

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: January 20, 2015

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 JAN -9 A 9 31

Continued Review:

09-22-2014 – **Order No. 14-1005961**: An Amendment to the City Code Relative to the Chief Procurement Officer.

- REFER TO LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE

New Business:

12-1-2014 – **Order No. 14-1006043**: Home Rule Petition Exempting Certain Marlborough Public School Positions from Civil Service.

- REFER TO LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE

12-15-2014 – **Order No. 14-1006058**: Order of Taking by Eminent Domain and Order of Acceptance of Public Way regarding Cul-De-Sac on D'Angelo Drive.

- REFER TO LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



IN CITY COUNCIL

SEPTEMBER 22, 2014
Marlborough, Mass., _____

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough, as amended, be further amended as follows:

- A. Section 7-35, entitled "Duties", is hereby amended by deleting the words "City Solicitor" wherever it appears and inserting in place thereof the words "City Auditor."

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 14-1005961



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 SEP 18 A 10:11

City of Marlborough

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 18, 2014

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: An Amendment to the City Code Relative to the Chief Procurement Officer

Honorable President Pope and Councilors:

Enclosed for your approval is an amendment to the city's General Code formally placing administrative oversight of the Chief Procurement Officer under the City Auditor.

Beginning with my Fiscal Year 2014 budget proposal, the position of the Chief Procurement Officer was placed under the City Auditor's Office. This change was made due to the fact that I believed that the duties and responsibilities of this position fit in more closely with the City Auditor's Office than with the City Solicitor's Office. This amendment simply updates the code to reflect this change.

Thank you in advance for your consideration and do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough, as amended, be further amended as follows:

- A. Section 7-35, entitled "Duties", is hereby amended by deleting the words "City Solicitor" wherever it appears and inserting in place thereof the words "City Auditor."

ADOPTED
In City Council
Order No. 14-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

DECEMBER 1, 2014

Marlborough, Mass., _____

ORDERED:

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

AN ACT EXEMPTING CERTAIN POSITIONS IN THE MARLBOROUGH SCHOOL DEPARTMENT FROM THE PROVISIONS OF CIVIL SERVICE

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

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all positions in the School Department of the City of Marlborough, classified in the Municlass Manual within the General Administrative, Clerical, and Office Services Group, identified as Occupational Group 0300; within the Manual Labor Group, identified as Occupational Group 3500; within the Food Preparation and Service Group, identified as Occupational Group 7400; and within the Equipment, Facilities and Services Group, identified as Occupational Group 1600, shall be exempt from the provisions of chapter thirty-one of the General Laws and from any civil service rules promulgated by the Human Resources Division of the Executive Office for Administration and Finance of the Commonwealth of Massachusetts.

SECTION 2. The provisions of section 1 of this act shall not affect the rights or status under chapter thirty-one of the General Laws of any person who was hired by the School Department of the City of Marlborough prior to July 1, 2014.

SECTION 3. This act shall take effect upon its passage.

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 14-1006043



4

City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 NOV 26 A

Arthur G. Vigeant
MAYOR
Michael C. Berry
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

November 25, 2014

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Home Rule Petition Exempting Certain Marlborough Public Schools Positions from Civil Service

Honorable President Pope and Councilors:

In 1998 the City Council acted favorably on a home rule petition of the Marlborough School Committee to exempt certain employees within the School Department from civil service requirements. The petition was not filed in time to be passed by the state legislature and was not revisited until recently. This exemption applies to custodial, cafeteria, and clerical workers throughout the school system. For your information, I have enclosed all the relevant documents from the 1998 Council vote.

The purpose of this initiative is to obtain greater flexibility throughout the hiring and appointment process for certain personnel groups. As many of us know, the prevalence of Civil Service exams has all but disappeared and today's hiring practices are reflective of that change. The School Department has worked collaboratively with the impacted bargaining units throughout this process. The unions fully understand that this potential change in no way inhibits their ability to collectively bargain with the school department.

Superintendent of Schools Richard Langlois will be available to answer any questions you may have regarding this matter. Enclosed is pertinent backup information and draft home rule petition language. In the meantime, please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

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

**AN ACT EXEMPTING CERTAIN POSITIONS
IN THE MARLBOROUGH SCHOOL DEPARTMENT
FROM THE PROVISIONS OF CIVIL SERVICE**

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

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all positions in the School Department of the City of Marlborough, classified in the Municlass Manual within the General Administrative, Clerical, and Office Services Group, identified as Occupational Group 0300; within the Manual Labor Group, identified as Occupational Group 3500; within the Food Preparation and Service Group, identified as Occupational Group 7400; and within the Equipment, Facilities and Services Group, identified as Occupational Group 1600, shall be exempt from the provisions of chapter thirty-one of the General Laws and from any civil service rules promulgated by the Human Resources Division of the Executive Office for Administration and Finance of the Commonwealth of Massachusetts.

SECTION 2. The provisions of section 1 of this act shall not affect the rights or status under chapter thirty-one of the General Laws of any person who was hired by the School Department of the City of Marlborough prior to July 1, 2014.

SECTION 3. This act shall take effect upon its passage.

ADOPTED

In City Council
Order No. 14-100
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



Marlborough Public Schools

District Education Center

*Richard P. Langlois • Superintendent
17 Washington Street, Marlborough, MA 01752
Phone (508) 460-3509, ext. 10100 • rlanglois@mps-edu.org*

November 24, 2014

Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Vigeant:

I am requesting you include on the next agenda of the Marlborough City Council, to move forward to the Great and General Court, removal of members of the Clerical, Custodial, and Cafeteria units from Civil Service requirements. Attached are the agenda item acted upon by the school committee and the minutes from the May 27, 2014 Marlborough School Committee meeting. The school committee voted to approve the above named units removal from civil service requirement.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Richard P. Langlois
Superintendent of Schools

/ps

Attachment: 2

Marlborough Public Schools • 17 Washington Street • Marlborough, MA 01752 • www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.

SCHOOL COMMITTEE
AGENDA ITEM SUMMARY

Agenda Item #9B
For School Committee Meeting
of May 27, 2014

SUBJECT: Removal of Clerical, Cafeteria, and Janitorial Positions from Civil Service

Person(s) preparing Agenda Item: Richard Langlois

Listing of Attachments:

BACKGROUND: Many years ago, clerical, cafeteria, and janitorial unions requested to be removed from civil service status. Paperwork was completed but the procedure was never delivered to the state house.

STATUS:

RECOMMENDATION: that the School Committee approve the exemption of the clerical, cafeteria, and janitorial positions from chapter 31 of the General Laws.

Richard Langlois

Recommended by the Superintendent: _____

**MARLBOROUGH SCHOOL COMMITTEE
MARLBOROUGH, MA 01752**

Call to Order

May 27, 2014

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:35 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included, Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger & Mrs. Matthews.

Mr. Walter was absent.

Also present were Superintendent Langlois, MEA Representative Molly Callahan, Student Representative Maggie Vaccaro & Clerk Melissa Irish.

This meeting is being recorded by local cable WMCT-tv, and is available for review.

2. **Pledge of Allegiance:** Was led by Chairman Vigeant.

3. **Presentation:**

A. Business Professionals of America

Mrs. Mattingly, advisor for the group, introduced the President Ms. Colleen Anderson who gave a presentation to the Committee regarding the B.P.A. trip to Nationals in Indianapolis, IN.

****An electronic version of the presentation is available.****

B. Special Education Update

Ms. Karen Sturges opened the presentation with the introduction of some of Marlborough's Special Olympians. The Olympians brought not only their smiles to share with the Committee, they also brought the medals that they had won. Marlborough had a wonderful showing at the games. Ms. Sturges presented a power point program to the Committee.

****An electronic version of the presentation is available.****

Ms. Heather Geary continued the presentation by updating the Committee on the undertaking of the Intervention procedures currently being investigated for use by the District as well as the Coordinated Program Review (CPR) that has just been completed. The full report from the review should be available this summer.

****An electronic version of the presentation is available.****

4. **Committee Discussion/Directives:** None

5. **Communications:** None

6. **Superintendents Report:**

Mr. Langlois gave his report covering a range of topics including: National Honor Society Induction, District Improvement Plan Development, Teacher of the Year Award, Educator Evaluation, Spring Conference, Superintendent Performance Evaluation, FY '15 Budget Reductions. Additional information included: the High School Graduation on June 1 and the Undergraduate Breakfast on June 6, as well as recognition of Ms. Vaccaro's last meeting. Maggie is Graduating on June 1st and we wish her luck for her future endeavors.

- **Executive Director of Finance & Operation Report**

Mr. Langlois introduced Mr. Bergeron. His report covered a range of topics including: Transfers, MASBO Annual Conference Attendance, Draft Payroll Manual, Food Services Contract, FY '14 Budget monitoring.

7. Acceptance of Minutes:

A. Minutes of May 13, 2014 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the minutes of the May 13, 2014 School Committee Meeting as amended. Motion passed 5-0-1.

8. Public Participation:

Ms. Diane Chandler spoke to the Committee regarding the need for Full Day Kindergarten. She believes that the ½ day program is a disservice to our students. There is too much to cram into a 2.5 hour school day. The children in that program get no socialization skills due to the academic requirements and the short time frame.

9. Action Items/Reports:

A. FY '15 Budget

Mrs. Hennessy requested that a workshop meeting be set up in the coming days to fully explore the programs included in the FY '15 budget and to adequately understand the ramifications to existing programming to bring Full Day Kindergarten to fruition in the next school year. The meeting must take place prior to June 10, 2014.

B. Civil Service Exemption

Mr. Langlois presented to the Committee the request for removal of Clerical, Cafeteria and Janitorial Positions from the requirements of Civil Service. This process had been started a multitude of years prior however it was never presented on the floor of the House of Representatives. It is requested that the process be re-voted by the City Council and presented to State Representative Gregoire for presentation at the House.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the request to remove the following positions from the Civil Service Requirements: Clerical, Cafeteria and Janitors, and to pass this request along to the City Council for the next step in the process. Motion passed 5-0-1.

C. Global Competency Certificate Program

Mrs. Greulich presented to the Committee an overview of the new proposed program. It was noted that this program is not for everyone and is not a graduation requirement but a certification to be presented at graduation to qualifying students.

This was an informational item only.

D. FY '14 Budget Transfers

Mr. Bergeron presented the list of transfers to the Committee. The total of the requested transfers is \$122,174.37.

Motion made by Ms. Matthews, seconded by Chairman Vigeant to approve the requested transfers of \$122,174.37. Motion passed 5-0-1.

E. Acceptance of Donation and Gifts

Mr. & Mrs. Neil Shutzman have donated \$50.00 to be used by the Kane School Library. Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept with gratitude the donation of \$50.00 to the Kane School Library. Motion passed 5-0-1.

Adopt a Classroom has donated \$500.00 to the Kane School specifically for use by Mrs. Benway's Class.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept with gratitude the donation of \$500.00 to Mrs. Benway's class. Motion passed 5-0-1.

Middlesex District Attorney's Office has donated \$500.00 to be used by the High School to support Post Prom activities.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept with gratitude the donation of \$500.00 for use by the High School for Post Prom activities. Motion passed 5-0-1.

MA Department of Elementary & Secondary Education has awarded the District the SpEd Improvement Grant in the amount of \$4,275.00.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept the SpEd Improvement Grant in the amount of \$4,275.00. Motion passed 5-0-1.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy announced that the policy sub-committee had met on May 15th and took up multiple policies, including but not limited to: Security cameras and safety, playground non-disclosure, Student activity, civil rights & background checks.

Mrs. Hennessy noted that multiple policies will be forthcoming for action by the entire committee.

11. Members Forum:

Mrs. Bodin-Hettinger brought to the Committees attention to a letter as presented by the Peabody school district to the Governor's office regarding Mr. Mitchell Chester's perceived conflict of interest regarding the PARCC testing. Mr. Mitchell sits on the board of Directors for the company that has created the PARCC test. It appears egregious that Mr. Mitchell is pushing for the State to replace the existing MCAS test with the PARCC test.

The district must make a choice between the PARCC test and the MCAS test by October 1, 2014 or be defaulted back to the MCAS as the testing for the district.

12. Adjournment: Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 9:43pm the motion passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/mai

1998

Vote of the Marlborough
City Council



IN CITY COUNCIL

Marlborough, Mass., JUNE 15, 1998 19

ORDERED:

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED, AND BY THE AUTHORITY OF SAME, AS FOLLOWS:

SECTION 1: All positions in the School Department of the City of Marlborough, classified in the Munclass Manual within the General Administrative, Clerical and Office Services Group, identified as Occupational Group 0300, and the Accounting and Budget Group, identified as Occupational Group 0500, shall be exempt from the provisions of Chapter thirty-one of the General Laws and any rules promulgated by the Human Resources Division of the Executive Office for Administration and Finance.

