

MARLBOROUGH CITY COUNCIL

FINANCE COMMITTEE

MARCH 21, 2022

MEETING PACKET



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 28, 2022

ORDERED:

That the Transfer Request in the amount of \$361,080.93 which moves funds from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT-TV for FY2023, be and is herewith referred to the **FINANCE COMMITTEE**.

Councilor Ossing read a Disclosure of Appearance of Conflict of Interest into the record.

CITY OF MARLBOROUGH BUDGET TRANSFERS --

DEPT:		Mayor				FISCAL YEAR:		2022	
FROM ACCOUNT:						TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$439,542.81</u>	<u>\$361,080.93</u>	<u>27000099</u>	<u>47750</u>	<u>Receipts Reserved-PEG Funds</u>	<u>\$361,080.93</u>	<u>89000</u>	<u>25581</u>	<u>Marlboro Cable Trust</u>	<u>\$0.00</u>
Reason:		<u>To fund WMCTS FY23 Budget</u>							
	<u>\$361,080.93</u>	Total			<u>\$361,080.93</u>	Total			

ADOPTED

ORDER NO. 22-1008525

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

PUBLIC EMPLOYEE INFORMATION	
Name of public employee:	Michael Ossing
Title or Position:	City Councilor
Agency/Department:	Marlborough City Council
Agency address:	City Hall, 2 nd Floor 140 Main Street Marlborough, MA 01752
Office Phone:	(508) 460-3711
Office E-mail:	citycouncil@marlborough-ma.gov
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for action or decision.	I am a member of the Marlborough City Council and currently serve as the City Council President. A request has been submitted by the Mayor to the City Council requesting that the Council approve a transfer of \$361,080.93 from the PEG fee account to fund the FY23 budget for WMCT-TV, Marlborough's local access cable station.
What responsibility do you have for taking action or making a decision?	The above transfer request is on the February 28, 2022 City Council agenda. I will be participating in any Committee discussions as well as voting on whether to approve the transfer request at the full City Council meeting.
Explain your relationship or affiliation to the person or organization.	My wife, Linda Ossing, currently serves on the Marlborough Cable Trust Committee, which oversees expenditures on behalf of the Trust to support cable PEG access services and programming for Marlborough residents, which are provided by WMCT-TV.
How do your official actions or decision matter to the person or organization?	The PEG fee account was established as a special revenue fund when the City Council voted to accept G.L. c. 44, § 53F¾ in January 2017; see Council Order No. 16/17-1006761A. This account reserves certain cable-related fees and revenues for appropriation to, among other things, support cable PEG access services and programming for Marlborough residents. The pending transfer request, if approved by the Council, would appropriate a total of \$361,080.93 of those funds in order to fund the FY23 budget for WMCT-TV.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 FEB 28 A 10: 23



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2022 FEB 24 A 11: 50
Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

f/c

February 24, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Transfer request to fund WMCT-TV operations for FY23

Honorable President Ossing and Councilors,

Enclosed for your review and approval is a transfer request in the amount of \$361,080.93 from PEG Funds to Marlborough Cable Trust to fund the WMCT-TV operations for fiscal year 2023. The remaining balance of this fiscal year will be allocated to fund the total operating cost of \$511,080.93. I have reduced the capital budget by \$10,000.00 from the original enclosed submission.

Executive Director Ryan Maylar has prepared operating and capital budgets that are enclosed, and he will be available to discuss at a future meeting.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosures



91 Main Street, Suite 201
Marlborough, MA 01752

February 8, 2022

Honorable Mayor Arthur Vigeant
140 Main Street, 4th Floor
Marlborough, MA 01752

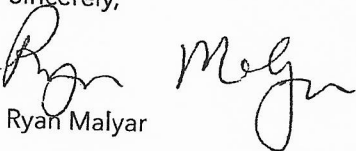
Mayor Vigeant,

I am writing in regards to our February 3rd Marlborough Cable Trust meeting where the Trustees approved the budget I prepared for FY 2023. The Fiscal Year for WMCT-TV begins April 1st 2022 and ends March 31st, 2023. In sum, the anticipated operating budget for WMCT-TV is \$471,570.93. The 2023 Capital budget is \$49,510. The total budget for FY 23 is \$521,080.93.

