

NEW BUSINESS

2-29-16

----- Forwarded message -----

From: **Jeriann Tucker**

Date: Tue, Feb 2, 2016 at 5:25 PM

Subject: Town Report Cover

Hi Caroline!

Thank you for sending out the information to us recently about the art for the Annual Town Report Cover, and for speaking to the Board of Selectmen about our suggestions to improve this process.

The Art Teachers met again in January, and were disappointed that the Board of Selectmen did not want us to follow up on our ideas as we had carefully thought about it and hoped to broaden the scope of subject and improve equity.

Would there be an opportunity for me to present these ideas at some upcoming meeting personally? Or, if it is pretty set for this year, perhaps for the following year?

We are truly grateful for the chance to showcase our young artists through this opportunity, but feel that we can improve the process for all!

Thank you for any consideration!

Sincerely,
Jeriann on Behalf of the Visual Art Teachers of MPS

From: Karen Foye
Date: February 23, 2016
To: Robert Nunes, Allin Frawley
Subject: Comcast office in Middleborough

Bob Silva asked me to send along some important information regarding the Middleborough Comcast office on rt. 28. Could you forward to the rest of the BOS.

Apparently the town of Lakeville has opened their Comcast license to add the words Raynham to their "locations of customer service payment center" in order to close the Middleborough office. They did this on February 2nd. I was told there will be a comment period but no one will give me the information on when the comment period starts, who the comments should be directed to or if the Selectmen in Lakeville will be having a comment hearing at one of their meetings. Unfortunately it was an oversight in our last license negotiation with Comcast that we didn't specify the Comcast office stay in middleborough. The deal that was made with the Lakeville Selectmen and Comcast was \$50K (\$10K a year for 5 years) to be paid directly to the Town of Lakeville.

What bothers me almost as much as the office closing is that no one in Lakeville thought to mention it to the BOS, the Town Manager, The Cable committee or myself that this was happening. Bob just happened to see an article online. If the Middleborough office closes, the only Customer Service centers in SE Mass (not Xfinity stores) will be Brockton, Plymouth, Weymouth, Somerset, Fall River

Here is the map of customer service centers and stores. <http://customer.xfinity.com/service-center-locations>

Here's the link for the article.

<http://www.southcoasttoday.com/article/20160211/NEWS/160219813>

I will let you know if I hear anything but I know a lot of people including myself use the office on rt 28 at least monthly. It would be a shame for it to close.

Karen

Karen Foye
Cable Access Administrator

MCCAM
10 Nickerson Ave. Middleborough, MA 02346
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www.MCCAM02346.com
kfoye@MCCAM02346.com

From: Jennifer Goldson
Sent: Friday, February 26, 2016 2:35 PM
To: Robert G. Nunes; Jane Lopes; Selectman Leilani Dalpe
Subject: draft RFP revised

See attached for revised RFP. The links are still highlighted and need to be added when the town has created the link.

I fixed the one incorrect date.

I saw one reference to Title V compliance and deleted it.

Also, I fixed a reference to potential future acquisition of the abutting open space property to reflect that the town has already acquired that property.

There is one more area highlighted in yellow for you to fill in about where and when the proposals will be opened.

I've attached the MS Word document so you can go ahead and add in the areas highlighted in yellow when you have the info and also you can make any other changes to finalize (like taking Draft out of the footer after BOS approval).

Jennifer M. Goldson, AICP
Owner
JM Goldson
community preservation

Town of Middleborough, MA

Request for Proposals

Lease of 445 Plymouth Street Historic Oliver House



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Request for Proposals

The Town of Middleborough, MA, acting by and through its Town Manager, hereby issues a Request for Proposals (RFP) for disposition by lease of a parcel of Town-owned property of approximately seven acres of land and the historic Oliver House, Carriage Barn, and Barn located at 445 Plymouth Street, Middleborough, MA.

The Town seeks to lease the property to a party that is committed and able to restore the historic house and grounds for the purpose of preserving the architectural and historic features of the property. The property will be subject to a preservation restriction agreement held by Historic New England. The Town's primary purpose for this disposition is to promote the public welfare by ensuring the preservation, restoration, and public access and enjoyment of this historic property.

RFP packets are available for pick-up starting on March 7, 2016. RFP packets may be accessed at [insert link.]

Proposals must be received by 10:00am on Friday, May 27, 2016 and will be opened at this time in the Town Manager's office at 10 Nickerson Ave, Middleborough, MA 02346.

The Town reserves the right to reject any and all proposals.

Overview

Intent

The intention of the Town is to select a bidder to lease the Property in "as is" condition who can:

- a) Demonstrate the experience and capacity necessary to restore and maintain the historic house and grounds
- b) Fully comply with the terms of the Preservation Restriction Agreement
- c) Best meet the Evaluation Criteria delineated in this RFP

Submission Deadline and Award Date

All proposals must be received via U.S. Mail or in person at the Town Manager's Office, 10 Nickerson Ave, Middleborough, MA 02346 by **10:00am on Friday, May 27, 2016**. The winning proposal will be selected by the Town by Friday, July 8, 2016. The Town reserves the right to reject any or all proposals, extend the selection date, or to cancel this Request for Proposals.

Open Houses

The Town will hold two open houses at the Oliver House where attendees will be able to inspect the entire Premises. The open house will be held on the following dates:

- a) Wednesday, April 13, 2016 at 11:00am
- b) Wednesday, May 4, 2016 at 11:00am

Staff from Historic New England will be available on site during the open house to answer any questions regarding the terms of the Preservation Restriction Agreement as well as the approval process for all rehabilitation work to the property.

Questions and Answers

To be fair to all bidders, all questions outside of the open house must be submitted in writing to the Town Manager at 10 Nickerson Ave, Middleborough, MA 02346 no later than 12:00pm Friday, May 13, 2016. All questions submitted and the answers thereto will be posted by 5:00pm on Wednesday, May 18, 2016 at [insert link].

An applicant without internet access may request that the questions and answers be mailed to the address provided by the applicant.

Property Description

This roughly 7-acre property is located in the northwestern quadrant of Middleborough, approximately one mile north of the town center. Though positioned at a major intersection at Plymouth Street and U.S. Route 44, the property is screened from public ways by dense vegetation and an earthen berm. As a result of its setting, the property has a pastoral and secluded feeling.

The estate, built c. 1769, includes a roughly 3,800 s.f. main house with 6 bedrooms and 3 bathrooms, carriage house, barn, and gardens. The compound affords privacy and an opportunity for responsible restoration. The house and barn are set back approximately 350 feet from Plymouth Street. They are accessed by a narrow, linear, gravel entrance drive from Plymouth Street flanked by an allée of white pine trees that runs along the northeastern border of the property and opens into a square-shaped gravel parking lot featuring a Norway Spruce (*Picea Excelsa*) at the western corner of the house. A low-lying stone wall lines the southern side of the entrance road. A sequence of formal gardens constructed in the late 1940s extends northwest from the rear of the house. The focus of the gardens is a symmetrical four-square kitchen garden located at the western corner of the kitchen ell and main portion of the house.

The Peter Oliver, Jr. House is a southeast-facing, rectangular, two-story, wood-frame, hip-roofed Georgian-style building with a five-bay by three-bay main block constructed 1767-1769, a kitchen ell constructed while Thomas Weston owned the house, between 1780 and 1834, extending from its northwest elevation and a carriage shed wing, also constructed anywhere between 1780-1834, extending from its northeast elevation.

A wealth of period architectural detail and design distinguishes the Georgian-style Oliver House as one of the area's most distinctive homes. The house was very well constructed, exhibiting an extremely high level of craftsmanship not seen outside of major urban centers during this time period. The interior of the main block Oliver House, which encompasses a center-hall, double-pile plan, has remained generally intact since its construction, with some alterations to moldings, doors, walls, and fireplace mantels made by three owners of the property within the time periods of 1780-1834, 1892-1946, and 1946-1947.

The property is located in the Residence A (RA) zoning district, which permits single-family dwellings, agricultural uses, religious and educational uses, childcare center, and some accessory uses by right. Other residential, institutional, and commercial uses would require a special permit from the Planning Board or Zoning Board of Appeals, as indicated in the Middleborough Zoning Bylaws.

History and Recent Background

The Peter Oliver, Jr. House was constructed in 1769 by Dr. Peter Oliver, Jr., son of the first Chief Justice of the Massachusetts Bay Colony, the building retains its original character and is an important example of Georgian style architecture, materials and workmanship in the Commonwealth of Massachusetts. The Peter Oliver, Jr. House was host to such visitors as Governor Thomas Hutchinson and Benjamin Franklin, and was confiscated by the Town of Middleborough as abandoned Tory property during the American Revolution.

The house retains many original features from its date of construction including exterior siding, windows, interior framing members, plaster walls and ceilings, and woodwork. In recognition of these qualities, the Peter Oliver, Jr. House is a contributing property in the Middleborough Center National Register Historic District.

The open space of the Premises consists primarily of lawns and gardens, with a terraced garden located to the rear (northwest) of the Peter Oliver, Jr. House. This open space provides a natural setting that complements the historic structures on the Premises, thereby endowing the Peter Oliver, Jr. House, Carriage Barn, and Barn with scenic, natural and aesthetic value and significance.

In anticipation of Town acquisition, the Town contracted professional services to prepare a Structural Assessment and Reuse Study, which was completed in June 2014 by the Public Archaeology Laboratory and McGinley Kaslow & Associates. The Town also conducted a Phase I 21E environmental study, perc tests, a Title 5 inspection, and an appraisal. These studies and test results are available on the Town's website at: [insert link].

The subject property includes a residential dwelling that was built prior to 1978 and such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The Town has no knowledge of lead-based paint and/or lead-based paint hazards on the property.

In 2015, in recognition of this property's historic, scenic, and environmental value, the Town of Middleborough acquired this property and the adjacent open space property. The land abutting the Oliver House property will be managed by the Town as permanent public open space.

Architectural Description

The Peter Oliver, Jr. House is comprised of a two-story, five-bay, southeast-facing main block (the "Main Block"), a one story entry portico (the "Southeast Entry Portico") attached to the southeast elevation of the Main Block, a one-story side entry portico (the "Northeast Entry Portico") attached to the northeast elevation of the Main Block, a one-story rear ell (the "Rear Ell") attached to the northwest corner of the Main Block, and a one-story carriage barn (the "Carriage Barn") attached to the east corner of the Rear Ell.

The two-story Barn (the "Barn"), located southwest of the Peter Oliver, Jr. House and constructed in the early-nineteenth century, is a significantly intact wood-framed building sided in clapboards and wood shingles with a hip roof.

Preservation Restriction Agreement

The Oliver House is an historically significant property and substantial public financial resources have been provided to protect the historic features of the property. To protect these resources and the public investments made to protect them, a permanent Preservation Restriction Agreement (PRA) will be placed on the property. The PRA will be recorded at the Plymouth County Registry of Deeds. Key terms of the PRA are summarized below and a copy of the PRA

is attached. All bidders are advised to read the entire PRA to be fully informed as to the PRA's requirements for rehabilitating and maintaining the property.

Introduction

The purpose of the PRA will be to preserve the historic, architectural, cultural, scenic, and aesthetic value and significance of the property and to prevent any use that will significantly impair or interfere with the property's character.

Grantor's Covenants

This section describes the property owner's obligations and will apply to the lessee after the Property is leased to the successful bidder. The PRA requires prior review and approval by Historic New England (HNE) for the majority of restoration work that the property owner will undertake and, therefore, the owner should expect to work closely with HNE throughout the restoration period to ensure the appropriateness of this work.

Land Restrictions

This covenant requires the property owner maintain the property to ensure the landscape features are preserved including the existing open space, planting areas, and woodlands.

Exterior Restrictions

No activity can be undertaken that will alter or adversely affect the appearance, materials, workmanship, or structural stability of certain exterior elements of the Peter Oliver, Jr. House, Carriage Barn, or Barn without prior written approval of HNE. The specific elements are detailed in the PRA and include all facades and elevations, roof, chimneys, foundations, and stone steps.

Interior Restrictions

No activity can be undertaken which will alter or adversely affect the appearance, materials, workmanship, or structural stability of specified interior elements of the Oliver House, Carriage Barn, or Barn. The specific elements are detailed in the PRA and include structural members, space configurations, door locations, wood floors, plaster walls and ceilings, woodwork, hardware, and fireplaces and hearths throughout various rooms of the house.

Reversible Alterations

HNE will approve certain reversible alterations after determining that the proposed activity won't alter or adversely affect any protected features, including asphalt or wood roof shingles, screens, storms, air conditioner units, insulation in attic or cellar, electrical re-wiring, plumbing, painting, etc.

