

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Legislative and Legal Affairs Committee

Date: December 10, 2018

Time: 6:15 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 DEC -5 P 1:05

1. 12-03-2018 – **Order No. 18-1007480:** Communication from Assistant City Solicitor, Cynthia Panagore Griffin, regarding an Order to Grant Deeds of Easement to MA Electric Company for Electrical Service to Marlborough High School and to the New Elementary School.  
-Refer to Legislative and Legal Affairs Committee
2. 11-19-2018 – **Order No. 18-1007459:** Communication from the Mayor regarding the Disposition of Surplus Property – 25 East Main Street.  
-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

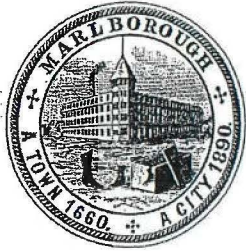
Marlborough, Mass., DECEMBER 3, 2018

## ORDERED:

That pursuant to Mass. Gen. Laws c. 40, § 3, the City of Marlborough grant permanent utility easements, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a "NGrid"), as described on Exhibits "A" and "B" hereto concerning, respectively, a Grant of Easement to Massachusetts Electric Company for electrical service to Marlborough High School at 431 Bolton Street, and a Grant of Easement to Massachusetts Electric Company for electrical service to the new elementary school at 441 Bolton Street, said grants of easement having been approved by the Marlborough School Committee on \_\_\_\_\_, 2018, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 18-1007480



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

[LEGAL@MARLBOROUGH-MA.GOV](mailto:LEGAL@MARLBOROUGH-MA.GOV)

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2018 NOV 29 A 11:31

DONALD V. RIDER, JR.  
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS  
PARALEGAL

November 29, 2018

President Edward Clancy and  
Members of the Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

RE: Order to Grant Deeds of Easement to the Massachusetts Electric Company for Electrical Service to Marlborough High School and to the New Elementary School

Dear President Clancy and Members of the City Council:

For your consideration and approval, please find an enclosed order concerning a grant of two (2) deeds of easements to the Massachusetts Electric Company for the purposes of providing service to Marlborough High School and to the new elementary school. Also enclosed are the two (2) proposed Grant of Easement deeds, each of which includes a plan.

Approval of both the City Council and the School Committee is required. Accordingly, it is my intention to present to the School Committee said Grant of Easement deeds at its December 11, 2018 meeting.

DPW Commissioner John Ghiloni may answer any questions you may have.

Thank you for your attention to this matter.

Very truly yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin  
Assistant City Solicitor

Enclosure

cc: Arthur Vigeant, Mayor  
John Ghiloni, DPW Commissioner

ORDERED:

That pursuant to Mass. Gen. Laws c. 40, § 3, the City of Marlborough grant permanent utility easements, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a "NGrid"), as described on Exhibits "A" and "B" hereto concerning, respectively, a Grant of Easement to Massachusetts Electric Company for electrical service to Marlborough High School at 431 Bolton Street, and a Grant of Easement to Massachusetts Electric Company for electrical service to the new elementary school at 441 Bolton Street, said grants of easement having been approved by the Marlborough School Committee on \_\_\_\_\_, 2018.

ADOPTED

In City Council  
Order No. 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



Property Address: 431 Bolton Street, Marlborough, MA (Southern Middlesex County)

**GRANT OF EASEMENT**

CITY OF MARLBOROUGH, a municipal corporation having an address of Marlborough City Hall, 140 Main Street, Marlborough, Massachusetts 01752, (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Marlborough, Southern Middlesex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and the furnishing of electric service to the herein described premises and to service others, and without limiting the generality of the foregoing, but specifically including the following equipment; namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "UNDERGROUND SYSTEM" is located in, through, under, over, across and upon a parcel of land situated on the northwesterly side of Stevens Street, and the westerly side of Bolton Street, being more particularly described in a Taking by the City of Marlborough recorded with the Southern Middlesex County Registry of Deeds Book 12507, Page 396.

