



City of Marlborough

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PRESS RELEASE

- FOR IMMEDIATE RELEASE -

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Case Dismissed; City Victorious in Ward Park Lawsuit

MARLBOROUGH – Massachusetts Superior Court Judge Kenneth W. Salinger has granted the City's request for dismissal in the case of Nickolas, et. al. v. the City of Marlborough concerning the construction of a Senior Center at Ward Park.

In his decision, Judge Salinger ruled that Ward Park is not limited to playground purposes as a matter of law. Therefore:

- the G.L. c. 40, §15A notice requirement does not apply (Ward Park may be used for any of the purposes listed in G.L. c. 45, §14 without complying with the notice requirement);
- Ward Park is not protected by Article 97 (it was taken for multiple purposes, including non-Article 97 purposes);
- the prior public use doctrine does not apply (Ward Park is not devoted to a single use);
- MEPA review is not required.

"I am thrilled to see our legal standing reaffirmed through Judge Salinger's decision. The City has been very confident in our legal standing since day one. Now is the time to turn the page and refocus our efforts and resources on our new Senior Center and the Ward Park renovation," said Mayor Arthur Vigeant, adding "We have a lot to look forward to."

City Council President Trish Pope, who also serves on the Building Committee charged with overseeing construction, believes that Marlborough's new Senior Center will stand apart from all others in the state.

"This is a great day for our city and, most importantly, our seniors. The Ward Park location gives our city the ability to offer unique and innovative programs and amenities that most communities do not possess. This is a project we can all be proud of," she said.

In this suit, Marlborough is represented by the firm of McGregor & Associates, P.C.

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