Based on the current balance in the trust, along with the anticipated spending to occur through the end of FY 22, the board voted to approve the request for the appropriation of funds in the amount of \$371,080.93.

Thank you for your time and attention to this matter. Please let me know if you have any further questions or concerns.

Sincerely,


Ryan Malyar

Executive Director

Marlborough Cable Trust

Appropriation from PEG Fund FY 23

Operational Budget FY 23	\$471,570.93
Capital Budget FY 23	\$49,510.00
Total Budget FY 23	\$521,080.93
Cable Trust Balance Estimate April 2022	\$150,000.00
Amount to Appropriate from PEG Fund	\$371,080.93

WMCT-TV 2023 Budget 2/1/2022

Salaries Full-Time

Salaries with a salary increase up to 3%

Name	Title	Yearly Salary '23 (FY21 + 3% increase plus health insurance adjustments as required)
Ryan Malyar	Executive Director	\$87,550.00
Mike Lawton	Assistant Executive Director	\$75,417.63
Matthew Besachio	Sports Director	\$44,406.81
Lindsey Crain	Access Supervisor	\$34,917.00
Salaries Full-Time Total		\$242,291.44

Salaries Part-Time

	Hours/week	Hourly rate	Weeks	Yearly Salary '23
New Hire Option A	20	\$17.00	52	\$17,680.00
Freelance	160	\$18.00	1	\$2,880.00
WMCT Intern	32	\$14.25	8	\$3,648.00
News Director/ Youth Program				\$12,631.26
Salaries Part-Time Total				\$36,839.26

Trustee Stipends

Number of Trustees	Monthly Rate	No. of Months	Total Salary for Budget Year '23
4	\$150.00	12	\$7,200.00
Secretary 1	\$75	12	\$900

Trustee Stipend Total

\$8,100.00

Grant Total Salaries

\$287,230.70

Employee Benefits

Itemize	Amount
Health	\$40,555.37
Dental	\$2,914.72
Employer Payroll Taxes	\$17,000.00
Workers Comp	\$1,200.00
Payroll Services	\$3,350.00
Retirement	\$7,368.74
Total Benefits	\$72,388.83

Grand Total Payroll Expenses**\$359,619.53****EXPENSES Materials and Office Supplies Amount**

Accounting	\$16,000.00
Cable/Internet/Phone	\$7,000.00
Dues & Subscriptions (Chamber of Commerce, ACV)	\$3,000.00
Legal Expense	\$500.00
Office Supplies	\$2,000.00
Postage	\$100.00
Rent	\$52,676.40
Security	\$350.00
State Tax	\$125.00
Maintenance and Repair	\$1,000.00
Utilities	\$6,000.00
Continuing Education	\$2,000.00

GRAND TOTAL OFFICE EXPENSES**\$90,751.40****EXPENSES Production Amount**

GAS/PARKING	\$1,500.00
Small equipment and supplies	\$4,000.00
Technical Support	\$2,500.00
Web development : website and domain maintenanc	\$2,500.00
Promotion and Outreach	\$3,000.00

Staff Meals /Entertainment

\$1,500.00

GRAND TOTAL PRODUCTION EXPENSE \$15,000.00

EXPENSES	Liability	Amount
Directors & Officer Liability Insurance		\$1,200.00
General Liability		\$5,000.00
	Total	\$6,200.00

Total Operating Expenses

\$471,570.93

CAPITAL BUDGET 2023

Item	Description	Quantity	Price Each	Price
FeelWorld 7" 4K	Monitor for Studio	2	\$179	\$358
BenQ GW2780 2	Monitor for ATEM	1	\$179.99	\$179.99
Magnus REX VT	Field Tripods	2	\$269.99	\$539.98
GVM 800D-RGB	Field Lighting	1	\$359.00	\$359.00
Zoom LiveTrak L	Studio Audio Mix	1	\$999.99	\$999.99
Zoom LiveTrak L	Podcast Mixer with	1	\$999.95	\$999.95
Sony PXW-Z150	Matching Studio	5	\$2,998	\$14,990
FLYCAM Flowline	Sports rig for Mac	1	\$417	\$417
Neewer 2-Pack	mics for concerts	1	\$99	\$99
Rode M5-MP	Ma mics for concerts	1	\$199	\$199
Amazon Basics	4 mic stands for co	6	\$26.99	\$161.94
Canon EOS M50	Canon cameras	3	\$929.99	\$2,789.97
GEAR TOTAL				\$22,094
SET DESIGN and STUDIO LIGHTING				
Kate Equipment	Backdrop Stand	1	\$179	\$179
Backdrops from	10x10	4	\$118.80	\$475.20
Portable backdro	Prince includes 2	1	\$1,299.96	\$1,299.96
20BLT Flat Base	1 lighting stands fo	2	\$274.95	\$549.90
Fluotec VegaLux	Fresnels for stud	0	\$1,491.75	\$0.00
Avenger 3-Sectic	Rolling Light Star	2	\$250.88	\$501.76
Fluotec StudioLE	Light we currentl	2	\$1,620.00	\$3,240.00
LG UT640S 65"	(Television monitc	1	\$1,064.00	\$1,064.00
Genaray Torpedo	LED Bi-Color Focu	4	\$299	\$1,196
Studio Flats and	Monitor Facade			\$5,000
ADJ UB 12H 1-M	RGB Color Bars	6	309.99	\$1,859.94
SET DECOR	4 Sofa Chairs, 4 directors chairs, shelves, coffee tab			\$5,000
STUDIO GEAR TOTAL				\$20,366
OFFICE RELATED				
Office Storage, Furniture and Organization				\$4,000
Software for Virtual Set Designer				\$1,000
Office Printer for Ryan's office				\$250
Office Art/Prints				\$300
OFFICE GEAR TOTAL				\$5,550
Misc. Small Equip, Shipping				\$1,500
CAPITAL TOTAL				\$49,510

PEG FEES

8/29/2017 Verizon	\$111,192.81
8/29/2017 Comcast	\$105,212.77
11/7/2017 Comcast	\$104,451.39
11/29/2017 Verizon	\$108,894.94
2/27/2018 Verizon	\$105,934.98
2/27/2018 Comcast	\$102,247.17
2/27/2018 Comcast-franchise	\$3,332.00
4/2/2018 Verizon-franchise	\$3,295.50
5/8/2018 Comcast	\$96,069.98
5/21/2018 Verizon	\$107,727.46
8/23/2018 Comcast	\$95,348.01
8/23/2018 Verizon	\$101,215.51
8/28/2018 Verizon-franchise	\$2,678.62
11/16/2018 Comcast	\$94,728.72
12/4/2018 Verizon	\$97,462.08
12/4/2018 Verizon-franchise	\$5,049.85
2/20/2019 Comcast	\$95,246.35
2/20/2019 Verizon	\$97,007.90
3/4/2019 Verizon-franchise	\$5,026.30
3/25/2019 Verizon-annual fee	\$2,997.00
3/25/2019 Comcast-annual	\$3,208.00
5/17/2019 Comcast	\$92,916.51
5/31/2019 Verizon	\$99,268.12
8/15/2019 Comcast	\$91,956.97
8/15/2019 Verizon	\$96,147.32
10/31/2019 Verizon-franchise	\$4,981.72
11/27/2019 Comcast	\$91,515.93
11/27/2019 Verizon	\$91,540.94
11/27/2019 Verizon-franchise	\$4,743.06
2/19/2020 Verizon	\$90,845.00
2/19/2020 Comcast	\$91,062.00
2/19/2020 Verizon-franchise	\$4,707.00
3/6/2020 Comcast	\$3,039.00
3/26/2020 Verizon	\$2,699.00
5/21/2020 Verizon	\$87,007.22
5/21/2020 Verizon-video	\$19,508.15
5/21/2020 Comcast	\$90,576.14
8/14/2020 Comcast	\$88,411.98
8/31/2020 Verizon	\$82,974.09
8/31/2020 Verizon	\$4,299.18
11/25/2020 Comcast	\$89,038.41
11/25/2020 Verizon	\$81,285.83
11/25/2020 Verizon	\$4,211.69
2/19/2021 Comcast	\$86,807.95
2/19/2021 Verizon	\$80,730.88

2/19/2021 Verizon	\$4,182.95
3/26/2021 Xfinity	\$2,736.00
4/27/2021 Verizon	\$2,397.00
5/12/2021 Verizon	\$73,186.77
5/17/2021 Comcast	\$88,389.83
6/24/2021 Verizon	\$4,114.97
6/24/2021 Verizon	\$15,000.00
8/24/2021 Verizon	\$76,754.57
11/16/2021 Comcast	\$87,055.28
11/30/2021 Verizon	\$77,888.88
11/30/2021 Verizon	\$4,035.70
12/23/2021 Comcast	\$85,384.78
2/24/2022 Comcast	\$87,283.11
2/24/2022 Verizon	\$77,931.46
2/24/2022 Verizon	\$4,037.90

Total Funding	<u>\$3,618,980.63</u>
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12/18/2017 co#17-1007095A	-\$282,100.00 IT
5/21/2018 co# 18-1007263A	-\$355,519.00 WMCT FY19 Budget
10/15/2018 co# 18-1007352A	-\$254,000.00 IT
3/11/2019 co# 19-1007565A	-\$510,832.30 WMCT FY20 Budget
9/9/2019 co# 19-1007730A	-\$220,000.00 IT
9/23/2019 co# 19-1007751A	-\$30,000.00 WMCT Capital
3/23/2020 co# 20-1007940A	-\$473,846.52 WMCT FY21 Budget
12/21/2020 co# 20-1008140	-\$80,000.00 IT
3/22/2021 co# 21-1008202A	-\$370,000.00 WMCT FY22 Budget
4/5/2021 co# 21-1008229A	-\$243,000.00 IT
7/19/2021 co# 21-1008325A	-\$213,852.00 IT
11/22/2021 co# 21-1008427A	-\$146,288.00 IT

Total Transfers	<u>-\$3,179,437.82</u>
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Available for future transfers	\$439,542.81
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IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 28, 2022

ORDERED:

That a West Side Fire Station Stabilization Fund is hereby established, by a two-thirds vote pursuant to MGL Chapter 40 §5B, for the purposes of funding all costs associated with site acquisition and construction of a new fire station in the west side of Marlborough, be and is herewith referred to the **FINANCE COMMITTEE**.

ADOPTED

ORDER NO. 22-1008526

X 21-1008290

X 21-1008402B



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2022 FEB 24 A 11:50

Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

F/C

February 24, 2022

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Proposed Order to establishment west side fire station stabilization account

Honorable President Ossing and Councilors,

Enclosed for your review and approval is a proposed order to establish a west side fire stabilization account.

Thank you in advance for your cooperation. We look forward to working with the City Council on this important endeavor.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

That a West Side Fire Station Stabilization Fund is hereby established, by a two-thirds vote pursuant to MGL c. 40, s. 5B, for the purposes of funding all costs associated with site acquisition and construction of a new fire station in the west side of Marlborough.

ADOPTED
In City Council
Order No.

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

City Clerk



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 20, 2021

ORDERED:

That the Proposed Amended Transfer Request relative to the acquisition of 100 Locke Drive for a new Fire Station clarifying the funding sources, is carried over to the 2022/2023 Legislative Session, be and is herewith **APPROVED**.

(IN FINANCE COMMITTEE)

ADOPTED

ORDER NO. 21-1008402B-2



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 6, 2021

ORDERED:

That the Amended Transfer Request in the amount of \$5,092,666.66 from Undesignated Fund to Land Acquisition to fund the proposed purchase of land at 100 Locke Drive for a new Fire Station, be and is herewith referred to the **FINANCE COMMITTEE**.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Mayor				FISCAL YEAR:		2022	
		FROM ACCOUNT:				TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$12,002,160.00</u>	<u>\$4,270,166.66</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$5,092,666.66</u>	<u>19300006</u>	<u>58120</u>	<u>Land Acquisition</u>	<u>\$0.00</u>
Reason:		For acquisition of parcel at 100 Locke Drive							
<u>\$12,002,160.00</u>	<u>\$822,500.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>					
	<u>\$5,092,666.66</u>	Total			<u>\$5,092,666.66</u>	Total			

ADOPTED

ORDER NO. 21-1008402B-1
X 21-1008402A



City of Marlborough
Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH MAYOR

2021 DEC -2
A *Anna M. Bernard*
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

December 2, 2021

City Council President Michael Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

**RE: Proposed Amended transfer request accompanied by Ordinance 21-1008416 -
Acquisition of 100 Locke Drive**

Honorable President Ossing & Councilors:

Enclosed for your information is a proposed amended transfer in conjunction with ordinance 21-1008416 for the acquisition of 100 Locke Drive that was moved to the Finance Committee at the September 27, 2021 City Council meeting.

This amended transfer is to clarify the funding source. The mitigation funds from Phase I of the Green District totaled \$822,500 and the transfers will be reflected as follows:

\$822,500.00 100000 35900 Undesignated Fund to Land Acquisition 19300006 58120
\$4,270,166.66 100000 35900 Undesignated Fund to Land Acquisition 19300006 58120

The not to exceed figure of \$5,092,666.66 is based on recent assessed property values of the property identified to the City's Assessors Map as Map 54, Parcel 14, 100 Locke Drive, as noted in my letter dated September 23, 2021. We anticipate receiving the formal appraisal in the coming weeks.

I hope we can discuss this matter by the first of the New Year and look forward to addressing any questions you may have.

Thank you in advance for your cooperation.

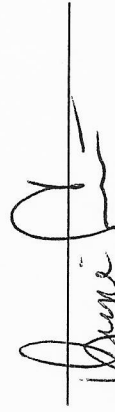
Sincerely,


Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosure

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:	Mayor	FISCAL YEAR:	2022
Available Balance	FROM ACCOUNT:	TO ACCOUNT:	
\$12,002,160.00	Org Code	Org Code	Object
	10000	19300006	58120
	Amount	Amount	Account Description:
\$4,270,166.66	35900	\$5,092,666.66	Land Acquisition
Reason:	Undesignated Fund	For acquisition of parcel at 100 Locke Drive	
\$822,500.00	10000		
Reason:	Undesignated Fund		
Reason:			
Reason:			
Reason:			
Reason:			
Total	Total	Total	Total
\$5,092,666.66	\$5,092,666.66	\$5,092,666.66	\$0.00

Department Head signature: 

Auditor signature: 

Finance Director signature: _____



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 20, 2021

ORDERED:

That the Proposed order to authorize the purchase of 100 Locke Drive for the purpose of building a new Fire Station, is carried over to the 2022/2023 Legislative Session, be and is herewith **APPROVED.**

(IN FINANCE COMMITTEE)

ADOPTED

ORDER NO. 21-1008402A-1



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 27, 2021

ORDERED:

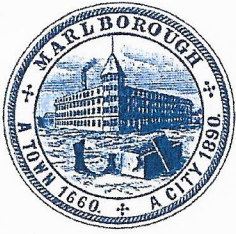
In furtherance of the City Council of the City of Marlborough's prior vote (Order No. 21-1008290 adopted by the Council on May 10, 2021) supporting the proposed site selection for a new fire station in the west side of Marlborough (Elm Street at Bigelow Street), the City Council hereby:

- (1) Authorizes the City to acquire the real property located at 100 Locke Drive, Marlborough, MA (identified on the City's Assessors Map as Map 54 Parcel 14 containing +/-11.64 acres and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 69243, Page 571) for municipal purposes, by purchase or eminent domain, for a total amount not to exceed \$5,092,666.66, subject to any applicable laws and further required action of this Council if necessary for the City to acquire said real property by eminent domain;
- (2) Authorizes an appropriation from Stabilization in the amount of \$5,092,666.66 in order to provide funding for said acquisition pursuant to MGL Chapter 43, §30; and
- (3) Authorizes the Mayor to accept a deed pursuant to MGL Chapter 40, §3 for said property located at 100 Locke Drive.