WR# 26188344

Address of Grantee:  
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:  
Christina Klein  
National Grid USA  
Service Company, Inc.  
40 Sylvan Road  
Waltham, MA 02451

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And further, said "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is approximately shown on a sketch entitled: "Install new P37-5, Pull Box, transformer pad and 550' +/- Cable. Exhibit A not to scale. The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof; nationalgrid; Easement Sketch 431 Bolton St, Marlboro, Ma 01752; Scale: NONE; Date: 5-11-18; Drawn By D. Larson; Actrix Drawing Number 26188344," a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "UNDERGROUND SYSTEM" is located as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may in the opinion and judgment of the Grantee interfere with the safe and efficient operation and maintenance of the "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "UNDERGROUND SYSTEM" for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "UNDERGROUND SYSTEM".

It is agreed that said "UNDERGROUND SYSTEM" and all necessary appurtenances thereto, shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon.

For Grantor's title, see a Taking by the City of Marlborough dated August 22, 1973, recorded with the Southern Middlesex County Registry of Deeds in Book 12507, Page 396.

IN WITNESS WHEREOF, CITY OF MARLBOROUGH has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Arthur G. Vigeant, its Mayor, being thereto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF MARLBOROUGH.  
Acting by and through its Mayor

\_\_\_\_\_  
By: Arthur G. Vigeant  
Its: Mayor

Commonwealth of Massachusetts

County of \_\_\_\_\_ } ss.

On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned

Notary Public, personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identity, which was

\_\_\_\_\_  
Description of Evidence of Identity

to be the person whose name is signed on the preceding Grant of Easement, and acknowledged to me that he signed it voluntarily for its stated purpose, as Mayor of the CITY OF MARLBOROUGH.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary

My Commission Expires \_\_\_\_\_

Place Notary Seal and/or Any Stamp Above



# EXHIBIT A

Exhibit A not to scale. The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.

- ⊙ Existing Pole
- ⦿ Proposed Pole
- Underground Cable
- ☐ Transformer Pad
- ☒ Pullbox

Install new P37-5,  
Pull Box, transformer pad  
and 550' +/- cable.



<b>nationalgrid</b>	
Easement Sketch 431 Bolton St Marlboro, Ma 01752	
Scale: NONE	Active Drawing Number
Date: 8-11-98	26188344
Drawn By: D. Larson	

**GRANT OF EASEMENT**

CITY OF MARLBOROUGH, a municipal corporation, having an address of 135 Neil Street, Marlborough, Massachusetts (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Marlborough, Middlesex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon those certain parcels of land situated on the northeasterly side of Bolton Street, being more particularly shown as Parcels 1 through 5, inclusive, on a Plan of Land recorded with the Middlesex South District Registry of Deeds in Plan Book 1973, Plan 1033.

Property Address: 441 Bolton Street, Marlborough, MA ( MIDDLESEX SOUTH )

WR26691854

Address of Grantees:  
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:  
Elizabeth Fresolone  
National Grid  
Service Company, Inc.  
280 Melrose Street  
Providence, RI 02907

Said "OVERHEAD SYSTEM" is to originate from Pole P47, which is located on the northeasterly side of Bolton Street, then proceed in a northeasterly direction from said Pole over, across and upon land of the Grantor to Pole P47-2.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "nationalgrid; Easement Sketch, 441 Bolton St, Marlboro, MA 01752; Scale: NONE; Date: 10-23-18; Drawn By: D. Larson; WR: 26691854," a reduced copy of said sketch is attached hereto as "Exhibit A" and recorded herewith, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" .

It is agreed that the "OVERHEAD SYSTEM and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

For Grantor's title, see Order of Taking dated August 22, 1973, recorded with the Middlesex South District Registry of Deeds in Book 12507, Page 396.

IN WITNESS WHEREOF, the CITY OF MARLBOROUGH, acting by and through its Mayor, Arthur G. Vigeant, being thereunto duly authorized has executed this easement as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF MARLBOROUGH

\_\_\_\_\_  
By: Arthur G. Vigeant  
Its: Mayor



Commonwealth of Massachusetts

County of \_\_\_\_\_ } ss.

On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me,

\_\_\_\_\_  
Name of Notary Public the undersigned Notary Public,

personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identity, which was/were

\_\_\_\_\_  
Description of Evidence of Identity

to be the person whose name is signed on the preceding Grant of Easement, and acknowledged to me that he signed it voluntarily for its stated purpose as Mayor of the CITY OF MARLBOROUGH.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary

My Commission Expires \_\_\_\_\_

Place Notary Seal and/or Any Stamp Above

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CITY OF MARLBOROUGH

TO

MASSACHUSETTS  
ELECTRIC COMPANY

GRANT OF EASEMENT

**AFTER RECORDING RETURN TO:**

ELIZABETH A. FRESOLONE  
NATIONAL GRID  
SERVICE COMPANY, INC.  
280 MELROSE STREET  
PROVIDENCE, RI 02907

Approved By: \_\_\_\_\_

# EXHIBIT A

Install OH Primary from P47 to P47-2,  
 Install UG Primary from P47-2 to Pullbox PB1,  
 Install UG Primary from PB1 to PB2 to PB3 to PB4 to T53

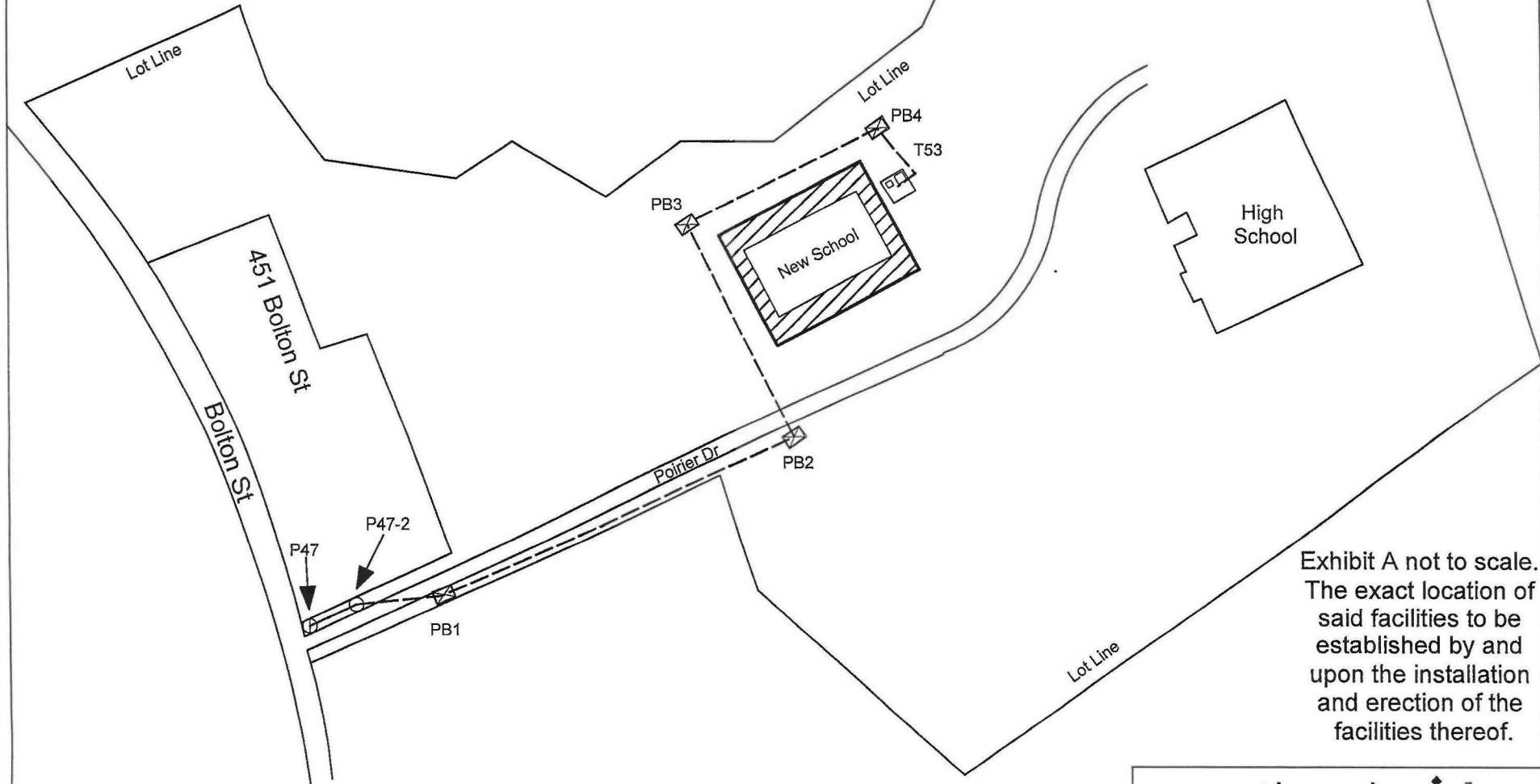


Exhibit A not to scale.  
 The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.

Legend	
	Transformer
	JO Pole
	SO Pole
	Overhead Primary
	Underground Primary
	Pull Box

<b>nationalgrid</b>	
Easement Sketch 441 Bolton St Marlboro, Ma 01752	
Scale: NONE Date: 10-23-18 Drawn By: D. Larson	Actrix Drawing Number <b>26691854</b>



# IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 19, 2018

**ORDERED:**

That the Disposition of Surplus Property – 25 East Main Street, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 18-1007459



*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

*Arthur G. Vigeant*  
MAYOR

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CITY OF MARLBOROUGH

*Nicholas J. Milano*  
EXECUTIVE AIDE

2018 NOV 15 A 11: 18

*Patricia Bernard*  
EXECUTIVE SECRETARY

November 15, 2018

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Disposition of Surplus Property – 25 East Main Street**

Honorable President Clancy and Councilors:

Please find enclosed for your review an order to authorize the City of Marlborough to dispose of surplus property at 25 East Main Street. This property was acquired through the tax taking process in 2009.

25 East Main Street has been under the care and custody of the Department of Public Works. The City cleaned up the parcel and it has a clean bill of health environmentally. As you may recall, it was previously used as an auto repair location. The City and its contractors utilized the parcel throughout the East Main Street reconstruction project. With the project complete and Public Works no longer using the site for storage of equipment or materials, I recommend that the City sell the property through the Chapter 30B Real Estate Disposition process.

By using Chapter 30B, rather than the tax title auction process, we are better able to set re-use restrictions and select the best use proposal, rather than simply select the highest price. I do not believe it is in the long-term interests of the City to allow future auto sales or auto repair uses at this site.

This parcel's location should attract strong interest, and I anticipate an exciting, new use for this section of East Main Street. The order proposes that the City Council set a minimum price of \$202,200.00, which is the FY2019 proposed assessed value.

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

Sincerely,

**Arthur G. Vigeant**  
Mayor



ORDERED:

That the City Council of the City of Marlborough, having care, custody, management, and control of a certain parcel of land and the building thereon located at 25 East Main Street, Marlborough, MA, also identified as Assessors Map 70 Parcel 379 (the "Property"), said Property having been acquired by the City by foreclosure of tax title dated April 2, 2009 and recorded with the South Middlesex County Registry of Deeds at Book 52530 Page 243, does by 2/3rds vote hereby transfer pursuant to M.G. L. c. 40, § 15A the purpose of the land from general municipal purposes to the purpose of disposition by sale, and hereby declares, pursuant to M.G.L. c. 30B, § 16(a), that the Property is available for disposition by sale;

Further, by majority vote subsumed by said 2/3rds vote, a separate vote being unnecessary, the City Council of the City of Marlborough hereby declares pursuant to M.G.L. c. 30B, § 16(a) that the Property is available for disposition by sale, and requires that said sale be conducted in accordance with M.G.L. c. 30B subject, but not limited to, any terms and re-use restrictions as may be determined by the Mayor, as hereby authorized to so determine, which are in the best interests of the City of Marlborough; and

Further, that the City Council sets the price to be paid at not less than \$202,200.00, and thus authorizes the Mayor, by simple majority vote pursuant to Mass. Gen. Laws c. 40, § 3, which vote is subsumed by said 2/3rds vote, a separate vote being unnecessary, to execute a Deed of sale for said Property.

ADOPTED  
In City Council  
Order No. 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY

ATTEST: