

## MEMORANDUM OF AGREEMENT

### BILLERICA DOG PARK

The within Memorandum of Agreement is executed this 12 day of June, 2014 by and between the Town of Billerica, a municipal corporation and political subdivision of the Commonwealth of Massachusetts, acting by and through its Board of Selectmen (the "Town"), and the Friends of the Billerica Dog Park Committee (the "Committee"), a private entity, relative to the development of a recreational Dog Park facility in the Town of Billerica.

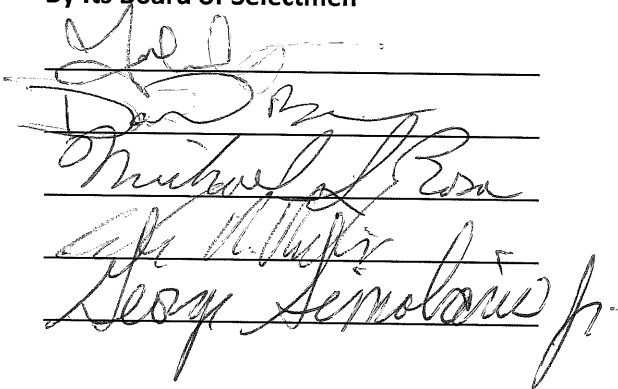
1. Subject to the terms and conditions set forth herein, the Town, by and through its Recreation Department, will assume responsibility for the development, oversight and operation of a recreational Dog Park to be located on a parcel of land owned by the Town and identified in the description appended to this document as Attachment A.
2. The Town will assume responsibility and liability for construction, maintenance, repair and operation of the Dog Park, and will secure, as it may deem appropriate, insurance coverage to protect the interests of the Town.
3. The Committee shall raise \$39,500.00 for the start-up costs of the Dog Park. These funds shall be deposited in a special revenue/gift account established pursuant to G.L. c. 44, §53A by the Town for Dog Park development, maintenance and operation purposes (the "Dog Park gift account"), and shall be expended for such purposes upon authorization of the Board of Selectmen. Any interest accrued to this account shall be added thereto and may be expended for purposes authorized hereby. No improvement to the subject parcel or other use or operation of the Dog Park shall be commenced by the Town until said start-up funds are raised and deposited into the gift account.
4. The Committee shall, in addition, raise \$10,600.00 to fund the first fiscal year's maintenance and operation of the Dog Park. Said funds shall be deposited into the Dog Park gift account on or before July 1 of said first fiscal year of operation. No improvement to the subject parcel or other use or operation of the Dog Park shall be commenced by the Town until said first year maintenance and operation funds are raised and deposited into the gift account.
5. For each fiscal year thereafter, the Committee shall raise an amount necessary, in the estimation of the Recreation Department, for prospective annual maintenance and operation costs. Said funds shall also be deposited in the Dog Park gift account for this purpose.
6. The Committee shall post a performance bond with the Town of Billerica named as obligee to secure the costs and expenses related to removal of the fence and any other improvements constructed for the Dog Park in the event use of the Dog Park is abandoned or discontinued for any reason. The initial amount of this bond shall be determined by the Town and may be modified or amended, from time to time, as the Town deems appropriate.
7. The Town reserves the right to cease operation of the Dog Park for any reason.

8. The Committee expressly acknowledges that the Dog Park shall not be constructed and opened until the funding obligations of the Committee set forth in paragraphs three and four herein have been fulfilled.
9. The Dog Park site, as described in Attachment A, is hereby designated by the Selectmen as an off-leash area.
10. The initial edition of Rules and Regulations relative to the Dog Park have been appended to this document as Attachment B. Said Rules and Regulations may be amended by the Recreation Department and the Board of Selectmen as they deem appropriate.
11. The Committee shall serve an advisory and stewardship role to the Selectmen and Recreation Department with respect to all aspects of the development, maintenance and operation of the Dog Park, and shall make recommendations to the Selectmen regarding the expenditure of funds from the Dog Park gift account.

**The Town of Billerica**

**By Its Board of Selectmen**

Signed March 7, 2016

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The Friends of the Billerica Dog Park Committee**

By

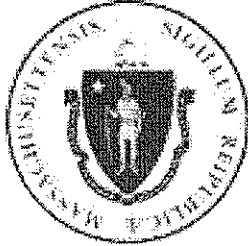
Walter Reid (Reid)

Its

Chair & President

Attachment A

MA SOC Filing Number: 201279830840 Date: 3/19/2012 2:09:00 PM



The Commonwealth of Massachusetts  
William Francis Galvin

Minimum Fee: \$35.00

Secretary of the Commonwealth, Corporations Division  
One Ashburton Place, 17th floor  
Boston, MA 02108-1512  
Telephone: (617) 727-9640

Articles of Organization

(General Laws, Chapter 180)

Federal Employer Identification Number: 001074823 (must be 9 digits)

ARTICLE I

The exact name of the corporation is:

FRIENDS OF THE BILLERICA DOG PARK COMMITTEE, INC.

ARTICLE II

The purpose of the corporation is to engage in the following business activities:

SAID ORGANIZATION IS ORGANIZED EXCLUSIVELY FOR CHARITABLE, RELIGIOUS, EDUCATIONAL, AND SCIENTIFIC PURPOSES, INCLUDING, FOR SUCH PURPOSES, THE MAKING OF DISTRIBUTIONS TO ORGANIZATIONS THAT QUALIFY AS EXEMPT ORGANIZATIONS UNDER THE SECTION 501 (C) (3) OF THE INTERNAL REVENUE CODE, OR CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE. THE BUSINESS ACTIVITY FOR SAID ORGANIZATION IS AS FOLLOWS: TO RAISE FUNDS TO SUPPORT THE BILLERICA DOG PARK.

ARTICLE III

A corporation may have one or more classes of members. If it does, the designation of such classes, the manner of election or appointments, the duration of membership and the qualifications and rights, including voting rights, of the members of each class, may be set forth in the by-laws of the corporation or may be set forth below:

AS STATED IN BY-LAWS

ARTICLE IV

Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or members, or of any class of members, are as follows:

*(If there are no provisions state "NONE")*

UPON THE DISSOLUTION OF THIS CORPORATION, ASSETS REMAINING SHALL BE DISTRIBUTED FOR ONE OR MORE EXEMPT PURPOSES WITHIN THE MEANING OF SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE, OR CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, OR SHALL BE DISTRIBUTED TO THE FEDERAL GOVERNMENT, OR TO A STATE OR LOCAL GOVERNMENT, FOR A PUBLIC PURPOSE. ANY SUCH ASSETS NOT DISPOSED OF SHALL BE DISPOSED BY THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE ORGANIZATION IS THEN LOCATED, EXCLUSIVELY FOR SUCH PURPOSES OR TO SUCH ORGANIZATION OR ORGANIZATIONS, AS SAID COURT SHALL DETERMINE, WHICH ARE ORGANIZED AND OPERATED EXCLUSIVELY FOR SUCH

**PURPOSES.**

Notes: The preceding four (4) articles are considered to be permanent and may only be changed by filing appropriate Articles of Amendment.

**ARTICLE V**

The by-laws of the corporation have been duly adopted and the initial directors, president, treasurer and clerk or other presiding, financial or recording officers, whose names are set out on the following page, have been duly elected.

**ARTICLE VI**

The effective date of organization of the corporation shall be the date approved and filed by the Secretary of the Commonwealth. If a later effective date is desired, specify such date which shall not be more than *thirty days* after the date of filing.

**ARTICLE VII**

The information contained in Article VII is not a permanent part of the Articles of Organization.

**a. The street address (post office boxes are not acceptable) of the principal office of the corporation in Massachusetts is:**

No. and Street: 430 BOSTON RD.  
City or Town: BILLERICA State: MA Zip: 01876 Country: USA

**b. The name, residential street address and post office address of each director and officer of the corporation is as follows:**

<b>Title</b>	<b>Individual Name</b> First, Middle, Last, Suffix	<b>Address (no PO Box)</b> Address, City or Town, State, Zip Code	<b>Expiration of Term</b>
PRESIDENT	MARK REID	430 BOSTON RD. BILLERICA, MA 01876 USA 430 BOSTON RD. BILLERICA, MA 01876 USA	As stated in by-laws
TREASURER	JENNIFER KENNEY	430 BOSTON RD. BILLERICA, MA 01876 USA 430 BOSTON RD. BILLERICA, MA 01876 USA	As stated in by-laws
CLERK	JENNIFER CHUBB	430 BOSTON RD. BILLERICA, MA 01876 USA 430 BOSTON RD. BILLERICA, MA 01876 USA	As stated in by-laws
DIRECTOR	MARK REID	430 BOSTON RD. BILLERICA, MA 01876 USA 430 BOSTON RD. BILLERICA, MA 01876 USA	As stated in by-laws
DIRECTOR	JENNIFER CHUBB	430 BOSTON RD. BILLERICA, MA 01876 USA 430 BOSTON RD. BILLERICA, MA 01876 USA	As stated in by-laws
DIRECTOR	JENNIFER KENNEY	430 BOSTON RD. BILLERICA, MA 01876 USA 430 BOSTON RD. BILLERICA, MA 01876 USA	As stated in by-laws
DIRECTOR	SHIRLEY HOLDMAN	430 BOSTON RD. BILLERICA, MA 01876 USA 430 BOSTON RD. BILLERICA, MA 01876 USA	As stated in by-laws
DIRECTOR	BRENDA KOMARINSKI	430 BOSTON RD. BILLERICA, MA 01876 USA 430 BOSTON RD.	As stated in by-laws

c. The fiscal year (i.e., tax year) of the business entity shall end on the last day of the month of:  
December

d. The name and business address of the resident agent, if any, of the business entity is:

Name: UNITED STATES CORPORATION AGENTS, INC.  
No. and Street: 101 BILLERICA AVE.  
BLDG. 5, SUITE 204  
City or Town: NORTH BILLERICA State: MA Zip: 01862 Country: USA

I/We, the below signed incorporator(s), do hereby certify under the pains and penalties of perjury that I/we have not been convicted of any crimes relating to alcohol or gaming within the past ten years. I/We do hereby further certify that to the best of my/our knowledge the above-named officers have not been similarly convicted. If so convicted, explain:

MIRANDA WIDEMAN, ASSISTANT SECRETARY, LEGALZOOM.COM, INC., A CA CORPORATION, 101 N. BRAND BLVD., 11TH FLOOR, GLENDALE, CA 91203

IN WITNESS WHEREOF AND UNDER THE PAINS AND PENALTIES OF PERJURY, I/we, whose signature(s) appear below as incorporator(s) and whose name(s) and business or residential address (es) beneath each signature do hereby associate with the intention of forming this business entity under the provisions of General Law, Chapter 180 and do hereby sign these Articles of Organization as incorporator(s) this 19 Day of March, 2012. (If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)

MIRANDA WIDEMAN, ASSISTANT SECRETARY, LEGALZOOM.COM, INC., A CA CORPORATION, 101 N. BRAND BLVD.

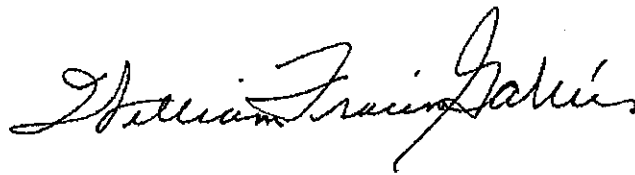
MA SOC Filing Number: 201279830840 Date: 3/19/2012 2:09:00 PM

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

March 19, 2012 02:09 PM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

1. Users must comply with posted rules. Owners of dogs shall be legally responsible for any and all injury or destruction of property caused by their dog(s) in an off-leash area. (As per MGL Ch 140 §155).
2. Use the park at your own risk
3. Dogs must be licensed Billerica dogs, vaccinated, and wear a collar with visible tags. Choke, prong and spike collars are prohibited inside the park. Please remove them before entering.
4. Handlers must have possession of a dog leash at all times. Dogs must be leashed prior to entering and upon leaving the park.
5. No animals other than dogs are allowed.
6. Limit 3 dogs per handler.
7. No female dogs in heat, or puppies under 4 months of age.
8. No dog or human food, glass containers or smoking.
9. Dogs showing aggression towards people or other dogs must be immediately removed from the park.
10. Owners must remain inside the fenced in area, within sight and voice control of their dog.
11. Handlers must pick up and dispose of their dog's waste immediately and should encourage others to do the same.
12. Please fill any holes dug by your dog immediately and discourage him/her from digging
13. Children 8 years or under are not allowed in the off-leash area. Children 9 to 16 must be accompanied and supervised by an adult.
14. Small dog area limited to dogs less than 25 pounds.
15. Snow removal is not provided in winter.