SECTION 2: The provisions of Section One of this Act shall not affect the rights or status of any person serving in a permanent status pursuant to the provisions of Chapter thirty-one of the General Laws in any of the classified position titles in the School Department of the City of Marlborough on the effective date of this Act.

SECTION 3: This Act shall take effect upon its passage.

ADOPTED: Yea: 9 - Nay: 2

Yea: Katz, Langley, Nawrocki, Pope, Evangelous, Oram, Zomar, McAllister, Vigeant.

Nay: Hunt, Yurkus.

ADOPTED

In City Council

Order No. 98-7479A

Adopted June 15, 1998

Approved by Mayor

William J. Mauro, Jr.

Date: June 17, 1998

A TRUE COPY

ATTEST:

City Clerk



Service Employees International Union
Local 254, AFL-CIO, CLC

May 23, 1997

James R. Myers, Superintendent
Marlborough Public Schools
17 Washington Street
Marlborough, MA 01752

RE: Exemption of Clerical Unit classification from the provisions of Civil
Service (MGL c. 31)

Dear Dr. Myers:

I am writing to request your assistance with the matter referenced above.

As you know, several problems involving the Civil Service appointment process have been identified in the Clerical Unit. When all the facts are analyzed, the only way we can completely resolve the problems is to exempt the applicable classifications from the provisions of Civil Service.

Accordingly, the Union membership approved the following motion:

Moved that the Union request the Marlborough School Committee to take the steps necessary to petition the Great and General Court of the Commonwealth to exempt the clerical unit classifications from the provisions of the Civil Service law (MGL C. 31).

On behalf of the Clerical Unit members represented by Local 254, I respectfully request that you bring this matter before the Marlborough School Committee for their approval as soon as possible.

Please let me know if I can be of any further assistance with this business.

Very truly yours,


Cathy Conway
Business Agent

c: Dianne Leland
Candace Noonan

Edward T. Sullivan, Jr.
Business Manager

June 12, 1997

Ms. Dianne Leland
S.E.I.U., Local 254
Marlborough High School

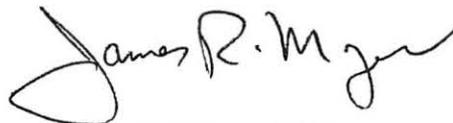
Dear Ms. Leland:

The Marlborough School Committee, at its June 10, 1997 meeting, approved the following:

That the Marlborough School Committee approve the exemption of S.E.I.U, Local 254, Clerical and Support Employees from the provisions of Civil Service.

If I can be of any further assistance, please do not hesitate the contact me.

Sincerely,

A handwritten signature in black ink that reads "James R. Myers". The signature is written in a cursive style with a large, looped initial "J".

James R. Myers, Ph.D.
Superintendent of Schools

JRM:dh

cc: Cathy Conway

SCHOOL COMMITTEE
AGENDA ITEM SUMMARY

Agenda Item # 2E

For School Committee Meeting
of June 10, 1997

SUBJECT: Exempting members of S.E.I.U., Local 254, Clerical and Support employees from the provisions of Civil Service.

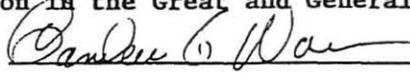
Person(s) preparing Agenda Item: Ronald G. Guest, Legal Administrator

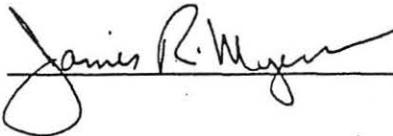
Listing of Attachments: 1. Letter from Union requesting exemption from Civil Service.
2. An Act Relative to Civil Service in the City of Marlborough

BACKGROUND: Because of the complexity of G.L.c.31, the former Personnel Administrator Rules (PAR Rules), and the depletion of employees at the Division of Human Resources (Civil Service) in Boston, several misunderstanding arose over the years as to certifications rosters, provisional appointments and promotions and various other personnel actions required by the Civil Service law and Rules. The result is that nine members of the Union are not permanent Civil Service Employees.

STATUS: The only reasonable way to resolve the complex issues is to exempt from Civil Service the members of the Union, as requested by a vote of the Union.

RECOMMENDATION: It is recommended the School Committee vote to approve the proposed Special Act of the Legislature, attached hereto, and to forward said proposed Special Act to the City Council and Mayor with the Committee's recommendation it be approved and forwarded to State Senator Robert A. Durand and State Representative Stephen E. LeDuc for introduction in the Great and General Court.

