

NEW BUSINESS

09/19/16

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDDLEBOROUGH
BOARD OF SELECTMEN (BOARD OF HEALTH)**

NOTICE OF BETTERMENT AGREEMENT August 30, 2016.
NOTICE OF BETTERMENT

TO THE REGISTER OF DEEDS OF PLYMOUTH COUNTY

NOTICE is hereby given that the Board of Selectmen of the Town of Middleborough acting as a Board of Health pursuant to General Laws, Chapter 111, Section 127B 1/2 entered into a Betterment Agreement

Dated July 15, 2016 **with** _____
(insert date) **(insert name(s) of property owner(s))**

with respect to real estate located at 34 Rocky Gutter Street
(insert address of property)

in Middleboro, Massachusetts and described in a deed recorded in the Plymouth County

Registry of Deeds in Book 23414, **Page** 193-194
(insert book and page)

or filed as Document Number _____ **with the Plymouth**
(insert document number of deed)

District of the Land Court. The purpose of the Betterment Agreement is to authorize and enable the aforesaid property owner(s) to cause the said property to be serviced properly

by a septic system funded by financial assistance from the Town of Middleborough in the sum of up to and not exceeding

Eighteen Thousand Seven Hundred &.00/100 Dollars (\$ 18,700.00).
(insert amount in writing) (insert amount in numbers)

The aforesaid property owner(s) shall be responsible to pay the Town of Middleborough for all funds advanced to the owner(s) pursuant to the Betterment Agreement together with interest.

The Betterment Agreement and this Notice shall be subject to the provisions of Chapter 80 of the General Laws relative to the apportionment, division, reassessment and collection of Assessment, abatement and collections of assessments and to interest. The lien for betterment under Chapter 80, the Betterment Agreement and this Notice of Betterment Agreement shall take effect by operation of law on the day immediately following the due date of such assessment or apportioned part of such assessment.

This Notice of Betterment Agreement shall be a betterment under Chapter 80.

Diane C. Stewart, Chairman

Stephen J. McKinnon, Vice Chairman

Leilani Dalpe

Allin Frawley

John M. Knowlton

Board of Selectmen
Town of Middleborough

**Commonwealth of Massachusetts
County of Plymouth**

**On This _____ day of _____ 20____ before me the
undersigned Notary Public, personally appeared _____, proved
to me through satisfactory evidence of identification which was _____
to be the person whose name is signed on the preceding or attached document, and
acknowledged to me that he/she signed it voluntarily for its stated purpose(s).**

**Signature of Notary
Colleen M. Lieb**

**(Seal)
My commission expires:**

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

Department of Public Works
48 Wareham Street
Middleborough, MA 02346
Phone 508-946-2481 Fax 508-946-2484

Christopher Peck
D. P. W. Director

September 7, 2016

Ms. Diane Stewart, Chairperson
Board of Selectmen
10 Nickerson Avenue
Middleborough, Ma 02346

Subject: Acceptance of gifted vehicle from Middleborough Gas and Electric

Dear Board Members,

I have sent a request to Middleborough Gas and Electric that a surplus 4x4 pick-up truck be donated to the highway department for use at the town's transfer station. This vehicle will be registered and utilized at the time of which the existing truck at the transfer station becomes unusable.

At this time I would ask that the Board of Selectmen accept the gifting of the vehicle from Middleborough Gas and Electric to the Highway Department for use at the transfer station.

If you have any question please call me at 508-946-2481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ch Peck".

Christopher Peck

Director of Public Works

Cc: Robert Nunes, Town Manager
Attachment: vehicle request to MGE dated 9/7/16

From: Christopher Peck
Sent: Tuesday, August 30, 2016 2:49 PM
To: 'Claire Galkowski'; Colleen Lieb
Subject: RE: SSRC Board appointment

Colleen,
I should have had you add her before. She should be the 2nd appointee.
Thanks

Christopher Peck
Director of Public Works
Middleborough, MA 02346

PH: 508-946-2481
FX: 508-946-2484
cpeck@middleborough.com



From: Claire Galkowski [<mailto:ssrecyclingcoop@verizon.net>]
Sent: Tuesday, August 30, 2016 2:43 PM
To: Colleen Lieb
Cc: Christopher Peck
Subject: RE: SSRC Board appointment

Thank you very much, Colleen!
Does the town intend to appoint a second representative to our Board? Each town can appoint
2. Donna Jolin participated in our last meeting.

Claire Galkowski, Executive Director
South Shore Recycling Cooperative
781.329.8318; ssrecyclingcoop@verizon.net

"Use it up, wear it out, make it do, or do without." -Yankee proverb



Allison J. Ferreira
Town Clerk

TOWN OF MIDDLEBOROUGH
Town Clerk's Office
Bank Building, 20 Centre Street
Middleborough, Massachusetts 02346-2250
508-946-2415 phone
508-946-2308 fax

MEMORANDUM

TO: Planning Board
Board of Selectmen

CC: Robert G. Nunes, Town Manager

FROM: Allison J. Ferreira, Town Clerk 

DATE: September 13, 2016

RE: Resignation of Adam Carbone

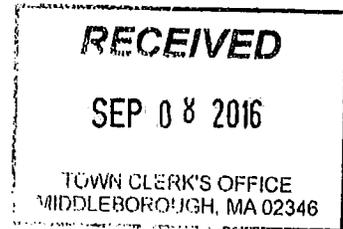
Please be advised I received the attached correspondence from Adam Carbone resigning from his position as an elected official of the Middleborough Planning Board effective August 30, 2016.

Pursuant to Massachusetts General Laws, Chapter 41, Section 109 no resignation of a town officer shall be deemed effective unless and until such resignation is filed with the Town Clerk. Please allow this correspondence to serve as my notification to the Planning Board of this resignation.

For your convenience, attached please find Massachusetts General Laws, Chapter 41, Section 10, 11 and 81A regarding the procedure to fill the vacancy.

Should you have any questions or concerns, please do not hesitate to contact me.

August 30, 2016



From: Adam Carbone

To: Allison Ferreira Town Clerk

Town Office Building

20 Center Street

Middleborough, MA 02346

Dear Mr. Chairman and Board Members:

After lot of consideration and consultation with family I have come to the hard decision of having to tender my resignation as a Member of the Middleboro Planning Board. I feel strongly that if I can't contribute to a role at the level that I feel as though it deserves, then I should no longer be in that position, when someone else may be able to give that level.

There have been several life changes since joining the board that have made it more difficult for me to continue at the level of commitment to the board and to my family. So upon evaluating our family goals I determined that the best thing for my family and as a result the town would be for me to resign my current position. So effective August 30, 2016 I am formally resigning my position as a member of the Middleboro Planning Board.

Sincerely,

Adam Carbone



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE VII CITIES, TOWNS AND DISTRICTS
CHAPTER 41 OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
Section 109 Resignation; notice; residence requirements

Section 109. No resignation of a town or district officer shall be deemed effective unless and until such resignation is filed with the town or district clerk or such later time certain as may be specified in such resignation. Upon receipt of a resignation the clerk shall notify the remaining members, if the resignation is received from a board of two or more members, and he shall further notify the executive officers of the town or district and such notification shall include the effective date of the resignation. Unless otherwise provided by general or special law, ordinance or by-law, a person need not, in order to accept appointment to a public office in a town or district, be a resident of such town or district; provided, however, that if an appointed town or district officer is required to become a resident within a period of time specified at the time of his appointment by the board or officer making the appointment but fails to do so within the time specified, or if an elected or appointed town or district officer removes from the town or district in which he holds his office, he shall be deemed to have vacated his office.



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE VII CITIES, TOWNS AND DISTRICTS
CHAPTER 41 OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
Section 10 Failure to elect; procedure to fill vacancy; notice

Section 10. If there is a failure at an election to choose a town officer, except a selectman, or if a person chosen shall not accept such office, or if a vacancy shall occur, the town may at any meeting elect a person to such office.

If, at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and ballots shall be prepared and furnished for such meeting, containing the nominations already made and such as may subsequently be made for the office.

The proceedings in such election and the qualifications of a person to be elected or appointed in case of failure to elect, refusal to accept or vacancy shall be the same as in an original election.

If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectmen or selectman may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the town, or twenty per cent of the total number of registered voters of the town, whichever number is the lesser; provided, that such request is filed with them or him not less than one hundred days prior to the date of the next annual election.

If there is a resignation of a town officer creating a vacancy at some later time certain, and such resignation is filed with the town clerk in accordance with the provisions of section one hundred and nine, said town clerk shall certify a vacancy shall occur at the later time certain and the board of selectmen may call a special election as provided in this section; provided, however, that no such election may be held prior to the effective date of the resignation creating such vacancy.

No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election.



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE VII CITIES, TOWNS AND DISTRICTS
CHAPTER 41 OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
Section 11 Appointment to fill vacancy in town office

Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.



THE 189TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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TITLE VII CITIES, TOWNS AND DISTRICTS PREV NEXT

CHAPTER 41 OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS PREV NEXT

Section 81A Planning board; establishment; membership; tenure; vacancies PREV NEXT

Section 81A. Any city except Boston, and, except as hereinafter provided, any town may at any time establish a planning board hereunder. Every town not having any planning board shall, upon attaining a population of ten thousand, so establish a planning board under this section. A planning board established hereunder shall consist of not less than five nor more than nine members. Such members shall in cities be appointed by the mayor, subject to confirmation by the city council and in towns be elected at the annual town meeting or be appointed in such manner as an annual town meeting may determine; provided, that a town which has a planning board established under section seventy may, at an annual town meeting or at a special town meeting called for the purpose, vote to establish a planning board under this section and may provide that the members of the planning board then in office shall serve as members of the planning board under this section until the next annual town meeting. When a planning board is first established or when the terms of members of the planning board established under section seventy serving as members of the planning board under this section expire, as the case may be, the members of the planning board under this section shall be elected or appointed for terms of such length and so arranged that the term of at least one member will expire each year, and their successors shall be elected or appointed for terms of three or five years each as determined by the city council in the case of a city and by the town meeting in the case of a town. Any member of a board so established in a city may be removed for cause, after a public hearing, by the mayor, with the approval of the city council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term, in a city, in the same manner as an original appointment, and, in a town, if the members of the board are appointed, in the same manner as the original appointment. If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term. All appointments pursuant to this section shall be in the manner provided in section eleven. Such a board shall elect annually a chairman and a clerk from among its own number, and may employ experts and clerical and other assistants. It may appoint a custodian of its plan and records, who may be the city engineer or town clerk.

No member of a planning board shall represent before such board any party of interest in any matter pending before it.

Towns of less than ten thousand inhabitants, having no planning board established under this section may, by vote of the town meeting, authorize the board of selectmen to act as a planning board under this section until such a board is established; provided, that any such town, upon attaining a population of ten thousand, shall establish a planning board hereunder.

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