Maintenance

Any successful bidder will agree or covenant to maintain the house and premises in good and sound state of repair.

Demolition and Relocation

Any successful bidder will not be permitted or allowed to demolish the property either through positive action or neglect and no portion of the house shall be moved.

Contract Terms and Conditions

The following terms and conditions will apply to the lease of the property described within this Request for Proposals. The lease agreement will be substantially in the form customarily employed by the Town, a copy of which is posted at [insert link].

1. The selection of the lessee and lease agreement is subject to approval by a majority vote of the Board of Selectmen.
2. The selected lessee must execute a lease agreement with the Town of Middleborough within 45 days of notice by the Town of the approval to lease the property. The Town reserves the right to waive or extend this deadline as it sees fit.
3. The selected lessee must occupy the property within 120 days of execution of the lease agreement. The Town reserves the right to extend this deadline as it sees fit.
4. Unless the property is leased for residential purposes, the selected lessee agrees to lease the property "as is" and agrees to be solely responsible for obtaining any and all permits, approvals, waivers, releases or any other requirements necessary to use the property including to ensure compliance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board Rules and Regulations.
5. The lessee will be responsible for all maintenance, cleaning, utilities, rubbish disposal, snow removal, liability and casualty insurance, and restoration of the property per the an annual maintenance and rehabilitation plan, as submitted by the lessee and approved by the Board of Selectmen and Historic New England annually on or by January 31. The Town may consider such expenses in lieu of full market rent for the property.
6. The lease will be for a term of five years, with one option to renew for an additional five-year term. The Town would have the option to terminate the lease prior to term expiration if lessee is not in compliance with the annual maintenance and rehabilitation plan. Any consideration of the option to renew the lease will be based on terms as established by the Town with approval of the lessee.

Submission Requirements

The submitted proposal must be complete and must conform to all submission requirements and submitted no later than by 10:00am on Friday, May 27, 2016. Ten (10) complete hard copies of the proposal must be received via U.S. Mail or in person at the Town Manager's Office, 10 Nickerson Ave, Middleborough, MA 02346 and must also be submitted by email to emelillo@middleborough.com.

All proposals must be submitted in one sealed envelope containing the proposal clearly labeled with the following:

" Proposal for the Lease of 445 Plymouth St."

Proposal Contents

All proposals must contain the following:

- 1) **Certified check** in the amount of \$500 deposit made payable to the Town of Middleborough. Checks will be returned if the proposal is not selected by the Town or if the proposal is withdrawn. A selected proposer who fails to execute a lease will forfeit the deposit.
- 2) **Description and address of the respondent.**

- 3) **Statement of intent and intended use of the property:** Why is the bidder interested in leasing the Oliver House? How does the proposed use(s) provide community benefit?
- 4) **Statement of qualifications:** What makes the bidder a qualified candidate?
- 5) **Operations Plan:** Describe the operating needs of the proposed use and how the use will be financially sustainable. Include a 5-year operating proforma.
- 6) **Rehabilitation Plan:** What rehabilitation work does the bidder propose to undertake to support the proposed use? What are the estimated costs? What is the basis for the costs? Include a 5-year rehabilitation plan.
- 7) **Zoning and Code Compliance:** Does the proposed use require any zoning relief or code waivers? If yes, what is the nature of the needed relief and waivers? What is the timeframe for securing the needed waivers/relief?
- 8) **Statement of financial capacity:**
 - a) This should demonstrate the bidder's ability to carry out the operations of the proposed use, property rehabilitation, and maintenance of the property.
 - b) Anticipated sources of permanent financing and working capital for operating and rehabilitation work.
 - c) Bank letter of credit and/or loan preapproval, if applicable.
- 9) **Executed Forms:**
 - a) Statement of Understanding of Preservation Restriction Agreement
 - b) Certificate of Non-Collusion
 - c) Certificate of Tax Attestation
 - d) Statement of Proposed Rental Price on Price Proposal Form

In addition, the selected proposer will be required to submit a disclosure of beneficial interests to DCAMM, as required by MGL c.7C s.38.

All information submitted is considered a matter of public record. The Town reserves the right to request additional information from bidders.

Amendments/Modifications to Proposals

The respondent may, at any time prior to the deadline for submission of the Proposals, modify the Proposal by submitting a modification to the address specified in the RFP, in a sealed envelope/package containing the modification and clearly marked with the following:

"445 Plymouth St. Lease Proposal Modification."

Withdrawal of Proposal

Any respondent may withdraw its Proposal at any time prior to the deadline for submission of Proposals. Any respondent wishing to withdraw a Proposal must provide a written authorization and acknowledgement that they are withdrawing their Proposal and that the Town of Middleborough is held harmless from any responsibility as a result of the Proposal withdrawal.

Evaluation Criteria

Minimum Evaluation Criteria

All bidders must include the following components in their Proposals in order to be considered for review to meet the minimum criteria to be considered responsive to this request for proposals for this property lease:

- a) Respond to all instructions and requirements of this RFP.
- b) Provide a deposit in the amount of \$500 by certified check
- c) Demonstrate good financial standing.

Comparative Evaluation Criteria

- a) Demonstrate financial and technical feasibility of proposal.
- b) Demonstrate proposal's compatibility with terms of the Preservation Restriction Agreement.
- c) Demonstrated experience necessary to complete rehabilitation and operate the proposed use.
- d) Demonstrates significant public benefit including frequent public access to property and house.
- e) Offers the best price (including consideration of in-kind services)

Ranking

- a) Highly Advantageous – Proposal meets all or most of the comparative evaluation criteria and all minimum evaluation criteria
- b) Advantageous – Proposal meet some of the comparative evaluation criteria and all minimum evaluation criteria
- c) Not Advantageous - Proposal does not meet comparative evaluation criteria and/or does not meet all minimum evaluation criteria

Selection Procedure and Rule for Award

All proposal packages submitted by the deadline will be opened at [insert time and place] and reviewed for completeness by Town staff. All proposals deemed complete will be reviewed by the Middleborough Board of Selectmen to determine the most advantageous proposal from a responsive and responsible proposer, taking into consideration all evaluation criteria set forth in the solicitation, will be selected..

The Town reserves the right to make the final selection of bidder. The Town reserves the right to reject any and all proposals if in its sole determination it is in the public interest to do so.

The Board of Selectmen shall award the contract to the responsive and responsible bidder that offers the most advantageous proposal in accordance with the evaluation criteria.

Exhibit 1 - Statement of Understanding of Preservation Restriction Agreement

Statement of Understanding of Preservation Restriction Agreement.

I/We have read the Preservation Restriction Agreement. I/We understand that the successful bidder for the Oliver House property will lease the property subject to the terms of Preservation Restriction Agreement, substantially in the form as presented in at [insert link].

Applicant Signature

Date

Exhibit 2 – Certificate of Non-Collusion

The undersigned certifies under penalties of perjury that this bid is made in good faith and is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section with word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned certifies that no official or employee of the Town of Middleborough, MA is pecuniarily interested in this proposal or in the contract that the bidder offers to execute or in profits expected to rise there from.

Date

(Signature of individual submitting bid or proposal)

Title:

Company Name Street Address:

Exhibit 3 - Certificate of Tax Attestation

Pursuant to M.G.L. Chapter 62C, Section 49A, I hereby certify under penalties of perjury that

Name of Proposer

has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security #/Federal Identification #:

Signature of Individual or Corporation Name: _____

BY, _____

Corporate Office & Title(if applicable): _____

Exhibit 4 - Price Proposal Form

In accordance with the information, terms and conditions attached hereto, I (We) hereby offer to lease from the Town of Middleborough, MA the land identified as:

Oliver House Property
445 Plymouth Street, Middleborough, MA

Rent Offer Written in Figures: _____ per month

Rent Offer Written in Words: _____ Dollars

Signature of Respondent: _____

Print Name: _____

Address: _____

Telephone: _____

Note: If a partnership or corporation, list all partners or all officers of the corporation and include a sealed corporate vote to allow an officer to act on this matter. Partnership or Corporation Officers Names and Address.

The Town reserves the right to reject any and all proposals if in its best interest to do so.

Exhibit 5 – Property Location Map

The subject property is shown as "Lot A" on this site plan by GAF Engineering, date stamped July 30, 2015. Full scale plans available at the Middleborough Town Manager's Office.