Approved by Principal: 

Recommended by the Superintendent: 



MARLBOROUGH PUBLIC SCHOOLS

JAMES R. MYERS, Ph.D.

SUPERINTENDENT OF SCHOOLS

Frank D. Walker Building • 255 Main Street

Marlborough, Massachusetts 01752-5505

Telephone: 508-460-3509 • Fax: 508-485-1142

E-mail: SuptJMyers@aol.com

June 12, 1997

Mayor J. Michael McGorty
Marlborough City Hall
Main Street
Marlborough, MA 01752

Dear Mayor McGorty:

By copy of this letter, I am sending to you for action to be taken by the City Council to move forward to the Great and General Court this proposal for members of S.E.I.U., Local 254, Clerical and Support Employees.

I am sure that Ron Guest will be pleased to offer his assistance to move this forward. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Myers".

James R. Myers, Ph.D.
Superintendent of Schools

JRM:dh

Attach. (3)

RECEIVED

FEB 13 1998

**CITY CLERK'S
OFFICE**

CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752-3812



OFFICE OF THE MAYOR
CITY HALL, 140 MAIN STREET, 4TH FLOOR
TEL: 508/460-3707 ■ FAX: 508/460-3698 ■ TDD: 508/460-3610

WILLIAM J. MAURO, JR.
MAYOR

JAMES W. AGORITSAS
EXECUTIVE AIDE TO THE MAYOR

DIANE C. HALPER
EXECUTIVE SECRETARY

February 13, 1998

Marlborough City Council
City Hall, 140 Main Street
Marlborough, MA 01752

Subj: Exempting School Clerical & Support Employees from Civil Service.

President and Members,

Attached please find a proposed City Council order and Special Act of the Legislature that will, if approved by your body and the Great and General Court, exempt clerical and support employees of the School Department from the requirements of Civil Service.

This request is being made by the Marlborough School Committee, Superintendent James R. Myers and the membership of S.E.I.U., Local 254. Attached hereto is correspondence from the Superintendent, a copy of the vote of the union which seeks approval of this legislation, and a School Committee Agenda Item which explains the need for this action.

Your approval of the order will be sincerely appreciated.

Very truly yours,

William J. Mauro, Jr.
Mayor

/g
encl:

xc: James Myers, Ph.D., Superintendent of Schools
S.E.I.U., Local 254, Cathy Conway, 11 Beacon St., Suite 200, Boston, MA 02108
Diane Leland, S.E.I.U., Local 254, Marlborough High School

REF:[COUNCIL]COUNCIL_SCHOOL_EXEMPT_C31.WP

ORDERED:

THAT THE CITY COUNCIL OF THE CITY OF MARLBOROUGH SUPPORTS THE ATTACHED SPECIAL ACT OF THE LEGISLATURE WHICH IS INCORPORATED HEREIN, TO EXEMPT CLERICAL AND SUPPORT EMPLOYEES WHO ARE MEMBERS OF THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 254, FROM THE PROVISIONS OF CHAPTER 31 OF THE GENERAL LAWS AND THE REGULATIONS PROMULGATED THERETO BY THE HUMAN RESOURCES DIVISION OF THE EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE;

AND IT IS FURTHER ORDERED THAT THIS ORDER AND THE PROPOSED SPECIAL ACT OF THE LEGISLATURE BE FORWARDED TO THE CITY OF MARLBOROUGH'S STATE SENATOR AND STATE REPRESENTATIVE WITH A REQUEST THEY INTRODUCE AND SUPPORT ITS PASSAGE IN THE GREAT AND GENERAL COURT.

COMMONWEALTH OF MASSACHUSETTS

**AN ACT RELATIVE TO CIVIL SERVICE
IN THE CITY OF MARLBOROUGH**

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

1 SECTION 1: All positions in the School Department of the City of Marlborough,
2 classified in the Munclass Manual within the General Administrative, Clerical and Office
3 Services Group, identified as Occupational Group 0300, and the Accounting and Budget
4 Group, identified as Occupational Group 0500, shall be exempt from the provisions of
5 chapter thirty-one of the general laws and any rules promulgated by the Human
6 Resources Division of the executive Office for Administration and Finance.

7 SECTION 2. The provisions of section one of this act shall not affect the rights
8 or status of any person serving in a permanent status pursuant to the provisions of
9 chapter thirty-one of the General Laws in any of the classified position titles in the
10 School Department of the City of Marlborough on the effective date of this act.

11 SECTION 3. This act shall take effect upon its passage.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 15, 2014
PAGE 2

ORDERED:

OWNER: Johnson Trust

The land consisting of Lot 1B, as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of D'Angelo Drive on Map 118. The total land area being taken consists of 8,761 +/- square feet.

AWARD

The City Council hereby makes the following award of damages for the owner of record:

<u>Owner:</u>	Johnson Trust
<u>Assessors' Map/Parcel:</u>	D'Angelo Drive, shown on Map 118
<u>Area:</u>	8,761±SF
<u>Award:</u>	\$1.00

Be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 14-1006058



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 15, 2014
PAGE 1

ORDERED:

EMINENT DOMAIN ORDER OF TAKING

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare and safety necessitates that the City acquire the legal interest in certain portion of D'Angelo Drive, being a cul-de-sac located at the westerly terminus thereof, by which the City accesses the Cedar Hill Pumping Station, and that said access requires the taking by eminent domain of the fee simple interest in said certain parcel of land located on D'Angelo Drive, as more particularly described herein; and,

WHEREAS, in order to promote the public welfare, safety and necessity, it is necessary to take by Eminent Domain the fee simple interest in the herein described land; and,

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, does hereby take by Eminent Domain the fee simple interest in the following described land and all trees and brush thereon.

DESCRIPTION OF LAND TAKEN

A certain parcel of land located at the westerly terminus of D'Angelo Drive in Marlborough, Middlesex County, Massachusetts and being shown as Lot 1B on a plan entitled "Plan of Land In Marlborough, Mass. Property of the Johnson Trust, Scale 1:40", dated Sept. 25, 1983, Surveyed by Drake Associates, Inc. Civil Engineers, Land Surveyors, 770 Grove Street, Framingham, Mass." and recorded with the Middlesex South Registry of Deeds as Plan 1074 of 1984.

Meaning and intending to take and taking by Eminent Domain the fee simple interest in the land shown as Lot 1B as described on the aforementioned plan, which land is a portion of the land described in the deed recorded at the Middlesex South Registry of Deeds in Book 11533, Page 556.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 DEC 11 A 11:50

City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

9

December 11, 2014

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Order of Taking by Eminent Domain And Order Of Acceptance of Public Way Regarding Cul-De-Sac On D'Angelo Drive

Dear President Pope and Members:

Enclosed herewith for your consideration, please find the above captioned order which proposes a taking by eminent domain of the cul-de-sac located at the end of D'Angelo Drive. Also attached is a letter from John Ghiloni, DPW Commissioner, concerning the proposed taking.

I am available to answer any questions that you may have concerning the attached.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

Cc: John Ghiloni, DPW Commissioner



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

December 11, 2014

Arthur G. Vigeant, Mayor
City Hall
140 Main Street
Marlborough, MA 01752

**RE: Order of Taking by Eminent Domain And Order Of Acceptance of Public Way
Regarding Cul-De-Sac On D'Angelo Drive**

Dear Mayor Vigeant:

I request that you send to the City Council, for their action, the attached Order of Taking by Eminent Domain and the attached Order of Acceptance As A Public Way.

The proposed Order of Taking is for the purpose of acquiring the fee interest in the cul-de-sac at the terminus of D'Angelo Drive. As provided on the attached "Approval Not Required Plan" dated September 25, 1983, the Johnson Trust was to convey to the City cul-de-sac to the City for the purposes of highway improvements. The conveyance never occurred, and the Johnson Trust has expired by the terms of the Trust instrument.

The proposed Order of Acceptance would provide the cul-de-sac with the same status as that of D'Angelo Drive, which has been a public way since 1983.

I am available to answer any specific questions relative to the project.

Sincerely,

John L. Ghiloni
Commissioner of Public Works

Enclosures

Cc: Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Evan Pilachowski, City Engineer

ORDERED:

EMINENT DOMAIN ORDER OF TAKING

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare and safety necessitates that the City acquire the legal interest in certain portion of D'Angelo Drive, being a cul-de-sac located at the westerly terminus thereof, by which the City accesses the Cedar Hill Pumping Station, and that said access requires the taking by eminent domain of the fee simple interest in said certain parcel of land located on D'Angelo Drive, as more particularly described herein; and,

WHEREAS, in order to promote the public welfare, safety and necessity, it is necessary to take by Eminent Domain the fee simple interest in the herein described land; and,

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, does hereby take by Eminent Domain the fee simple interest in the following described land and all trees and brush thereon.