Be and is herewith referred to the **FINANCE COMMITTEE**.

ADOPTED

ORDER NO. 21-1008402A



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

6
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur J. Nyeant
MAYOR
2021 SEP 23 A 8:49

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

F/C

September 23, 2021

Council President Ossing
Marlborough City Council
140 Main St.
Marlborough, MA 01752

RE: Acquisition of 100 Locke Drive, Map 54, Parcel 14

Honorable President Ossing and Councilors,

Enclosed for your approval is an order to authorize the purchase of 100 Locke Drive in the amount not to exceed \$5,092,666.66 and appropriate these funds from the Stabilization account.

In late 2017, the City Council funded a Fire Station Study to analyze the needs of the City and it was determined that a new Fire Station was needed on the west side of the city to increase public safety and emergency response time. A committee was then put together made up of fire professionals who identified a buildable site through comparable research based on need assessment.

The Council recently approved the acquisition of a needed parcel of land on Elm Street and the City will now need to acquire the adjacent location at 100 Locke Drive to house a new fire station and accommodate housing, administration, training, vehicle, and equipment storage. The design will be determined, and access is intended to be from Locke Drive. The not to exceed figure is based on recent assessed property values of the property identified on the City's Assessors Map as Map 54, Parcel 14 containing 11.64 acres and is the maximum allowable amount under state law without going through the eminent domain process. Discussions regarding the potential acquisition of the property remain ongoing.

Recently we have been in contact with the state with regards to creating a potential regional dispatch center located in Marlborough to service several surrounding communities. This dispatch center could be substantially funded by the state as they have proactively worked to regionalize operations across Massachusetts. Attached is a map indicating what is currently in place or pending. The advantages in regionalizing include more effective call-taking, standardization of protocols, access to more dispatch personnel for major events and surges of

911 calls, enhanced mutual coverage, data collection and most importantly, better service to our residents. A new state of the art regional dispatch center will be equipped with many upgrades along with the Next Generation 911 System, as well as a facility to host standardized certification training for public safety. The state is moving in this direction and we can either jump on board now or be forced to do so in years to come.

The Town of Southborough is fully committed to participating in a regional dispatch center and Chief Breen has been in contact with some area communities to explore this opportunity further and discuss creating a Municipal Operating Agreement.

Fire Chief Kevin Breen and I will be available for questions at a future meeting to discuss the purchase of 100 Locke Drive and the regionalizing opportunity.

Sincerely,



Arthur G. Vigeant
Mayor

Attachments

ORDERED:

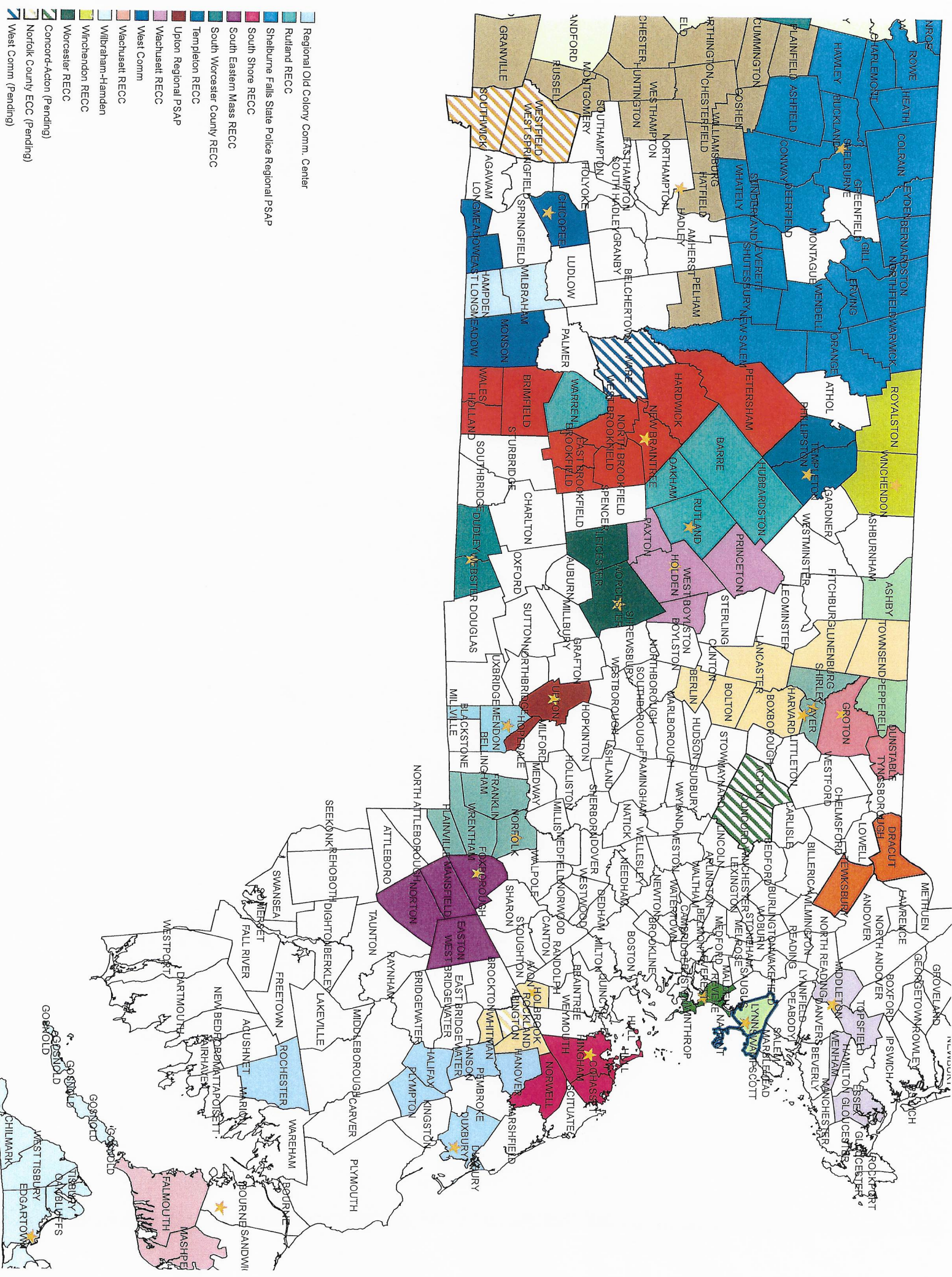
In furtherance of the City Council of the City of Marlborough's prior vote (Order No. 21-1008290 adopted by the Council on May 10, 2021) supporting the proposed site selection for a new fire station in the west side of Marlborough (Elm Street at Bigelow Street), the City Council hereby:

- (1) Authorizes the City to acquire the real property located at 100 Locke Drive, Marlborough, MA (identified on the City's Assessors Map as Map 54 Parcel 14 containing +/- 11.64 acres and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 69243, Page 571) for municipal purposes, by purchase or eminent domain, for a total amount not to exceed \$5,092,666.66, subject to any applicable laws and further required action of this Council if necessary for the City to acquire said real property by eminent domain;
- (2) Authorizes an appropriation from Stabilization in the amount of \$5,092,666.66 in order to provide funding for said acquisition pursuant to MGL c. 43, s. 30; and
- (3) Authorizes the Mayor to accept a deed pursuant to M.G.L. c. 40, s. 3 for said property located at 100 Locke Drive.

ADOPTED
In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



September 27, 2021

Sent via electronic mailing only to citycouncil@marlborough-ma.gov

Council President Ossing
Marlborough City Council
140 Main Street
Second Floor
Marlborough, MA 01752

RE: 100 Locke Drive, Marlborough, MA

Honorable President Ossing and Councilors:

This law firm has been engaged to represent Erula, LLC (“Erula”), the record title holder of the property known as and located at 100 Locke Drive, Marlborough, MA (the “Property”). Please direct all future correspondence and inquiries related to the potential taking by eminent domain of the Property to me. You may continue to copy correspondence, including email, to Daniel White, Esq. and Meredith Cabarrus, Esq.

It is my understanding that the City and my client have had several discussions about the City’s interest in acquiring the Property. The most recent conversation was a call last week with the City Solicitor during which Erula was informed that the City will start the statutory procedure under G. L. c. 79, the eminent domain statute, to take the Property by eminent domain by having the Property appraised. Actually, it was only today that we received an email from the City’s appraiser seeking to schedule an inspection which we agreed to immediately.

It is difficult, however, to trust the fairness and integrity of the City’s appraisal process upon learning today that even before the appraiser has had a chance to see the Property, the City Council is voting tonight to authorize paying Erula \$5,092,666.66. *See* City Council Agenda, September 27, 2021, Item Number Six (6). The Property will not be sold to the City for \$5 Million.

Under Chapter 79, but more importantly, in accordance with the 5th Amendment to the Constitution of the United States and Article X of the Declaration of Rights to the Massachusetts Constitution, the City is required to pay full, fair market value as just compensation. The fair market value of the Property far exceeds \$5 Million. Moreover, under Chapter 79A, the City is required to provide relocation assistance and pay the cost to relocate all items of personal property in addition to the value of the real estate. We have had no communication from the City regarding

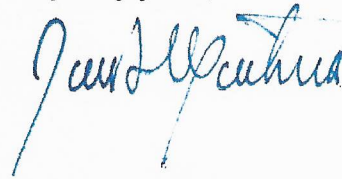
City of Marlborough City Councilors
City Council
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Page 2

relocation. Erula will resist any effort to forcibly displace us from the Property until a suitable relocation facility is found and relocation costs are accounted for.

While Erula has no interest in selling the Property, the owner and its advisors are sophisticated businesspeople with deep real estate experience. They would have been prepared to engage in negotiations with the City in good faith. Regrettably, with this calculated action, the City appears to have decided to put an end to that option and will proceed with a taking and the costly, adversarial lawsuit to follow.

Respectfully, we urge the Council to table action on Item #6. It is irresponsible to vote to authorize expenditure of \$5 Million in taxpayer money without the benefit of an appraisal. Once the appraisal is complete, and if the City wants to resume negotiations in good faith, Erula is prepared to do so.

Very truly yours,



James D. Masterman

Cc: Arthur G. Vigeant, Mayor
Jason Grossfield, Esq., Marlborough City Solicitor
Daniel White, Esq.
Meredith Cabarrus, Esq

City of Marlborough Public Meeting Posting

The following City Council Committees will meet on Monday, March 21, 2022 in the City Council Chamber, second floor, City Hall, 140 Main Street, Marlborough, MA.

These meetings will be held in the City Council Chamber and are open to the public. They will be televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) or you can view the meetings using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov). Please note per Mass Open Meeting (OML) Law requirements meetings may start later than the appointed time but not before the time posted herein.

Personnel Committee at 6:00 PM to review Order No.22-1008511: Reappointment of George LaVenture to the Planning Board for a five-year term to expire February 1, 2027.

Operations & Oversight Committee at 6:10 PM to review Order No.22-1008513: Succession Planning Project information submitted by Mayor Vigeant.

Climate Resiliency Committee at 6:35 PM to review Order No.22-1008523 Information from MassDevelopment PACE (Property Assisted Clean Energy) program and impact/opportunities.

Legislative & Legal Affairs Committee at 7:00 PM to review Order No.22-1008516: Communication from Engineering Design Consultants on behalf of Lacombe Business Center re: Sewer Taking and Easement relative to certain parcels on Lacombe Street.

Finance Committee at 7:20 PM to review the following Orders:

- 1) Order No.22-1008525: Transfer in the amount of \$361,080.93 from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT-TV for FY2023.
- 2) Order No.22-1008526: Proposed Order for the establishment of the West Side Fire Station Stabilization Account.
- 3) Order No.22-1008402B-2: Proposed amended Transfer request relative to the acquisition of 100 Locke Drive for a new Fire Station clarifying the funding sources.
- 4) Order No.21-1008402A-1: Proposed Order to authorize the purchase of 100 Locke Drive for the purpose of building a new Fire Station.

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.