

# **NEW BUSINESS**

**10-24-11**



# *Town of Middleborough Commission on Disability*

October 19, 2011

Board of Selectmen  
Town of Middleborough  
10 Nickerson Avenue  
Middleborough, MA 02346

Dear Honorable Members of the Board of Selectmen:

The Commission on Disability met on October 12, 2011 and voted to recommend the Board of Selectmen appoint Michelle McClellan as a new member of the Commission on Disability to replace Melissa Oddi-Morrison who resigned. Ms. McClellan attended our Commission on Disability meeting on October 12, 2011 and expressed a sincere interest in joining the Commission. Attached please find her letter of interest for your review and consideration.

Should you have any questions or concerns, please do not hesitate to contact me at (508) 946-2415.

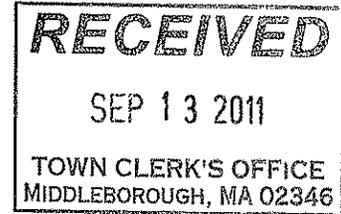
Very truly yours,

Allison J. Ferreira  
Secretary to the Commission on Disability/  
Town Clerk

/ajf

cc: Commission on Disability

September 9, 2011



To: The Board of Selectmen:

My name is Michelle L. McClellan, I have been enjoying Middleboro for just over a year and would like to call Middleboro my home. Recently, I moved here from Rochester, NY to be with family. Please accept my letter as consideration for the vacant position to serve on the disability commission board.

I have 10 years of experience working with special needs individuals, as well as additional skills in leadership, communication, & retail. I am committed to advocating for the health & welfare of our neighbors, to be their voice. I believe this would be an excellent opportunity of growth and another outlet for me to appreciate being apart of this community. My desire is to be a seeker of solutions; therefore, I would welcome the prospect to serve on this board.

Thank you for your energy and passion expressed in your service for Middleboro. I will look forward to your reply.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Michelle L. McClellan".

Michelle L. McClellan  
35 West St.  
Middleboro, MA 0234



# TOWN OF MIDDLEBOROUGH

*Town Clerk's Office*

*Bank Building, 20 Centre Street*

*Middleborough, Massachusetts 02346-2250*

*508-946-2415 phone*

*508-946-2308 fax*

Allison J. Ferreira  
Town Clerk

## MEMORANDUM

**TO:** Board of Selectmen

**FROM:** Allison J. Ferreira, Town Clerk

**DATE:** October 20, 2011

**RE:** House Bill No. 01972

I received the attached correspondence from Woburn City Clerk William C. Campbell requesting your support on moving House Bill No. 1972 "An Act Regulating Election Primaries" forward. The bill is now pending before the General Court at the State House.

In summary, your support of the bill will allow for the following:

1. Increase the time between the State Primary and the State Election so that military personnel and Massachusetts residents residing overseas can vote without having to waive their right to a secret ballot;
2. Save the Commonwealth and communities at least \$8,000,000 by consolidating elections moving the State Primary and Presidential Primary to the first Tuesday in June;
3. Establish a new method of selecting political party town committee members and eliminate the primary ballot method of selecting the town committee members which is costly to the Town as it requires significant ballot design and voting machine programming expenses.

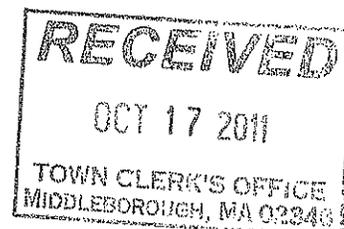
For your convenience, I have enclosed a copy of House Bill No. 1972, a list of the Massachusetts Cities and Towns who have supported this bill to date and a draft of a Resolution for you to sign should you be in support of moving this bill forward.

If you are in support, I would need your vote to allow me to transmit the Resolution in support of House Bill No. 1972 to Senator Pacheco, State Representatives Calter, Straus and Orrall and to the Joint Committee on Election Laws.

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

**William C. Campbell**  
**Woburn City Clerk**

October 6, 2011



Eileen S. Gates, Town Clerk  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

Dear Clerk Gates:

Enclosed please find a proposed Resolution in support of H1972 "An Act Regulating Election Primaries" now pending before the General Court at the State House. I request that you forward this matter to your Board of Selectmen for placement on their agenda for action.

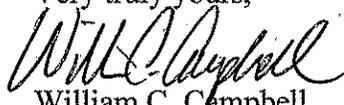
Adoption of H1972 will ensure that the votes of our troops serving overseas will count on election day and will save taxpayers at least \$8,000,000.00 by streamlining elections. The Department of Defense Federal Voting Assistance Program (FVAP), in written testimony supporting the bill, noted that the bill is in line with federal law and is also in line with a number of states that have recently moved their primary elections earlier in the year to comply with the federal requirement. The FVAP testimony concluded **"passing HB1972 will significantly improve voter success for many military members, overseas voters, and their families."**

In the 2010 State election, the Commonwealth requested a waiver from the federal MOVE Act, which requires that, at least 45 days before an election, ballots be sent to Americans overseas. The only reason for the Secretary's waiver request was "due to a late primary." The temporary solution was a bill that allowed our troops to vote by fax or email, but the voter was required to sign a statement waiving his or her right to a secret ballot.

Deadlines for the 2012 election are approaching quickly. To be effective, this bill has to be passed soon. **The support of your Board of Selectmen now will move the bill forward.** It is important that our state legislators hear from their constituents of their support for H1972. More importantly, our troops deserve to know that their votes count.

A bill summary and a copy of the FVAP testimony are enclosed. If I can provide any additional information, please feel free to contact me.

Thank you for your support in moving along this important legislation.

Very truly yours,  
  
William C. Campbell

*P.O. Box 2, Woburn, Massachusetts 01801*  
*wcampbell40@yahoo.com*

# H1972 - An Act Regulating Election Primaries

## Executive Summary

### Purpose:

1. To increase the time between the State Primary and State Election so that military personnel and Massachusetts residents residing overseas can vote without having to waive their right to a secret ballot.
2. To save the Commonwealth and communities at least \$8,000,000.00 by consolidating elections.
3. To simplify the election process, decrease opportunity for "voter fatigue" and establish fairness among candidates.

### Executive Summary:

1. Moves the state primary to the first Tuesday in June. This will increase the time to mail ballots to military personnel and other residents of Massachusetts stationed or residing overseas. The trend across the country has been to move the primary earlier in the year to comply with the requirements of the Military and Overseas Voter Empowerment Act (the MOVE Act). The MOVE Act requires that absentee ballots be transmitted to voters at least 45 days before an election.
2. Moves presidential primary to the first Tuesday in June. Combining the state election and presidential primary into one day will result in savings of at least \$8,000,000.00 (\$3,500,000.00 for the state according to testimony of the Secretary of the Commonwealth before the General Court and a minimum of \$4,500,000.00 based on the State Auditor's reimbursement to municipalities following the January 2010 special election). This will place Massachusetts towards the end of the presidential primary schedule and could draw the attention sought in the event of a primary season without a clear front-runner in the major parties. In 2008, the election was moved from March to February so that the primary coincided with the so-called Super Tuesday. It did not have the anticipated effect of drawing attention to the state in view of the large number of primaries held on that day. California has moved its presidential primary and state primary to the first Tuesday after the first Monday in June for fiscal reasons. Combining the state primary with the presidential primary in Massachusetts makes fiscal sense.
3. Establishes a new method of selecting political party ward and town committee members and eliminates the primary ballot method of selecting the ward and town committee members. The outdated primary method is costly in that it requires significant ballot design and voting machine programming expenses. For example, looking at voting machine coding costs in the 2008 election cycle, the City of Woburn paid \$1,474.00 for coding the September primary, \$1,330.00 for coding of the November general election, but the February presidential primary with ward committees on the ballot cost the city \$3,807.00 for voting machine coding. The

## H1972 An Act Regulating Election Primaries – Executive Summary

state committeeman and state committeewoman will continue to be selected by primary ballot. The respective state committees will then oversee the selection of ward and town committee members based on a system of rules and procedures established by the party and filed with the Secretary of the Commonwealth.

4. Brings greater consistency to deadlines relating to elections and nominations across all elections and for all candidates.
5. Requires unenrolled candidates for office to meet the same filing deadlines as for party candidates. For example, currently, party candidates for statewide office have to file nomination papers in early May while unenrolled candidates have until early August to file nomination papers. This proposal would create consistency among all candidates as well as ensuring that ballots can be printed and transmitted to be sent out in compliance with the MOVE Act.
6. Most community polling places are located in schools. Every election day causes disruption to the educational process and increases security issues in the schools. Although relationships are cooperative, many municipal chief election officials have been advised by their local school departments that alternative locations other than the schools should be sought. Limiting the number of elections held in a year could reduce this friction and reduce these concerns.
7. March is a challenging month to conduct elections as the election is held early in the month and winter weather conditions such as snow and ice are still a concern. In addition, the vast majority of poll workers are retired citizens, many of whom travel to Florida and other warm weather locations during the winter months. Election officials often struggle with filling the void created by so-called “snow birds” for March elections. Labor unions, political parties, stay at home mothers and senior citizens for many years filled the role of poll workers. However, as cultural conditions have changed the bulk of election workers now come from the retired citizens pool.

*Prepared by: William C. Campbell, Woburn City Clerk  
Woburn City Hall – 10 Common Street  
Woburn, MA 01801  
Tel: (781) 897-5850  
Email: [wcampbell@cityofwoburn.com](mailto:wcampbell@cityofwoburn.com)*



## FEDERAL VOTING ASSISTANCE PROGRAM

Department of Defense  
Rosslyn Plaza North  
1777 North Kent Street  
14<sup>th</sup> Floor, Suite 14003  
Arlington, VA 22209-2162

### Written Testimony

May 2011

In support of HB 1972

From

Scott Wiedmann - Deputy Director  
Federal Voting Assistance Program  
U.S. Department of Defense

The Federal Voting Assistance Program (FVAP) of the US Department of Defense presents this written testimony in support of a bill before the Legislature of the Commonwealth of Massachusetts to move its primary from September to June of federal election years. FVAP was created to assist military and overseas civilian voters to effectively cast a ballot and to have it counted.

We submit this testimony in an effort to assist our targeted voting population during elections in Massachusetts -- the 11,691 men and women of the armed services, and their 3,899 spouses and voting age dependents, as well as those citizens of Massachusetts who are overseas on Election Day, whether federal workers, Peace Corps Volunteers, business men and women, missionaries or students abroad.

Late last month FVAP sent letters to Speaker DeLeo, Senator Murray, and Secretary of State Galvin in which FVAP outlined three legislative initiatives that are recommended, but still lacking, in Massachusetts Code. Adoption of HB 1972 would significantly improve the possibility that Massachusetts' military and overseas citizens will be able to successfully mark and return a ballot and have it counted in the upcoming presidential elections in 2012.

### The Problem

As President Truman recognized in 1952, the men and women of the armed forces, "in many cases risking their lives, deserve above all others to exercise the right to vote."<sup>1</sup> For over half a century, this still remains a significant problem for this nation. Congress has determined that it is the right of absent uniformed services voters and overseas voters to vote by absentee ballot in all elections for federal office. Congress has codified this right through the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA), as amended in 2009, by the Military and Overseas Voter Empowerment Act

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<sup>1</sup> March 28, 1952 letter from President Truman to Congress, contained in the 1952 Report of the Subcommittee on Elections, Committee on House Administration, U.S. House of Representatives.

(MOVE Act), and by other federal legislation. As Congress has stated: "All eligible American voters should have an equal opportunity to cast a vote and have their vote counted."<sup>2</sup>

Military and overseas voters still face many challenges almost 60 years after President Truman's concern. FVAP's 2008 Report to Congress indicates the existence of a significant discrepancy in the number of successfully returned ballots between the stateside non-UOCAVA absentee voting population (91% return rate) and the UOCAVA absentee voters, of whom only 67% were able to successfully return their ballots in U.S. elections.

The overwhelming area of failure in the absentee voting process for UOCAVA voters, comprising the military, their spouses and voting age dependents and overseas citizens, was not registration problems or absentee ballot application failures, but, primarily, ballot return problems and, secondarily, voted ballots that were returned by UOCAVA voters, but not counted, usually because they arrived back too late. In fact, FVAP's surveys indicate that over 78% of all UOCAVA voting problems fell into these two areas.

FVAP's goal is that military and overseas voters have the same absentee ballot return and acceptance rate as the general absentee voter population. Towards that end, States need to address a variety of problems facing UOCAVA voters, such as:

- Difficulty in registering to vote from outside the State;
- Frequent address changes among military voters;
- Slow mail delivery that causes ballots and ballot applications to arrive late or not at all;
- Difficulty in obtaining information about candidates or issues from outside the State, particularly when internet access is spotty or non-existent;
- Inability to comply with witness or verification procedures in places where there may not be other Americans, much less voters from the same State; and
- A voter's unintentional failure to properly comply with seemingly insignificant requirements to vote absentee, such as the use of "8 1/2 x 11" size paper, in a location where the available standard paper size is different.

The challenges to voting presented to military and overseas citizens are myriad. Finding the forms to register or to apply for an absentee ballot, whether on paper or online, and then returning these forms can be a challenge. Even more difficult, however, is timely receipt and return of absentee ballots. Many of the problems faced are often not the fault of the military or overseas voter; these can be, for example, postal delays when a Peace Corps volunteer uses foreign postal services, or postal delays for military serving on the front lines or on ships at sea, when the military postal service is also the transportation/delivery network for food, ammunition, medical supplies and other wartime essentials. Other minor challenges, but still significant barriers to participation when they arise, include the inability of the voter to find a proper witness under state law, the inability to properly print forms when the paper available overseas does not match stateside paper size or layout, difficulty in determining who is the proper local election official, or who the general election political nominees are when access to the internet is minimal or non-existent. Different military and overseas voters face unique challenges, and, therefore, the best solutions are multiple solutions. Providing emailed blank ballots assists some voters;

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<sup>2</sup> Pub. L. 107-107

making blank ballots available for a military or overseas citizen to access online and print out at the cyber-café, simplifies the voting process for other voters; some voters can use fax, but many cannot.

Most overwhelming are the logistical challenges presented by the transit by mail of paper applications and ballots. FVAP acknowledges that there are significant logistical challenges for state officials to send ballots at least 45 days in advance. Yet, for some UOCAVA voters, ballots sent 45 days in advance by mail may still not give them enough time to vote. In November 2008, MPSA, the military postal service agency, recommended on its website the allowance of a period of 28 days for a one-way transit of mail to Iraq and Afghanistan. The average Priority mail delivery times to aircraft carriers frequently exceed two weeks; and carriers are the first stop in mail distribution to the smaller ships in a carrier battle group. If a soldier or sailor is at the end of this logistics distribution chain and cannot open, act upon and return mail during the short time that the mail delivery personnel are in the area, it can be weeks before this voter is again able to post his/her ballot for return.

FVAP does want to acknowledge the hard work and innovative comprehensive plan for UOCAVA voters that was implemented in 2010 by Massachusetts' elections officials. Use of priority mail both to voters and for voters to return their ballots did assist in allowing more voters than otherwise would have been able to successfully participate in the 2010 elections. Even though this had some positive impact, however, due to the challenges outlined above priority mail only improves delivery times by a very small margin. Despite the hard work and significant resources devoted to this solution, it pales in comparison to moving the primary date back sufficiently to ensure ballots are mailed at least 45 days in advance of the general election. Moreover, while Massachusetts requested and was granted a waiver under the MOVE Act for the 2010 election cycle and met their commitments under their comprehensive plan, each election cycle requires a new waiver request, and there is no guarantee that future waiver requests will be granted.

### **Potential Solution**

HB 1972 proposes moving Massachusetts' September primary back into June. This is in line with the recently passed federal amendment to UOCAVA in the 2009 MOVE Act. It is also in line with a number of states that have recently moved their primary elections earlier to more easily comply with the new federal requirement, and would provide ample time for Massachusetts' election officials to certify a ballot and ensure it is mailed at least 45 days prior to Election Day.

### **Conclusion**

Military sacrifice should not include sacrificing the right to vote. Passing HB1972 will significantly improve voter success for many military members, overseas voters, and their families.

Many thanks for your consideration of FVAP's testimony.

HOUSE DOCKET, NO. 02733 FILED ON: 01/21/2011

**HOUSE . . . . . No. 01972**

The Commonwealth of Massachusetts

PRESENTED BY:

*James J. Dwyer and , (BY REQUEST)*

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act regulating election primaries.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William C. Campbell</i>	<i>45 Arlington Road Woburn, MA 01801</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>

**HOUSE . . . . . No. 01972**

By Messrs. Dwyer of Woburn and Kaufman (by request), a petition (accompanied by bill, House, No. 1972) of Jones and Dwyer for legislation to further regulate primary elections Joint Committee on Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act regulating election primaries.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 52 of the General Laws, is hereby amended by striking out section 2, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 2. In every ward and town there shall be a ward or town committee selected or appointed by and from among the members of the party who either have enrolled on or before January first of the year in which their selection or appointment is made, or are newly registered voters in their city or town enrolled in that political party and have not been enrolled in another political party during the calendar year preceding

the year in which their selection or appointment is made. Each state committee shall adopt a system set forth in written rules and procedures covering all aspects of the ward and town committee member selection process and a copy of such rules and procedures shall be filed with the state secretary on or before October first of the year preceding the year in which presidential electors are to be elected. Ward and town committee members shall hold office for a period of four years ending on the thirtieth day following the day on which the presidential primaries are next held and until their successors shall have organized. If any member changes his residence from the ward or town in which he was selected or appointed during the said four years, he shall cease to be a member at the end of the calendar year during which said residence is changed. If any member, whether originally selected or appointed or chosen to fill a vacancy, cancels or changes his party enrolment he shall forthwith cease to be a member of said committee.

For the purposes of this chapter, notwithstanding the fact that ward lines in a city have been redistricted subsequent to a presidential primary, members of ward committees selected or appointed from wards in existence at the time of a presidential primary shall continue to represent said wards until their successors shall have been selected or appointed and organized under the redistricted ward lines at the presidential primary next following said redistricting.

SECTION 2. Chapter 52 of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. Each city, ward and town committee shall within ten days after the thirtieth day next following the selection or appointment of its members, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as it may decide to elect. At such meeting a ward or town committee may add to its selected or appointed members; provided, that by so doing the total number of members shall not be made to exceed the number determined under section nine. Ward and town committees may appoint associate members by vote at any meeting. Associate members shall not have the right to vote but shall have such other powers and duties as the ward or town committee may determine. In case there is a failure of selection or appointment of a ward or town committee, the city committee or the state committee, respectively, of the political party which said ward or town committee represents shall appoint from among the voters qualified therefor the members of such committee and shall call a meeting for its organization, in such call appointing a time for holding the same and naming a person to preside thereat. If a ward committee or a city or town committee fails to meet within the time prescribed by this section and organize, the city committee or the state committee, respectively, of the political party which such ward, city or town committee represents shall call a meeting for its organization, in such call appointing a time for holding the same and naming a person to preside thereat. In the event that a ward or town committee fails to meet at the time appointed as aforesaid and organize, the selection or appointment of each of its members shall be void and the same proceedings shall be had as is herein provided in the case of a failure of selection or appointment.

SECTION 3. Chapter 52 of the General Laws is hereby amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. Ward and town committees, respectively, shall fix the number of members of ward and town committees to be selected or appointed as set forth in the manner provided in section 2, not less than three nor more than thirty-five for each ward and each town. Notice of the number of committee members to be selected or appointed shall be given by the ward or town committee, as the case may be, to the state secretary and the chairman of the respective state committee on or before December first of the year preceding the year in which said persons are to be selected or appointed. In case a ward or town committee fails to fix the number of members of a ward or town committee or to give such notice, the number of members of such ward or town committee to be elected shall be the number of members last so fixed or assigned.

SECTION 4. Section 2 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out in the first sentence the words "not later than August first preceding a year in which a presidential primary is to occur and otherwise not later than February first of the year of the biennial state election" and inserting after the word "requesting," the following words:- not later than November first preceding a year in which a biennial state election or presidential primary is to occur.

SECTION 5. Chapter 53 of the General Laws is hereby amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. All certificates of nomination and nomination papers of candidates, whether enrolled in a party, a party designation or unenrolled, for the office of senator in congress, representative in congress, governor, lieutenant governor, attorney general, treasurer and receiver-general, state auditor, state secretary state representative, state senator, executive council, or county office shall be filed with the state secretary on or before the last Tuesday in February of the year in which a state election is to be held. If there is a special election to fill the office of senator or representative in congress or any other state office, all certificates of nomination and nomination papers shall be filed on or before the ninth Tuesday preceding the day of such election. Nomination papers for presidential elector shall be filed on or before the last Tuesday in November of the year in which a presidential election is to be held.

In any city, except Boston, certificates of nomination and nomination papers for any city election shall be filed on or before the sixty-third day preceding such city election. In any city, except Boston, the time for presenting nomination papers for certification to the registrars of voters, and for certifying the same, shall be governed by section seven, notwithstanding any contrary provision in any special law. In any city where primaries are held, under authority of general or special law, for the nomination of candidates for city offices, certificates of nomination and nomination papers shall be filed not later than the last day fixed for the filing of nomination papers for such primaries, but in no event later than the sixty-third day preceding such primary. In any city where preliminary elections for the nomination of candidates for a city office are held, nomination or other like papers required to be filed by such candidates shall be filed on or before the sixty-third day preceding the day of the preliminary election, notwithstanding any contrary provision in any special law.

Any provision of general or special law to the contrary notwithstanding, the last day for filing with the town clerk certificates of nomination or nomination papers for the nomination of town offices shall be the sixty-

third day preceding the date of the election. In any town, the time for presenting nomination papers for certification to the registrars of voters, and for certifying the same, shall be governed by section seven, notwithstanding any contrary provision in any special law.

Any incumbent town meeting member may become a candidate for election by giving written notice thereof to the town clerk not later than twenty-one days prior to the last day and hour for filing nomination papers notwithstanding any contrary provision in any special law.

Certificates of nomination and nomination papers shall be filed before five o'clock in the afternoon of the last day fixed therefor.

SECTION 6. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out in the first sentence in the second paragraph the words "thirty-fifth day" and inserting in the first sentence in the second paragraph after the words "no later than the" the following words:- sixty-third day.

SECTION 7. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out in the third sentence in the third paragraph the words "thirty-fifth day" and inserting in the third sentence in the third paragraph after the words "held more than" the following words:- sixty-third day.

SECTION 8. Section 21 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out in the first sentence the words "not later than the first Wednesday of August before the election" and inserting in first sentence after the words "state secretary" the following words:- not later than the first Wednesday in June before the election.

SECTION 9. Section 28 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

State primaries shall be held on the first Tuesday in June preceding biennial state elections and on the ninth Tuesday preceding special state elections, including primaries before special elections for senator or representative in congress. Presidential primaries shall be held on the first Tuesday in June in any year in which presidential electors are to be elected. Notwithstanding any provision of law to the contrary, any town may hold its preliminary or regular town elections on the same date designated as the date to hold a presidential primary, in any year in which presidential electors are to be elected, provided that such election is by a ballot independent of the ballot used at a presidential primary. City and town primaries before all city and town elections shall be held on the sixty-third day preceding such elections.

SECTION 10. Section 34 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph in its entirety.

SECTION 11. Section 34 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out from the fifth paragraph the words "for a ward or town committee."

SECTION 12. Section 42 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the words "on or before June first" and inserting after the words "state secretary the following words:- on or before February first.

SECTION 13. Section 42 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the words "at least twenty-one days before the primaries" and inserting after the words "shall give notice" the following words:- at least sixty-three days before the primaries.

SECTION 14. Section 46 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out from the third sentence in the first paragraph the words ", ward, and town".

SECTION 15. Section 47 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out from the second sentence the words ", except in the case of primaries before special elections".

SECTION 16. Section 48 of chapter 53 of the General laws, as so appearing, is hereby amended by striking out the first, second and third paragraphs and inserting in place thereof the following three paragraphs:-

Nomination papers of candidates to be voted on at presidential primaries, except candidates for state committees, shall be filed with the state secretary on or before the first Friday in February preceding the day of the primaries.

Nomination papers of candidates for election to state committees at presidential primaries shall be filed with the state secretary on or before the last Tuesday in November of the year preceding said presidential primaries.

All certificates of nomination and nomination papers of candidates, whether enrolled in a party, a party designation or unenrolled, for the office of senator in congress, representative in congress, governor, lieutenant governor, attorney general, treasurer and receiver general, state auditor, state secretary, state representative, state senator, executive council, or county office shall be filed with the state secretary on or before the last Tuesday in February of the year in which a state election is to be held. In the case of primaries before special elections, such nomination papers shall be filed on or before the ninth Tuesday preceding the day of the primaries. The state secretary shall forthwith issue to the candidate or other person filing such nomination papers a certificate acknowledging the time and date of the receipt thereof.

SECTION 17. Section 57 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the words "not later than the thirtieth day" and inserting after the words "town clerk," the following words:- not later than the ninetieth day.

SECTION 18. Section 61 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out from the first sentence in the first paragraph the words "not less than thirty-five days" and inserting in the first sentence in the first paragraph after the words "town clerk" the following words:- not less than sixty-three days.

SECTION 19. Section 70B of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out from the fourth sentence the words ", ward and town".

SECTION 20. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out from the first sentence of the first paragraph the words ", ward and town".

SECTION 21. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out from the second sentence in the first paragraph the words “, and nomination papers for candidates for ward and town committees shall be signed by at least five voters”.

SECTION 22. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the third sentence in the second paragraph.

SECTION 23. Section 70E of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The names of candidates for state committee shall be placed last upon the ballot in the manner provided in section thirty-four.

SECTION 24. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 25. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph.

SECTION 26. Section 72A of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the words “thirty-eighth day” and inserting after the words “not later than the” the following words:- sixty-third day.

SECTION 27. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby amended by striking out in the first sentence the words “sixtieth day” and inserting in the first sentence after the words “notice after the” the following words:- sixty-third day.

SECTION 28. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby amended by striking out in the second sentence the words “thirty-fifth day” and inserting in the second sentence after the words “written notice after the” the following words:- sixty-third day.

SECTION 29. Section 86 of chapter 54 of the General Laws, as so appearing, is hereby amended striking out from the fourth sentence the words “not later than twenty-eight days” and inserting in the fourth sentence in its place thereof the following words:- Not later than ninety days.

SECTION 30. This act shall take effect upon its passage.

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MA Cities and Towns Supporting Bill HB 1972

City/Town	Vote	Date	Comments
Acushnet	Yes	10/14/11	
Amesbury	Yes	10/11/11	
Athol	Yes	10/18/11	
Barnstable			On BOS agenda 10/20/11
Belmont	Yes	10/17/11	
Billerica	Yes	10/17/11	
Bolton			On BOS Agenda 10/27/2011
Braintree	Yes	10/18/11	
Dracut	Yes	10/17/11	
Dunstable	No Action		
Easton	Yes	10/17/11	
Fall River	Yes		
Fitchburg	Yes		
Gloucester	Yes		
Groton	Yes		
Hanson	Yes	10/18/11	
Hudson	Yes	10/17/11	
Lancaster	Yes	10/17/11	
Leominster	Yes		
Mansfield	Yes		
Medfield	Yes	10/04/11	
Mendon	Yes	10/11/11	
Newbury			On BOS agenda 10/25/2011
Northbridge	Yes		
Orange			Info has been forwarded to BOS
Phillipston	Yes		
Raynham			On BOS agenda 10/18/2011
Sherborn	Yes	10/13/11	
Shutesbury	No Action		
Southbridge	Yes	10/03/11	
Stow			On BOS agenda 10/25/2011
Sudbury	Yes	10/04/11	
Woburn	Yes		
Wrentham	Yes		Voted yes with amendment re Pres Primary

## RESOLVED

Whereas, according to the Department of Defense Federal Voting Assistance Program (FVAP), there are 11,691 active military duty Massachusetts residents residing overseas; and

Whereas, for the November 2010 election, Massachusetts requested a waiver from a requirement of the Military and Overseas Voter Empowerment Act (the MOVE Act) to send absentee ballots to Americans overseas at least 45 days before an election “due to a late primary”; and

Whereas, a report by the Secretary of the Commonwealth revealed that in the November 2010 election only 400 ballots from Massachusetts active duty military personnel stationed overseas were counted; and

Whereas, the General Court is considering H1972 “An Act Regulating State Primaries”, a bill that moves the state primary to allow Massachusetts residents residing overseas to vote privately and securely, and combines the presidential primary with the state primary to save taxpayers at least \$8,000,000.00; and

Whereas, a number of states have moved their primary dates earlier in the year to comply with the federal MOVE Act and to provide relief to taxpayers by reducing the cost of elections; and

Whereas, the Massachusetts state primary scheduled for September 18, 2012 stands alone as the last state primary in the country in 2012; and

Whereas, in written testimony the FVAP concluded “passing HB1972 will significantly improve voter success for many military members, overseas voters, and their families”; and

Whereas, HB1972 simplifies the election process, decreases the opportunity for “voter fatigue”, reduces the cost of elections for taxpayers, and establishes fairness among candidates;

Now, Therefore, Be It Resolved by the Board of Selectmen of the Town of Middleborough that the Town of Middleborough supports the adoption of HB1972 “An Act Regulating Election Primaries” pending before the 187<sup>th</sup> General Court of the Commonwealth of Massachusetts and directs the Town Clerk to transmit a copy of this action to the municipality’s State Delegation and to the Joint Committee on Election Laws.

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Alfred P. Rullo, Jr.

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Stephen J. McKinnon

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Steven P. Spataro

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Allin Frawley

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Ben Quelle

**BOARD OF SELECTMEN**

## Jacqueline Shanley

---

**From:** Childrens Educator <educator@soulehomestead.org>  
**Sent:** Wednesday, October 19, 2011 10:08 AM  
**To:** Jacqueline Shanley  
**Subject:** Soule Homestead Recycling Event  
**Attachments:** image001.jpg

Hi Jackie,  
Soule Homestead Education Center is asking the Board of Selectmen for permission to use the town hall parking lot for a Electronics and Appliance Recycling Fundraiser on Saturday, November 12<sup>th</sup>, 10 -2pm. Thank You –  
Laurie Amberman

Laurie Amberman  
Children's Educator  
[www.SouleHomestead.org](http://www.SouleHomestead.org)  
[www.facebook.com/soulehomestead](http://www.facebook.com/soulehomestead)  
508.947.6744

October 15, 2011

Town of Middleborough  
Board of Selectmen  
Town Hall  
10 Nickerson Ave  
Middleborough, Ma 02346

Gentlemen:

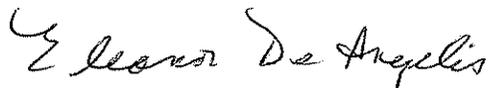
In an effort to support the arts in our community, this letter is to request that I be appointed to the Middleborough Cultural Council.

It is my feeling that our town has many varied artistic outlets and encouraging their continuance benefits not only all residents from the very young to our seniors, but also helps to strengthen relationships within the community.

It is with this thought that I hope to receive favorable consideration to my request.

Thank you for your time.

Respectively,



Eleanor De Angelis  
412 Green St.  
Middleborough, Ma 02346

October 17, 2011

Town of Middleborough  
Board of Selectmen  
Town Hall  
10 Nickerson Ave  
Middleborough, Ma 02346

Gentleman:

As Chairperson of the Middleborough Cultural Council I am writing to recommend that Eleanor De Angelis for a seat on the Cultural Council Board. She has shown genuine interest in fostering the arts in our community and would be a great asset to this board.

Sincerely,

Tanya April-Trzeciak  
Chair, Middleborough Cultural Council

Nov 16<sup>th</sup> - 7PM -

\*

APPLICATION AND UTILIZATION AGREEMENT  
TOWN HALL  
MIDDLEBOROUGH, MASSACHUSETTS

\*PLEASE SUBMIT PAYMENT WITH APPLICATION\*

DATE OF APPLICATION 10-14-11

ORGANIZATION/INDIVIDUAL Proprietors of Woods Lake

ADDRESS 47 Alwood Ave

CITY, STATE, ZIP Middleborough MA 01846 TEL 617 839 3245  
# \_\_\_\_\_

CO-APPLICANT (BARTENDING SERVICE) \_\_\_\_\_

OWNER NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_ TEL \_\_\_\_\_  
# \_\_\_\_\_

DATE(S) OF EVENT 11-16-2011 APPROXIMATE NUMBER OF PARTICIPANTS 20

TIME OF DAY(S) REQUIRED 5 PM TO 9 PM  
(ATTACH SEPARATE SHEET IF NECESSARY)

*Be sure to include any set-up or dismantling day(s)/time requirements.*

BRIEFLY DESCRIBE TYPE OF ACTIVITY Business Meeting for Proprietors

ASSIGNED SPACE  MEETING ROOM \_\_\_\_\_ GRAND BALLROOM \_\_\_\_\_ GROUNDS If using grounds, will building access be required for sanitary facilities? \_\_\_\_\_

\*Note - There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? \_\_\_\_\_ Licensing fee of \$ \_\_\_\_\_ plus \$100.00 required at time of application. This will be refunded if license denied prior to event or activity.

Food will be served \_\_\_\_\_ Name of Caterer \_\_\_\_\_ Telephone # \_\_\_\_\_  
\*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings \_\_\_\_\_

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$500.00 Check # \_\_\_\_\_ (must be tendered with application and will be returned within two-weeks if no damage to building, grounds or equipment has been reported).

Rental Cost \_\_\_\_\_ One-day alcoholic beverage license fee \_\_\_\_\_ Personnel Cost \_\_\_\_\_ Total Cost \_\_\_\_\_

Name of Designated Town Official volunteering to perform security service \_\_\_\_\_

Signature of Volunteer \_\_\_\_\_

Application Approved by Board of Selectmen (date) \_\_\_\_\_ Fees Waived \_\_\_\_\_ Fees Due \_\_\_\_\_

~~J Shanteau~~ JShanteau@middleborough.com

X

I/we Michael D Lieb hereby acknowledge return of our \$500.00 bond payment.  
Surveyor for Peapack Lakes of Woods Lake

APPLICATION AND UTILIZATION AGREEMENT  
TOWN HALL

In connection with my/our planned use of the Town Hall and/or grounds, I/we hereby agree to the following:

I/we agree to abide by all conditions as set forth in this application and the rules and regulations as established by the Board of Selectmen.

I/we agree that no activities unrelated to this purpose will be conducted on the premises.

I/we agree to hold harmless and indemnify and defend the Town of Middleborough, its agents, servants, employees and volunteers from and against any and all claims for injury to any person and/or damage to or loss of any personnel property of any nature arising out of my/our contracted use of the property or facilities of the Town for this function and that which may occur outside of the Town Hall premises or arise from activities which occur on or about the Town Hall premises.

I/we agree to assume total responsibility for assuring that:

- a. the participants at the meeting/event will conduct themselves in a safe and orderly fashion;
- b. no dangerous or unlawful activities will take place on the premises or grounds;
- c. no Town or other property will be removed from the building or grounds;
- d. participants will confine themselves to the specified areas of the building and grounds designated for the event;
- e. participants will leave the building and grounds in a clean and orderly condition;
- f. the participants will promptly leave the premises at the time scheduled for their departure.
- g. participants will abide by all rules and regulations as established by the Board of Selectmen

I/we agree to refrain from placing signs or decorations anywhere on the premises except as specified below. And if allowed will not place or cause to be placed in contradiction to the rules and regulations.

I/we understand that Town employees and/or designated volunteers in attendance at the scheduled event/meeting, except as specified below, are there for the sole purpose of providing participants with access to the portion of the building and grounds that have been set aside for their use. If payment for custodial services has been made, please note here.

I/we agree to abide by all requests of Town employees and designated volunteers who are present at the event pertaining to the use of the building and grounds.

I/we hereby certify that no alcoholic beverages of any type will be consumed at the event/activity, unless authorized and appropriate licensing has been obtained in advance and as established by the rules and regulations.

I/we agree to provide a security deposit in the amount of \$500.00 refundable to me/us within two weeks after the event if, in the sole judgement of the Board of Selectmen, I/we have fully complied with the terms of this Agreement and the Rules and Regulations.

I/we require/request use of the following

Chair set up \_\_\_\_\_ PA system/Podium set up \_\_\_\_\_ Piano \_\_\_\_\_

I/we agree to the following additional conditions:

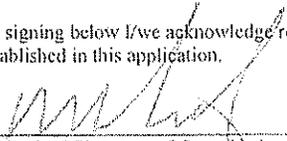
The governing body of the renting organization named below met on \_\_\_\_\_ 201\_\_ and, a quorum being present, authorized the individual named below to sign this agreement. The minutes of that meeting, or a letter of authorization from the President of the renting organization, are attached to this agreement.

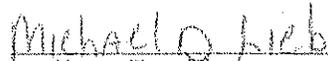
ML



APPLICATION AND UTILIZATION AGREEMENT  
TOWN HALL

By signing below I/we acknowledge receipt of a copy of the rules and regulations and agree to abide by them and any other conditions established in this application.

  
Authorized Signature of Organization

  
Name ---Please Print

Individual Signature

Name---Please Print

Signature of Owner - Co-Applicant (Bartending Service)

Business Name---Please Print

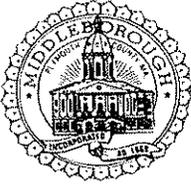
Original to be kept with security bond/deposit in the Selectmen's office. Two copies given to applicant (one for your records and the other given to the custodian/security personnel in charge of the event/activity.)

# MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET  
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



**Bruce D. Gates**  
Chief of Police

October 12, 2011

Board of Selectmen  
Town Hall  
Middleborough, MA 02346

RE: Request for Commendations

Honorable Board,

On September 28, 2011 Detectives Robert Lake, Simonne Ryder and Police Officers, Alan Cunningham, Kristopher Dees and Terry Meleski were conducting undercover surveillance of an individual who was suspected of breaking and entering a number of homes in the south Middleborough area. Much of the information resulting in the surveillance of this suspect was previously gathered by Police Officer Brett Collins.

While under surveillance this suspect was observed by the officers exiting a home he had broke into, carrying items. This quickly turned into a very dangerous situation as the suspect fled in a motor vehicle striking one officer on foot and 2 others in a vehicle, before crashing himself. Luckily the officers suffered only minor injuries and have all returned to duty. The suspect will be facing multiple felony charges including attempted murder.

As a result of the actions of these 6 Police Officers I would recommend they all be commended for their actions.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Bruce D. Gates".

Bruce D. Gates,  
Chief of Police



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

Fifteen Thousand Dollars &.00/100 (\$ 15,000.00 ).  
(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.

\_\_\_\_\_  
Alfred P. Rullo Jr., Chairman

\_\_\_\_\_  
Stephen J. McKinnon, Vice Chairman

\_\_\_\_\_  
Steven P. Spataro

\_\_\_\_\_  
Ben Quelle

\_\_\_\_\_  
Allin Frawley

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  
Jacqueline M. Shanley**

**(Seal)  
My commission expires:**

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

NOTICE OF BETTERMENT AGREEMENT October 13, 2011  
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

Patrick A. Stapleton

Dated July 8, 2011 with Leslie A. Corsini-Hebert, A. Irene Corsini, Glenn Hebert  
(insert date) (insert name(s) of property owner(s))

with respect to real estate located at 267 Wareham Street  
(insert address of property)

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

Registry of Deeds in Book 30755, Page 85  
(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 Three Hundred and One Dollar & .21/100 18,301.21 ).  
(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.

\_\_\_\_\_  
Alfred P. Rullo Jr., Chairman

\_\_\_\_\_  
Stephen J. McKinnon, Vice Chairman

\_\_\_\_\_  
Steven P. Spataro

\_\_\_\_\_  
Ben Quelle

\_\_\_\_\_  
Allin Frawley

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  
Jacqueline M. Shanley**

**(Seal)  
My commission expires:**

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

CERTIFICATE OF COMPLETION  
TOWN OF MIDDLEBOROUGH EARTH REMOVAL BY-LAW

From: Issuing Authority: Town of Middleborough Board of Selectmen

To: Permit Holder(s): Ryan Vlaco, Pine Street

Date of Issuance of Certificate: October 24, 2011

This Certificate is issued for work regulated by an Earth Removal Permit (Permit # 07-3) issued to Ryan Vlaco by the Town of Middleborough Board of Selectmen pursuant to the Town of Middleborough Earth Removal By-law.

1. It is hereby certified that the work regulated by the above-reference Earth Removal Permit was satisfactorily completed in accordance with the approved plans.
2. This Certificate shall be recorded in the Registry of Deeds or the land Court for the district in which the land is located, if applicable. The Earth Removal Permit Order of Conditions should be recorded along with this Certificate of Complete.

Witness the hand and seal of the undersigned.

\_\_\_\_\_  
 Alfred P. Rullo, Jr. Chairman  
 BOARD OF SELECTMEN

Commonwealth of Massachusetts  
County of Plymouth

On this 24th day of October, 2011, before me the undersigned Notary Public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification which was/were \_\_\_\_\_, 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

(Seal)  
My commission expires \_\_\_\_\_

**EARTH REMOVAL PERMIT**  
**INSPECTION CHECKLIST**

DATE: 6/20-21/11

PROJECT NAME: Ryan Viaco

PROJECT #: #07-03

PAYMENT RECEIVED: \$ 400.00

EXP. DATE: 4/12/10

YES  NO

CHECK # 11741

LOCATION: Pine Street

FINAL

(CIRCLE YES OR NO)

1. Knowledge of Town Hall observed Holidays:  Yes  No Comments: \_\_\_\_\_

2. Topsoil stockpile: Yes  No  Comments: \_\_\_\_\_

3. Bond or surety in place: Yes  No  Comments: \_\_\_\_\_

4. Standard highway signs in place:  Yes  No Comments: \_\_\_\_\_

5. No refining or screening: Yes  No  Comments: \_\_\_\_\_

6. Provisions for dust control adequate:  Yes  No Comments: \_\_\_\_\_

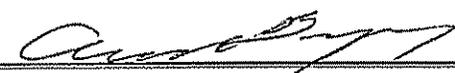
7. Depth and slope compliance:  Yes  No Comments: \_\_\_\_\_

8. Drainage compliance:  Yes  No Comments: \_\_\_\_\_

9. Warning signs along property line meet requirements:  
Yes  No  Comments: \_\_\_\_\_

10. Special conditions (Specified Below): Yes  No  Comments: \_\_\_\_\_  
(ex: berm, 5 acre maximum, tree cutting, buffer, truck signs or assigned route, etc.)

General comments and observations: Complete  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Inspector's Signature

**Middleborough Board of Selectmen  
Meeting Minutes**

**April 12, 2010**

the internet license only. There were no abutters present with comments. Chairwoman declared hearing closed at 8:18 PM.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted unanimously to approve Class II Internet Sales only license in the name of TNS Auto, 668 Wareham Street.

Ryan Vlaco Earth Removal - continued discussion from 10/26/09

Attorney Craig Medeiros addressed Board. Mr. Vlaco is currently requesting the submitted proposed revisions to E.R. Permit Conditions and new plans as presented on the attached.

Selectwoman Duphily asked how close Mr. Vlaco is to planting the bogs. Attorney Medeiros responded that there isn't any bog planting yet. Selectman McKinnon noted that his only concern is that they are asking to change the identification of the original property that was permitted. Attorney Medeiros noted that the original permit never described the property accurately. Selectman Rullo wants assurance that the project will be completed by 9-15-10. Attorney Medeiros responded that the only thing left is to sell the loam and this is more than sufficient time to do it. Attorney Medeiros indicated that Mr. Vlaco will be planting behind the McLeod property by 5/30/10. Attorney Medeiros informed the Board that they have had detailed discussions with direct abutters including the McLeods. Attorney Medeiros also noted that there is an agricultural easement in place which means his client can use for agricultural purposes.

Attorney Jeff Angley representing the McLeods addressed Board speaking in favor of this project moving forward because they want it completed. They have worked hard to create and reach a separate agreement that they are happy with. They ask that the Board grant the permit

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to extend permit until 9-15-10, as revised by the attached agreement.

**TOWN MANAGER'S REPORT**

Selectwoman Duphily asked Town Manager for status of road conditions since flooding. The Town can expect a 75% reimbursement for any damages related to the flooding. We will assess the condition of the roads under water once the water recedes. We are also looking into what we should do about the Pratt Farm Dam.

Memo from Building Commissioner re suggestion by Department of Public Safety to waive permit fees for flood related damage in hopes of encouraging people to obtain the necessary permits to ensure their repairs are done correctly.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted unanimously to support waiving of fees.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, and as recommended by the Town Manager, Board voted unanimously to approve allowing residents affected by flooding to purchase a second landfill pass for the remainder of this

\*New. ASOF 4-9-10

**PROPOSED REVISIONS TO EARTH REMOVAL PERMIT CONDITIONS**

This Proposal sets forth the proposed revisions requested by Ryan Vlaco, of 17 Pine Street, P.O. Box 107, Middleboro, Massachusetts 02346 (hereinafter referred to as "Vlaco") pertaining to that certain Earth Removal Permit #07-3 and associated Conditions for Earth Removal, dated April 4, 2007, and recorded at the Plymouth County Registry of Deeds in Book 34394, Page 258, (hereinafter referred to as the "Earth Removal Permit"), granted to Vlaco pertaining to property owned by him and located at 17 Pine Street, Middleboro, Massachusetts, being more particularly shown as Map 97, Lot 2655 as shown on the Assessors Maps of the Town of Middleboro.

WHEREAS, on or about April 4, 2007, the above-referenced Earth Removal Permit was issued to Ryan Vlaco by the Town of Middleborough Board of Selectmen;

WHEREAS, Paragraph 1 of the Earth Removal Permit provides, "This permit is valid for two (2) years and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen after meeting with the Applicant";

WHEREAS, as of this date, such Earth Removal Permit has not been renewed or extended and the earth removal activity contemplated by such permit has not been completed by Vlaco;

WHEREAS, Vlaco desires to complete the work called for under the Earth Removal Permit as revised by the terms of these proposed revisions and shown on a plan entitled, "Revised Plan of Earth Removal, Prepared for Ryan Vlaco, Drawn By: Foresight Engineering, Inc., dated 3/24/2010, Scale 1"=60" (hereinafter referenced as the "Plan").

WHEREAS, pursuant to the afore-referenced permit, Vlaco is hereby requesting a extension until September 15, 2010, to complete the work contemplated by the Earth Removal Permit.

Concerning the foregoing, Vlaco hereby requests that the following proposed revisions and amendments to the Earth Removal permit are granted by the Town of Middleboro Board of Selectmen:

1. The description of the subject premises is revised to indicate that the permitted premises is Map 97, Lot 2655, as shown on the Assessors Maps of the Town of Middleboro. The original Earth Removal Permit granted indicates that the subject premises is Map 97, Lot 3478, as shown on the Assessors Maps of the Town of Middleboro. Map 97, Lot 3478, was a 30.1 acre parcel of land a portion of which was premises affected by the subject Earth Removal Permit. Map 97, Lot 2655 is a 11.8 acre parcel of land which is subject to the remaining earth removal activities contemplated herein.

2. The earthen berm created by Vlaco along the boundary line with the land of Dennis and Donna McLeod, being shown as Assessors Map 96, Lot 3269 and the land of Glen and Joanne Hayes, being shown as Assessors Map 97, Lot 2512, will be removed and the grade brought down to elevation approximately even with the McLeod's and Hayes' back yard (elevation 86), as more particularly shown on the afore-referenced Plan.
3. The grade at +/- 86 would then be held as shown on the attached Plan, feathering as it traversed toward the Hayes property—forming a triangular piece of level ground, again being more particularly shown on the attached Plan.
4. In the area delineated “No Further Disturbance Zone” on the attached Plan, trees have been cut and excavation has taken place. However, no additional trees will be cut or excavation undertaken by Vlaco, both during the duration of the subject earth removal or at any time thereafter. However, notwithstanding the foregoing, as indicated in Paragraphs 2 and 3 herein, Vlaco will level the earth berm located in such “No Further Disturbance Zone”. A recordable restrictive covenant running with the land will be recorded in order to ensure that no such trees will be cut or excavation undertaken by Vlaco in the aforesaid area delineated as “No Further Disturbance Zone”.
5. Vlaco will complete the grading, loaming, and seeding of all slopes shown on the attached Plan in order to stabilize the same, improve aesthetics of the subject premises, and reduce dust and windblown debris. Such slopes are to be inspected and approved by the Town of Middleboro DPW Director in order to ensure proper stabilization in order to ensure compliance with the provisions hereunder.
6. The existing loam piles on the Vlaco site are to be removed from the site over the course on or before September 15, 2010. Such loam piles and any excess material from the construction of the proposed cranberry bog at the subject premises will be the only remaining material removed from the site. No further site excavation, except to the extent necessary to construct the proposed cranberry bog as shown on the attached Plan will occur. Removal of loam, slope and site stabilization, and grading and bog construction (though not vine planting) will be fully completed by September 15, 2010.
7. Vlaco will maintain a bond, or acceptable alternative surety in the amount of \$50,000.00 in order to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.
8. The terms and conditions of the Earth Removal Permit #07-3 and associated Conditions for Earth Removal, dated April 4, 2007, and recorded at the Plymouth County Registry of Deeds in Book 34394, Page 258, are hereby incorporated by reference hereto, except to the extent they are amended by these proposed revisions.

Conditions for Earth Removal

RYAN VLACO  
Pine Street  
Middleborough, Massachusetts  
Assessors Map 097 and Lot 3478  
98,500cubic yards

1. This permit is valid for two (2) years and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen after meeting with the applicant.
2. Hours of operation are limited from 7:30 A.M. to 4:30 P.M. Operation is only allowed on Monday through Friday. Motors of earth removal equipment, including trucks hauling material to and from the site, are not to be started or run until 7:30 A.M. Trucks are not to line up before the start time or sit idling. There will be no jake braking.
3. No operation is allowed on Saturday, Sunday or Town Hall observed holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents Day	Veteran's Day
Patriots Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
July 4 <sup>th</sup>	Christmas Day
4. All excavated areas not part of the bogs will be topsoiled and planted per the specification on the plan or at the direction of the Board. All top and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. A minimum of four inches of topsoil must be put back in place..
5. Excessive erosion is to be controlled as determined by the Board of Selectmen or its agent.
6. An initial review to confirm compliance with permit conditions and restrictions must be performed by the Board's Agent before the commencement of any earth removal activities. The fee for this review is \$ 400.00, due and payable at the time the permit holder notifies the Board's Agent that all requirements of the permit which must be done prior to commencement of work have been accomplished, and the permit holder is ready for the Agent to perform the initial review.

7. Quarterly reviews must be performed by the Board's Agent every three months following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit. The fee for each such review is \$ 400.00, due and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permittal project.
8. The plans, entitled, "Plan to Accompany Earth Removal Application - Pine Street - Middleborough, MA - Prepared for Ryan Vlaco", dated February 14, 2007 is incorporated herein by reference and is part of this permit, and must be adhered to strictly. Failure to do so constitutes a violation of this condition of the Permit. A copy of the Plan and Order of Conditions must be kept on the lot at all times when the lot is being worked, pursuant to this permit.
9. A bond, or acceptable alternative surety, in the amount of \$ 50,000 will be required to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.
10. Standard highway signs warning of heavy trucks entering the highway shall be erected as directed by the Board of Selectmen or their Agent and be in place prior to commencement of removal operations.
11. The Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.
12. The permit holder is advised that no work may commence until he has filed a Notice of Intent under Chapter 131, Section 40, and received an Order of Conditions from the Conservation Commission. A violation of the Order of Conditions issued by the Conservation Commission shall be a violation of this permit.
13. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.
14. Any spillage on public ways or private property shall be cleaned up by the permit holder or its agent.
15. All access to and from the permitted property will be Right or Left on Pine Street to Rte. 28 or Rte. 58
16. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find

that the permittee, or any agent of the permittee, violates any condition of this permit.

17. No refining or screening of material is allowed on the permitted property except the screening of sand and loam to be used for on-site cranberry bogs, gravel for on-site roadways and loam for final on-site grading and seeding.
18. The Town Manager is authorized to act as the Selectmen's Agent in the administration and enforcement of this permit.
19. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Board's Agent to assist in dust control.
20. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the board. The Board may, in its discretion, hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.
21. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.
22. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the record plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as shown in the plan.
23. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Selectmen. Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.
24. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.
25. Two by Three foot signs will be erected every 500' along the property line. The signs will display the permit number, the name and phone number of the permit holder's agent and the name and phone number of the Board of Selectmen's Agent, together with the words "NO TRESPASSING-EARTH REMOVAL IN PROGRESS".
26. All trucks hauling from the site must display a sign on the rear of the truck in an area that will be unobstructed and clearly in view displaying the words "TOWN OF MIDDLEBOROUGH PERMIT # 07-3\_\_\_\_\_".

27. A copy of this Earth Removal Order of Conditions shall be filed with the Registry of Deeds by the Permit holder as a notice to all that these conditions restrict work on the lot under the permit.
28. A Certificate of Compliance will be issued by the Board of Selectmen when the project is completed. The Certificate of Compliance will operate to release the lot from the conditions of the permit and terminate the permit. The Certificate of Compliance must also be filed with the Registry of Deeds by the permit holder.

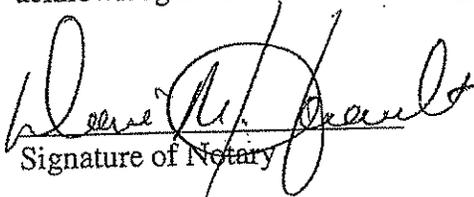


Wayne C. Perkins, Chairman  
BOARD OF SELECTMEN

4-4-07  
Date.

Commonwealth of Massachusetts  
County of Plymouth

On this 4<sup>th</sup> day of April, 2007, before me the undersigned Notary Public, personally appeared Wayne C. Perkins, proved to me through satisfactory evidence of identification which was/were personal knowledge 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

(Seal)

My commission expires