DESCRIPTION OF LAND TAKEN

A certain parcel of land located at the westerly terminus of D'Angelo Drive in Marlborough, Middlesex County, Massachusetts and being shown as Lot 1B on a plan entitled "Plan of Land In Marlborough, Mass. Property of the Johnson Trust, Scale 1:40', dated Sept. 25, 1983, Surveyed by Drake Associates, Inc. Civil Engineers, Land Surveyors, 770 Grove Street, Framingham, Mass." and recorded with the Middlesex South Registry of Deeds as Plan 1074 of 1984.

Meaning and intending to take and taking by Eminent Domain the fee simple interest in the land shown as Lot 1B as described on the aforementioned plan, which land is a portion of the land described in the deed recorded at the Middlesex South Registry of Deeds in Book 11533, Page 556.

OWNER: Johnson Trust

The land consisting of Lot 1B, as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of D'Angelo Drive on Map 118. The total land area being taken consists of 8,761 +/- square feet.

AWARD

The City Council hereby makes the following award of damages for the owner of record:

<u>Owner:</u>	Johnson Trust
<u>Assessors' Map/Parcel:</u>	D'Angelo Drive, shown on Map 118
<u>Area:</u>	8,761 ₊ SF
<u>Award:</u>	\$1.00

ADOPTED
In City Council
Order No. 14-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

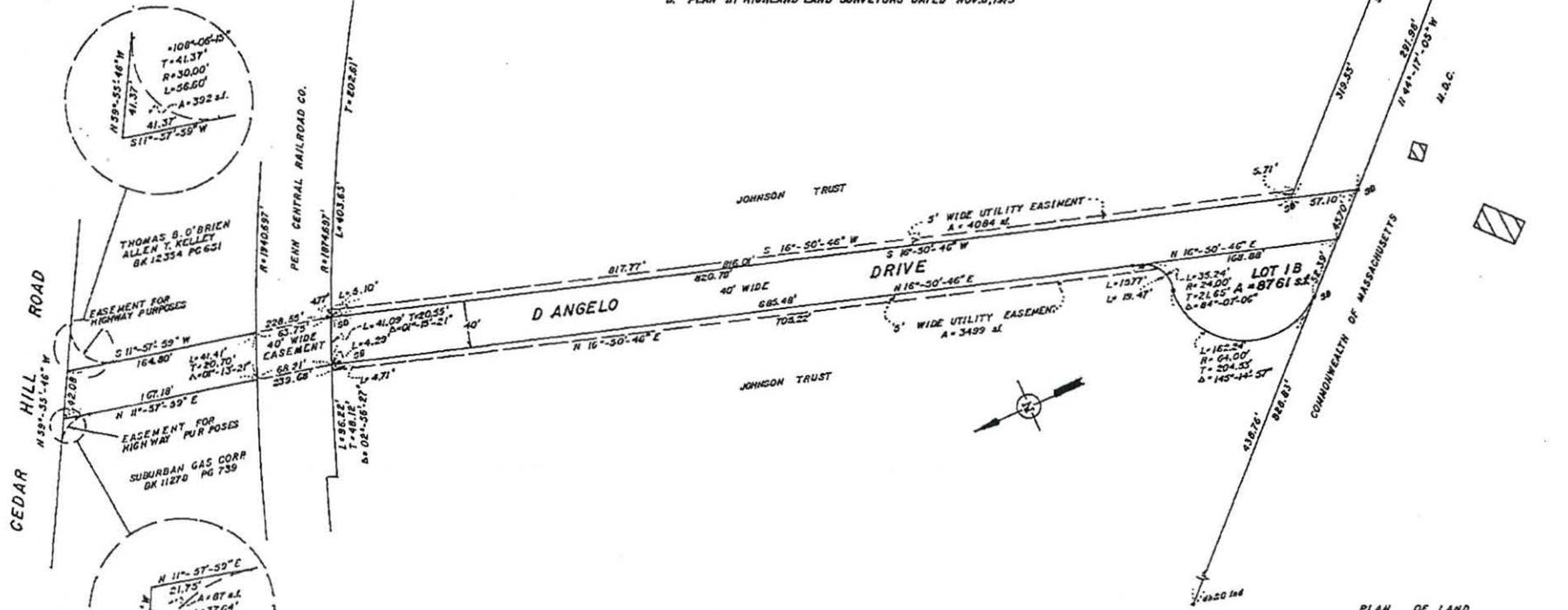
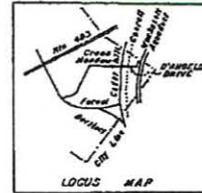
A TRUE COPY
ATTEST:

File 25 By R
 Middlesex Registry of Deeds
 Southern District
 Cambridge, Massachusetts
 Plan No. 1074 of 1903
 Rec'd 5/27/20 19 07
 or 2 in 24 in Map No. 1074
 Rec'd, Bk 15731, Pg. END
 Attest
 Register

DEED BK 1533 PG 556
 ZONING: INDUSTRIAL
 ASS. MAP 118 LOT 1A

NOTES

- D'ANGELO DRIVE IS AN ACCEPTED PUBLIC WAY WITH A GRAVEL TRAVELLED WAY SURFACE. REFER TO CITY COUNCIL ORDER #3073 (JULY 11, 1983)
- THE PURPOSE OF THIS PLAN IS TO DEFINE THE FOLLOWING AREAS AND EASEMENTS TO BE CONVEYED TO THE CITY OF MARLBOROUGH FOR HIGHWAY IMPROVEMENTS:
 - EASEMENTS AT THE INTERSECTION WITH CEDAR HILL ROAD
 - 5' WIDE UTILITY EASEMENTS ON EAST AND WEST SIDE OF D'ANGELO DRIVE
 - CUL DE SAC AREA SHOWN AS LOT 1B
- THIS PLAN IS COMPILED FROM THE FOLLOWING PLANS:
 - PLAN 84 OF 1900
 - PLAN 97 OF 1959
 - PLAN BY HIGHLAND LAND SURVEYORS DATED JULY 8, 1983
 - PLAN BY HIGHLAND LAND SURVEYORS DATED NOV. 6, 1983



CEDAR HILL ROAD

D'ANGELO DRIVE

PLAN OF LAND
 IN
MARLBOROUGH, MASS.
 PROPERTY OF
 JOHNSON TRUST

SCALE 1"=40' DEPT. 25, 1903



SURVEYED BY
 DRAKE ASSOCIATES INC.
 CIVIL ENGINEERS LAND SURVEYORS
 770 GROVE STREET FRAMINGHAM, MASS.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Robert F. Drake
 ROBERT F. DRAKE
 REGISTERED LAND SURVEYOR 30321



APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
 MARLBOROUGH PLANNING BOARD:

 DATE: 11-7-88

LEGEND
 4ASR 104 DRILL HOLE IN STONE BOUND (FOUND)
 SB STONE BOUND (TO BE SET)

1074

1074

D-143 1074
 M.P.B. 2096

ORDERED:

**ORDER TO ACCEPT AS A PUBLIC WAY THE CUL-DE-SAC AT THE
WESTERLY TERMINUS OF D'ANGELO DRIVE**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the CUL-DE-SAC AT THE WESTERLY TERMINUS OF D'ANGELO DRIVE be accepted as a public way, the roadway of said D'ANGELO DRIVE having been accepted by the City of Marlborough as a public way by Order No. 23073, dated July 11, 1983.

DESCRIPTION

Being the cul-de-sac located at the westerly terminus of D'Angelo Drive in Marlborough, Middlesex County, Massachusetts and shown as Lot 1B on a plan entitled "Plan of Land In Marlborough, Mass. Property of the Johnson Trust, Scale 1:40', dated Sept. 25, 1983, Surveyed by Drake Associates, Inc. Civil Engineers, Land Surveyors, 770 Grove Street, Framingham, Mass.", recorded with the Middlesex South Registry of Deeds as Plan 1074 of 1984, described in the deed recorded with the Middlesex South Registry of Deeds in Book 11533, Page 556 and an Order of Taking By Eminent Domain by the City of Marlborough, said order to be recorded herewith at the Middlesex County South Registry of Deeds.

OWNER (prior to Taking By Eminent Domain): Johnson Trust

The land consisting of said Lot 1B, as provided in the description above, is also shown on the City of Marlborough Assessors Map as a portion of D'Angelo Drive on Map 118. The total land area being accepted as a public way consists of 8,761 +/- square feet.

IT IS THEREFORE ORDERED THAT:

the CUL-DE-SAC AT THE WESTERLY TERMINUS OF D'ANGELO DRIVE be accepted as a public way in the City of Marlborough.

ADOPTED
In City Council
Order No. 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST: