, being approximately 0.07805326 acres, as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 21 on the Assessors' Map of the City of Marlborough.

GRANTOR: Robert A. Barden

That certain lot numbered 385, being approximately 0.0573921 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 22 on the Assessors’ Map of the City of Marlborough.

GRANTOR: George Lohmiller

Those certain lots numbered 292, 293, and 294, being approximately 0.17217631 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 19 on the Assessors’ Map of the City of Marlborough.

GRANTOR: Bernard Collins

Those certain lots numbered 176 and 177, being approximately 0.11478421 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors’ Map of the City of Marlborough.

GRANTOR: Gerard Coolbrith

Those certain lots numbered 115, 116, and 117, being approximately 0.12913223 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors’ Map of the City of Marlborough.

ORDERED: That the following Order of Taking by Eminent Domain in the area known as Deer Foot Park, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that certain portions of land located off of Concord Road in the area known as “Deer Foot Park” as more particularly described herein, be taken in fee for conservation purposes and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain for the aforementioned purposes the fee interest in the following described land, including and all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

OWNER: Deborah Schreiber Rodriguez
11942 St. Francis Way
Michelleville, MD 20721

Those certain lots numbered 624, 625, 646, and 647 being approximately 0.23124426 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors' Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.

OWNER: Bernard Collins
4 Gigante Drive
Stoneham, MA

Those certain lots numbered 176 and 177 being approximately 0.11478421 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors' Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.

OWNER: Gerard Coolbrith
56 William Ward Street
Uxbridge, MA

Those certain lots numbered 115, 116, and 117 being approximately 0.12913223 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors' Map of the City of Marlborough.

See also Deed In Lieu of Foreclosure conveying title to said lots to the City of Marlborough recorded herewith at the Middlesex South County Registry of Deeds in Book _____, Page _____.

OWNER: Raymond Perkins
720 California Street
Tallahassee, FL

That certain lot number 87 being approximately 0.06473829 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 10 on the Assessors' Map of the City of Marlborough.

OWNER: Charles E. Elliot
65 Mechanics Street
Camden, ME

Those certain lots numbered 49 and 50 being approximately 0.08482553 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6 on the Assessors' Map of the City of Marlborough.

OWNER: Amy Demerse
P.O. Box 1052
Eagle River, AK

Those certain lots numbered 69 and 70 being approximately 0.10927456 acres as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6A on the Assessors' Map of the City of Marlborough.

OWNER: Joseph Hayes
13 Blake Street
Beverly, MA

That certain lot number 21 being approximately 0.02066116 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 16 on the Assessors’ Map of the City of Marlborough.

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA (+/- Acres)</u>	<u>AWARD</u>
Deborah Schreiber Rodriguez	3/28	0.23124426	\$0.00
Bernard Collins	3/17	0.11478421	\$0.00
Gerard Coolbrith	3/13	0.12913223	\$0.00
Raymond Perkins	3/10	0.06473829	\$1,000.00
Charles E. Elliot	3/6	0.08482553	\$1,000.00
Amy Demerse	3/6A	0.10927456	\$1,000.00
Joseph Hayes	3/16	0.02066116	\$1,000.00

ORDERED: That the following Order Transferring Care, Management and Control to the Conservation Commission in area known as Deer Foot Park, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following lots in the area known as Deer Foot Park, pursuant to Mass. Gen. Laws c. 40, § 8C, for incorporation into the surrounding Desert Natural Conservation Area:

1. Those certain lots numbered 624, 625, 646, and 647, being approximately 0.23124426 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 28 on the Assessors’ Map of the City of Marlborough.

2. Those certain lots numbered 519 and 520, being approximately 0.11478421 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 25 on the Assessors’ Map of the City of Marlborough.
3. That certain lot numbered 384, being approximately 0.07805326 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 21 on the Assessors’ Map of the City of Marlborough.
4. That certain lot numbered 385, being approximately 0.0573921 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 22 on the Assessors’ Map of the City of Marlborough.
5. Those certain lots numbered 292, 293, and 294, being approximately 0.17217631 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 19 on the Assessors’ Map of the City of Marlborough.
6. Those certain lots numbered 176 and 177, being approximately 0.11478421 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909. Said lots numbered 176 and 177 are also known and numbered as Map 3, Parcel 17 on the Assessors’ Map of the City of Marlborough.

7. Those certain lots numbered 115, 116, and 117, being approximately 0.12913223 acres, as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 13 on the Assessors’ Map of the City of Marlborough.
8. That certain lot number 87 being approximately 0.06473829 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 10 on the Assessors’ Map of the City of Marlborough.
9. Those certain lots numbered 49 and 50 being approximately 0.08482553 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6 on the Assessors’ Map of the City of Marlborough.
10. Those certain lots numbered 69 and 70 being approximately 0.10927456 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 6A on the Assessors’ Map of the City of Marlborough.
11. That certain lot number 21 being approximately 0.02066116 acres as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 16 on the Assessors’ Map of the City of Marlborough.

ORDERED: That the: Order of Taking by Eminent Domain of Certain Strips of Land for the Purposes of Reconstructing and Maintaining Simarano Drive, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that the easement interest in certain portions of land located on Simarano Drive and Ames Street, as more particularly described herein, be taken for the purpose of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street, and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the easement interests in the land for the purposes and duration described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the easement interests in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

1. Street address: 200 Forest Street, Marlborough, MA 01752

Permanent easements: Being portions of the property located on Simarano Drive, with a street address of 200 Forest Street, Marlborough, MA, known and numbered as Map 101, Parcel 2 on the Assessors' Map of the City of Marlborough, and described as follows, all parcel references being to Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc.":

- (1) Parcel E-01: 1,010 S.F. for sidewalk purposes;
- (2) Parcel E-02: 3,335 S.F. for sidewalk and guardrail purposes;
- (3) Parcel D-01: 540 S.F. for drainage improvements purposes; and
- (4) Parcel D-02: 864 S.F. for drainage improvements purposes.

Temporary easement for grading purposes: Being a 13,630 S.F portion of the property located on Simarano Drive, with a street address of 200 Forest Street, Marlborough, MA, known and numbered as Map 101, Parcel 2 on the Assessors' Map of the City of Marlborough, and shown as Parcel TE-06 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: Atlantic-Marlboro Realty LLC
205 Newbury Street
Framingham, MA 01701

2. Street Address: 257 Simarano Drive, Marlborough, MA

Temporary easement for grading purposes: Being a 1,185 S.F. portion of the property located at 257 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 4 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-09 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being an 1,465 S.F. portion of the property located at 257 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 4 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-10 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easements shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: 257 Simarano LLC
5 Mount Royal Avenue, Suite 200
Marlborough, MA 01752

3. Street Address: 377 Simarano Drive, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 470 S.F. portion of the property located at 377 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-13 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 675 S.F. portion of a parcel located at 377 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 10 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-14 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easements shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: 377 Simarano Drive LLC
377 Simarano Drive
Marlborough, MA 01752

4. Street Address: 445 Simarano Drive, Marlborough, MA 01752

Permanent easement for drainage purposes: Being a 799 S.F. portion of the property located at 445 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel D-03 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 1,080 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-15 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 925 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-16 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 730 S.F. portion of the property located at 200 Forest Street, Marlborough, MA, known and numbered as Map 116, Parcel 1 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-17 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

OWNER: 445 Simarano Drive Marlborough LLC
c/o RAM Management Co., Inc.
200 U.S. Route One, Suite 200
Scarborough, ME 04074

Said temporary easements shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

5. Street Address: 107 Simarano Drive, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 2,930 S.F. portion of the property located at 107 Simarano Drive, Marlborough, MA, known and numbered as Map 116, Parcel 12 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-12 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: BP Crane Meadow LLC
c/o Boston Properties
800 Boylston Street
Boston, MA 02199

6. Street Address: 400 Puritan Way, Marlborough, MA 01752

Permanent easement for roadway, sidewalk and guardrail purposes: Being a 8,390 S.F. portion of the property located on Simarano Drive with a street address of 400 Puritan Way, Marlborough, MA, known and numbered as Map 112, Parcel 6A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-04 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 6,950 S.F. portion of the property located on Simarano Drive with a street address of 400 Puritan Way, Marlborough, MA, known and numbered as Map 112, Parcel 6A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-08 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: The TJX Companies, Inc.
770 Cochituate Road
Framingham, MA 01701

7. Street Address: 300-350 Puritan Way, Marlborough, MA 01752

Permanent easement for roadway, sidewalk and guardrail purposes: Being a 2,325 S.F. portion of the property located on Simarano Drive with a street address of 300-350 Puritan Way, Marlborough, MA, known and numbered as Map 112, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel E-03 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being an 8,235 S.F. portion of the property located on Simarano Drive with a street address of 300-350 Puritan Way, Marlborough, MA, known and numbered as Map 112, Parcel 6 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-07 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: The TJX Companies, Inc.
770 Cochituate Road
Framingham, MA 01701

8. Street Address: 292 Ames Street, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 920 S.F. portion of the property located at 229 Ames Street, Marlborough, MA, known and numbered as Map 89, Parcel 99 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-02 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: Marlborough/Northborough Land Realty Trust
1 Wall Street
Burlington, MA 01803

9. Street Address: 11 Atkinson Drive

Temporary easement for grading purposes: Being a 910 S.F. portion of the property located on Ames Street with a street address of 11 Atkinson Drive, Marlborough, MA, known and numbered as Map 89, Parcel 80 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-01 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: Marlborough/Northborough Land Realty Trust
1 Wall Street
Burlington, MA 01803

10. Street Address: 100 Campus Drive, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 2,240 S.F. portion of the property located on Simarano Drive with a street address of 100 Campus Drive, Marlborough, MA, known and numbered as Map 100, Parcel 19 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-04 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Temporary easement for grading purposes: Being a 5,520 S.F. portion of the property located on Simarano Drive with a street address of 100 Campus Drive, Marlborough, MA, known and numbered as Map 100, Parcel 19 on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-05 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easements shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNERS: Hines Global REIT Marlborough Campus II LLC
2800 Post Oak Boulevard, Suite 800
Houston, TX 77056

11. Street Address: 377 Simarano Drive, Marlborough, MA 01752

Temporary easement for grading purposes: Being a 3,200 S.F. portion of the property located on Simarano Drive with a street address of 377 Simarano Drive, Marlborough, MA, known and numbered as Map 112, Parcel 10A on the Assessors' Map of the City of Marlborough, which portion is shown as Parcel TE-11 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: Synopsys, Inc.
700 East Middleford Road
Mountain View, CA 94043

12. Street Address: Off Simarano Drive

Temporary easement for grading purposes: Being a 34,085 S.F portion of the property located off Simarano Drive and of Ames Street, Marlborough, MA, known and numbered as Map 101, Parcel 2 on the Assessors' Map of the City of Marlborough, and shown as Parcel TE-03 on Sheet 4 of 17 of a set of plans dated May 28, 2014 and entitled "Simarano Drive Road Improvements in the City of Marlborough, Middlesex County, by Vanasse Hangen Bruslin, Inc."

Said temporary easement shall automatically terminate and be of no further force or effect on and after the third anniversary of the date of entry by the City of Marlborough, its agents and employees, onto said land for the purposes of the reconstruction, construction, and maintenance of improvements to Simarano Drive and Ames Street.

OWNER: Avalon Marlborough LLC
51 Sleeper Street, Suite 750
Boston, MA 02210

ORDERED: That the Informational Letter Concerning City Towing Contracts, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 21, 2014** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to relocate Pole 42 on Church Street and install a new guy Pole 42-84 on Plymouth Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License, Sergey Yeghiyan d/b/a CTC Gold Refinery, 149 Main Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Jean & Michael Morrisey, 43 Sonia Drive re: Baby Safe Haven Signs, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Investigation of Resident Complaints on various dates in July, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, April 29, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, May 13, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, April 17, May 1, May 15, and June 5, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, May 29, June 16, and June 26, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, April 8, May 3, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Fort Meadow Commission, May 22, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Commission, May 28, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 5, June 2, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, May 27, 2014, **FILE**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Skinner Inc., 274 Cedar Hill Street, **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Ellen Lowe, 19 Holly Hill Lane, **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Kevin Mclellan, 20 Elm Heights Terrace, **LEGAL DEPARTMENT**; adopted.

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

- A. James Rennie, 218 Ash Street, other property damage and/or personal injury
- B. Mia Barbieri, 96 Blanchette Drive, pothole or other road defect
- C. Brian Simoneau, 24 Anderson Road, pothole or other road defect
- D. Roger Romito, 149 Main Street, #2, other
- E. Bryan Tambeau, 8 Peirce Street, other property damage and/or personal injury

Reports of Committees:

Councilor Robey reported the following out of the Legislative and Legal Affairs Committee:

Present: Vice-Chairman Robey and Legislative & Legal Affairs Committee member Councilor Delano. Also present were Assistant City Solicitor Panagore Griffin and City Engineer Evan Pilachowski. Chairman Clancy absent. The meeting convened at 5:30 PM.

The Legislative and Legal Affairs Committee met to discuss Order No. 14-1005800, Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane and those certain easements located on Farrington Lane as requested in a May 1, 2014 letter to the City Council from Mayor Vigeant. The Assistant City Solicitor provided the committee with a revised order which included the amount for damages that was missing in the original documents. Committee members also received revised, as of June 27, 2014, Exhibit "A" which includes the 4 sheets of plans entitled "Road Acceptance & Easement Plan of Land in Marlborough, Massachusetts, Prepared for City of Marlborough, October 10, 2013, revised June 27, 2014, by Bruce Saluk & Associates, Marlborough, MA. The Assistant City Solicitor informed the committee that no funds are needed as there has been money encumbered from the bond for the Sudbury Street Sewer Project. The City Engineer informed the committee that City Council adoption at the July 21st meeting will keep the project on schedule and allow the work to begin August 1st.

The Legislative and Legal Affairs Committee voted 2-0 to approve, as amended, the Proposed Order of Acceptance of Layout of Farrington Lane and Eminent Domain Order of Taking of Farrington Lane, 155 Farrington Lane, and those certain sewer easements located on Farrington Lane.

Motion made and seconded to adjourn, carries 2-0

Meeting Adjourned: 5:45 PM.

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

Convened: 6:01 PM

Adjourned: 6:52 PM

Present: Chairman Landers; Public Services Committee Member Councilor Irish, Councilor Robey

Absent: Councilor Clancy

Also Present: David Edgar, Siena Engineering Group; David Losh, Best Buy Stores; Gerald Dumais, Dumais & Sons

Order No. 14-1005822A: Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet. David Edgar of Siena Engineering Group representing Teleport Communications America, LLC appears before the committee to answer questions regarding the petition. Mr. Edgar states this project will allow AT&T to update their existing service by installing about twenty feet of conduit from a Verizon manhole just outside of one of the driveways to the property line where it will tie into a handhold already placed on mall property. Chairman Landers confirms the project will take no more than half a day and will follow all conditions as set forth by the City of Marlborough Public Works Department. **Recommendation of the Public Services Committee is to approve the petition of Teleport Communications America, LLC. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

Order No. 14-1005823A: Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet. David Edgar of Siena Engineering Group representing Teleport Communications America, LLC appears before the committee to answer questions regarding the petition. Chairman Landers visited the site earlier in the day and hadn't realized the State owns the property under the overpass. Mr. Edgar indicates they have obtained the necessary permit from the State and will perform all work in that area in accordance with their provisions as well as the City of Marlborough Public Works Department. Chairman Landers confirms the project will take no more than a day to complete. **Recommendation of the Public Services Committee is to approve the petition of Teleport Communications America, LLC. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

Order No. 14-1005802: Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd. David Losh, General Manager of Best Buy Store #1966, appears before the committee to answer questions regarding the application. The Best Buy Trade-in Program began in 2009 and they have had no issues with the program. Customers' trade in their old mobile devices and any value not spent on a new mobile device is received as a Best Buy Gift Card. Best Buy reports to various organizations for law enforcement, making sure all documentation is adequate. Trade-in devices are held in store for thirty days and they are then sent out to one of their partners, either to be refurbished and reused as a replacement for an insurance claim or sent to one of their various charity organizations. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Best Buy Stores, LP #820 pending approval of the CORI for Kevin DeGray, General Manager. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

Order No. 14-1005803: Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd. David Losh is the General Manager of Best Buy Store #1966, the location within the mall that deals with mobile devices. They receive a substantial amount of trade-ins, about five to six per week during their slow period over the summer. They follow all the same policies and procedures as Best Buy Store, LP #820. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Best Buy Stores, LP #1966 pending approval of the CORI for David Losh, General Manager. Motion made by Councilor Irish, seconded by Chair, to approve. Carries 2-0.**

Order No. 14-1005804: Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd. Police Chief Leonard has approved the CORI report for David Mersten of ecoATM and has no objection to the renewal of the Junk Dealer License. Chairman Landers read into the record the company report detailing activities since installation of the kiosk device in October 2012. Chairman Landers explains ecoATM is a machine that looks like an ATM that disposes of cell phones by reading their ID and assigns a value to that phone. The person has the option of either accepting or rejecting the offer. The company is based out of San Francisco. This past year, they have taken in 2,720 phones at the kiosk, have paid out \$66,232.00, and have received at most three to four phones that were stolen. For the few stolen devices, they have provided local law enforcement with detailed transaction reports about the person. The company works closely with the Marlborough Police Department, sending weekly reports of transactions to Lt. Giorgio via email. **Motion made by Chairman Landers, seconded by Councilor Irish, to approve the application, without recommendation, 1-1 – Does not carry.**

Order No. 14-1005824: Application for Renewal of Second Hand Article's License, Gerald Dumais d/b/a Dumais & Sons, 67 Mechanic St. Police Chief Leonard has approved the CORI report for Gerald Dumais of Dumais and Sons and has no objection to the renewal of his Junk Dealer's License. Mr. Dumais has owned a second hand store in Marlborough for ten to fifteen years. He does not buy anything, but does clean out homes for a fee and then sells the items at his store location. Code Enforcement Officer Pam Wilderman has sent violation notices to Mr. Dumais for his property at 316 Lincoln Street. Mr. Dumais states a substantial amount of debris has been removed and plans to have the property cleaned up by the end of the week. Mr. Dumais questions why the condition of his property on Lincoln Street should affect his Mechanic Street business location. Chairman Landers states it is because the Lincoln Street address is sometimes a depository for his business. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer License to Gerald Dumais d/b/a Dumais & Sons, pending recommendation of Code Enforcement Officer regarding violation notices for 316 Lincoln Street. Carries 2-0.**

Suspension of the Rules requested – granted

ORDERED: That the Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd, **REPORTED OUT WITH NO RECOMMENDATION FROM COMMITTEE AND IS TABLED UNTIL NEXT CITY COUNCIL MEETING**

Suspension of the Rules requested – granted

ORDERED: That the resignation letter of Building Inspector Michael Mendozza, **FILE**; adopted.

ORDERED:

**VETERANS' SERVICES INTERMUNICIPAL AGREEMENT
Between the City of Marlborough and the Town of Sudbury**

Pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Sudbury (collectively, the "Parties"), establishes the "Marlborough – Sudbury Regional Veterans District" (the "District") and is hereby entered into and is effective from 1st day of July, 2014 by and between the City of Marlborough ("Marlborough") and the Town of Sudbury ("Sudbury") in accordance with the following terms:

1. Purpose and Duties: (A) This Agreement contractually enables the Director of Marlborough's Veterans' Services Department (the "Director") to perform the duties of such office for Sudbury. The Director will maintain separate accurate and comprehensive records of all services performed for Sudbury.
(B) Sudbury will provide for a part-time employee ("Agent/Administrative Assistant") to serve as administrative support for the District. Said employee will be an employee of the Town of Sudbury.
(C) The Director of Veterans Services and the Agent/Administrative Assistant will develop a schedule of available hours in each community in consultation with the Town Manager of Sudbury and the Mayor of Marlborough. The Director and the Agent/Administrative Assistant will have the ability to serve all qualifying veterans and their dependents in both municipalities during their regular hours of operation regardless of whether they are working in Marlborough or in Sudbury.

(D) The Agent/Administrative Assistant will work under the direction of the Director of Veterans Services and assist the office in carrying out relevant duties including but not limited to the coordination of benefits to eligible applicants, the completion of local and state compliance reports, and other duties as needed.

(E) The Town of Sudbury recognizes the ability of the Director to utilize his accrued sick/vacation time which may, from time to time, coincide with his scheduled office availability in Sudbury. The Director shall inform Sudbury in advance of such occurrences and ensure adequate office coverage during such absences.

2. Term: The term of this Agreement shall be from July 1, 2014 until June 30, 2016. The Town of Sudbury and the City of Marlborough reserve the right to terminate this agreement at any time upon written notice of at least (45) business days.
3. Location and Time of Services: The Director and the Agent/ Administrative Assistant shall perform their duties in offices to be provided by both Marlborough and Sudbury.
4. Salary and Benefits: The Director shall be an employee of Marlborough, and his salary and benefits will be paid by the City of Marlborough. Sudbury agrees to pay to Marlborough the amount of \$855.00 per month, by check made payable to the City of Marlborough, c/o Comptroller, 140 Main Street, Marlborough, MA 01752, for the duration of this Agreement.
5. Distribution of Benefits to Veterans: It is understood and agreed that the distribution of benefits payments to eligible Veterans in Marlborough and Sudbury under M.G.L. c. 115 shall be paid by the respective municipality in which the eligible Veteran resides.
6. Insurance and Indemnification: The Parties agree that each has a minimum of \$1,000,000 of liability insurance through the Massachusetts Interlocal Insurance Association (MIIA), and that each party is covered by insurance for this joint venture as stated in the General Liability Coverage Form MGP 001.
7. Amendments: This Agreement may be amended or modified only by a written instrument signed by both Parties.
8. Notice: Until changed by notice in the manner specified above the addresses and telephone numbers of the parties to this Agreement for purposes of this Paragraph shall be:

FOR THE CITY OF MARLBOROUGH:

Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, MA 01752
Telephone: (508) 460-3770

FOR TOWN OF SUDBURY:

Maureen Valente, Town Manager
Town Of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776
Telephone: (978) 639-3381

9. This District is subject to approval by the Massachusetts Department of Veterans Services.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this ____ day of _____, 2014.

City of Marlborough:

Town of Sudbury:

Arthur G. Vigeant, Mayor

Maureen Valente, Town Manager

Adopted **VETERANS' SERVICES INTERMUNICIPAL AGREEMENT, Between the City of Marlborough and the Town of Sudbury.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:43 PM.