

NEW BUSINESS

10-4-10

My additional friends would
like permission to put a sign
on Town Hall lawn for our Annual
Halloween dance on Oct 30th -

The dance is to be held in the
ballroom from 8 to midnight.

Myra Dughey

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION ~~Oct 30th~~ Sept 28th

ORGANIZATION/INDIVIDUAL Middleboro Friends

ADDRESS _____

CITY, STATE, ZIP _____ TEL # _____

CO-APPLICANT (BARTENDING SERVICE) Bartending services of New England

OWNER NAME Bill Fuller

ADDRESS _____

CITY, STATE, ZIP _____ TEL # _____

DATE(S) OF EVENT Oct 30th APPROXIMATE NUMBER OF PARTICIPANTS _____
(ATTACH SEPARATE SHEET IF NECESSARY)

TIME OF DAY(S) REQUIRED 7 TO midnight

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

BRIEFLY DESCRIBE TYPE OF ACTIVITY a costume ball to raise money for scholarship on U. in Sylvia's name

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 Flot Iron Cafe 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 less jockey

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).

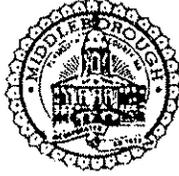
Rental Cost _____ One-day alcoholic beverage license fee _____ Personnel Cost _____ Total Cost _____

Name of Designated Town Official volunteering to perform security service _____

Signature of Volunteer Margaret Murphy

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

I/we _____ hereby acknowledge return of our \$500.00 bond payment.



WARRANT FOR SPECIAL TOWN MEETING

Middleborough, Massachusetts

To Bruce D. Gates, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School, on Monday, October 4, 2010 at 7:00 P.M.**, to act on the following articles:

ARTICLE 1. To hear the report of any committee or officer of the Town, to appoint any committee, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source, to supplement and/or adjust departmental budgets for Fiscal Year 2011, or act anything thereon.

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund sick leave buy-backs or act anything thereon.

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund one or more collective bargaining agreements or act anything thereon.

ARTICLE 6. To see if the Town will vote to rescind Town Meeting authorizations to borrow as follows:

<u>Project</u>	<u>Town Meeting Vote/ Date of Authorization</u>	<u>Town Meeting Article</u>	<u>Portion of Borrowing Authorization to be rescinded</u>
1. Capping existing landfill	10/10/90	12	\$ 85,000.00
2. Oliver Mill Restoration	04/24/00	19	\$ 125,000.00
3. Jr. High School/Early Childhood Center	05/14/01	40	\$5,446,219.00
4. Jr. High School/Early Childhood Center	10/27/05	49	\$3,017,781.00
5. Jr. High School/Early Childhood Center	11/13/06	21	\$1,000,000.00
6. Storm Water Reduction	11/13/06	6	\$ 131,523.00

, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Trash Disposal Enterprise Fund, or act anything thereon.

ARTICLE 8. To see if the Town will vote to accept G.L. c. 64L, s. 2(a) and to impose a local sales tax upon the sale of restaurant meals originating within the Town by a vendor at the rate of 0.75 percent of the gross receipts of the vendor from the sale of restaurant meals, or act anything thereon.

ARTICLE 9. To see if the Town will authorize the Board of Selectmen to acquire by eminent domain and/or by gift an easement in Commerce Boulevard between Bedford Street (Routes 18/28) and Clay Street for use by the public, said way as shown on a plan entitled "*Definitive Subdivision Plan Middleborough Park @ 495 – Phase II Plan of Land Middleborough MA 'Commerce Blvd.'*" dated 5/8/03 revised 11/28/05 by Bay Colony Group and Meridian Associates, recorded in the Plymouth County Registry of Deeds Plan Book 51 Pages 440 - 469), and any related easements, or act anything thereon.

ARTICLE 10. To see if the Town will authorize the Board of Selectmen to acquire by eminent domain and/or by gift an easement in Campanelli Drive between Bedford Street (Routes 18/28) and Clay Street for use by the public, said way as shown on a plan entitled "*'Campanelli Drive' Middleborough, Massachusetts Plan of Land*" dated 3/2/10 by Kelly Engineering), and any related easements, or act anything thereon.

ARTICLE 11. To see if the Town will vote to accept Wildflower Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way as shown on the road layout plan on file with the Town Clerk entitled "Wildflower Estates Street Acceptance Plan, Wildflower Lane off Fairview Street, Middleborough, MA" prepared by G.A.F. Engineering, Inc. and dated July 27, 2010 revised through August 5, 2010, and any related easements, or act anything thereon.

ARTICLE 12. To see if the Town will vote to accept Keith Street Extension as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way as shown on the road layout plan on file with the Town Clerk entitled "Roadway Asbuilt-Acceptance Plan, Keith Street Extension, Middleborough, MA" prepared by Outback Engineering and dated July 26, 2010, and any related easements, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$20,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to fund a used four wheel drive vehicle for the Planning Department, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$31,070 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to fund additional career incentive payments recently approved by the Commonwealth for three police officers and unused paid leave days for two police officers who have retired, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$58,422 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase two (2) cruisers for the Police Department, or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$34,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a Self-Contained Breathing Apparatus (SCBA) air cylinders for the Fire Department, or act anything thereon.

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$415,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase and equip a Pumping Engine to replace the 1986 Engine for the Fire Department, or act anything thereon.

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$10,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase and install a generator for the South Fire Station, or act anything thereon.

ARTICLE 19. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$12,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase individual paging devices and software to replace the obsolete and irreparable paging devices for the Fire Department, or act anything thereon.

ARTICLE 20. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$16,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a Truck Mounted Sander for Ice/Snow for the Public Works Department, or act anything thereon.

ARTICLE 21. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$120,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a Sidewalk Plow for the Public Works Department, or act anything thereon.

ARTICLE 22. To see if the Town will vote to transfer a sum of money from the Receipts Reserved for Appropriation: School Insurance Recovery in Excess of \$20,000 for use by the School for all expenses associated with the replacement of damaged equipment, or act anything thereon.

ARTICLE 23. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$31,557 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace the funds to the Facility Rental account, or act anything thereon.

ARTICLE 24. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$98,500 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to buy or lease a new School Bus, or act anything thereon.

ARTICLE 25. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$34,500 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace the air conditioning compressors and make related repairs at the John T. Nichols, Jr. Middle School, or act anything thereon.

ARTICLE 26. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$115,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, the Water Enterprise Unreserved/Retained Earnings Account, or other available source, or by borrowing to purchase a Backhoe for the Water Department, or act anything thereon.

ARTICLE 27. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$50,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, the Wastewater Enterprise Unreserved/Retained Earnings Account, or other available source, or by borrowing to purchase a Sewer Jetter for the Wastewater Department, or act anything thereon.

ARTICLE 28. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$20,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, the Wastewater Enterprise Unreserved/Retained Earnings Account, or other available source, or by borrowing to fund engineering services related to pre-design permitting for the upgrade to the Wastewater Treatment Facility, or act anything thereon.

ARTICLE 29. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$10,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to hire a consultant to perform an actuarial valuation to determine the town's accrued liability and total unfunded liability for post-retirement benefits required by GASB 45, or act anything thereon.

ARTICLE 30. To see if the Town will vote to raise and appropriate the sum of \$10,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to make safe, demolish and/or remove dangerous, unsafe and/or abandoned structures, or act anything thereon.

ARTICLE 31. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$11,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to fund energy efficiency improvements at the Town Office Buildings, or act anything thereon.

ARTICLE 32. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, a sum of money to be placed into the Stabilization Fund, or act anything thereon.

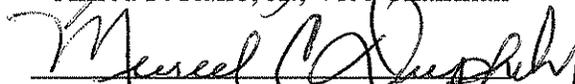
ARTICLE 33. To see if the Town will vote to replace the Town Manager as a member of the Citizens Environmental Health Impact Committee, established by votes under Article 1 of the 2007 Annual Town Meeting and Article 26 of the November 5, 2007 Special Town Meeting, with a member-at-large to be appointed by the Town Moderator, or act anything thereon.

ARTICLE 34. To see if the Town will vote to authorize the Board of Selectmen to sign an Intermunicipal Agreement for regional cooperation in the provision of solid waste and recycling services by the South Shore Recycling Cooperative, and to see if the Town will vote to accept the provisions of the agreement titled Extension of Intermunicipal Agreement for Cooperative Recycling on the South Shore, and to accept of Section 419 of Chapter 194 of the Acts of 1998; or act on anything relative thereto.

Given, under our hands at Middleborough, 13th day of September, 2010.


Marsha L. Brunelle, Chairman


Alfred P. Rullo, Jr., Vice Chairman


Muriel C. Duphily


Stephen J. McKinnon


Steven P. Spataro

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the **16th day of September, 2010**, that date being more than fourteen days before the time specified for said meeting.

A handwritten signature in cursive script that reads "Bruce Gates". The signature is written in black ink and is positioned above a horizontal line.

BRUCE GATES
Police Chief

**SPECIAL TOWN MEETING MOTIONS – OCTOBER 20, 2008
BOARD OF SELECTMEN**

ARTICLE 1 I move to accept the report from the _____ committee and to thank them for their service.

(I believe one or more committee will be giving their final report at this meeting.)

ARTICLE 2 Motion to be made by Finance Committee

(The motions that the Finance Committee will make will be attached.)

ARTICLE 3 Motion to be made by Finance Committee

(The motions that the Finance Committee will make will be attached.)

ARTICLE 4 I move that the Town vote to transfer the sum of \$69,504 from Free Cash to fund sick leave buy-backs for personnel retiring from the Police and Fire Departments.

Police Department	\$11,058
Fire Department	58,446

This article funds two sick-leave buy-backs in each department.

ARTICLE 5 I move that we postpone this article indefinitely.

There are no signed collective bargaining agreements to fund.

ARTICLE 6 I move that the Town will vote to rescind Town Meeting

authorizations to borrow as follows:

<u>Project</u>	<u>Town Meeting Vote/ Date of Authorization</u>	<u>Town Meeting Article</u>	<u>Portion of Borrowing Authorization to be rescinded</u>
1. Capping existing landfill	10/10/90	12	\$ 85,000.00
2. Oliver Mill Restoration	04/24/00	19	\$ 125,000.00
3. Jr. High School/Early Childhood Center	05/14/01	40	\$5,446,219.00

4. Jr. High School/Early Childhood Center	10/27/05	49	\$3,017,781.00
5. Jr. High School/Early Childhood Center	11/13/06	21	\$1,000,000.00
6. Storm Water Reduction	11/13/06	6	\$ 131,523.00

The Town's auditors have recommended that these authorizations of borrowings be rescinded by Town Meeting since they are no longer needed.

ARTICLE 7 I move that the Town vote to transfer the sum of \$195,677 from Free Cash to the Trash Disposal Enterprise Fund in order to eliminate surpluses in the General Fund generated by trash fees.

This article pays back the trash ratepayers for surpluses generated from trash fees from prior years before the creation of the Trash Disposal Enterprise fund.

ARTICLE 8 I move that the Town vote to accept G.L. c. 64L, s. 2(a) and to impose a local sales tax upon the sale of restaurant meals originating within the Town by a vendor at the rate of 0.75 percent of the gross receipts of the vendor from the sale of restaurant meals.

Last year the state legislature gave cities and towns the ability to enact a local meals tax of .75%. This nominal charge could generate over \$200,000 per year in revenue for the Town of Middleborough.

ARTICLE 9 I move that the Town authorize the Board of Selectmen to acquire by eminent domain and/or by gift an easement in Commerce Boulevard between Bedford Street (Routes 18/28) and Clay Street for use by the public, said way as shown on a plan entitled "Definitive Subdivision Plan Middleborough Park @ 495 – Phase II Plan of Land Middleborough MA ' Commerce Blvd." dated 5/8/03 revised 11/28/05 by Bay Colony Group and Meridian Associates, recorded in the Plymouth County Registry of Deeds Plan Book 51 Pages 440 - 469), and any related easements.

This article is required by the state in order to qualify for the MORE Jobs grant for Commerce Boulevard.

ARTICLE 10 I move that the Town authorize the Board of Selectmen to acquire by eminent domain and/or by gift an easement in Campanelli Drive between Bedford Street (Routes 18/28) and Clay Street for use by the public, said way as shown on a plan entitled "Campanelli Drive' Middleborough, Massachusetts Plan of Land" dated 3/2/10 by Kelly Engineering), and any related easements.

This article is required by the state in order to qualify for the MORE Jobs grant for Commerce Boulevard.

ARTICLE 11 I move that the Town vote to accept Wildflower Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way as shown on the road layout plan on file with the Town Clerk entitled "Wildflower Estates Street Acceptance Plan, Wildflower Lane off Fairview Street, Middleborough, MA" prepared by G.A.F. Engineering, Inc. and dated July 27, 2010 revised through August 5, 2010, and any related easements.

(The Planning Board will give their report that Wildflower Lane is complete.)

ARTICLE 12 I move that the Town vote to accept Keith Street Extension as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way as shown on the road layout plan on file with the Town Clerk entitled "Roadway Asbuilt-Acceptance Plan, Keith Street Extension, Middleborough, MA" prepared by Outback Engineering and dated July 26, 2010, and any related easements,

(The Planning Board will give their report that Keith Street Extension is complete.)

ARTICLE 13 I move that the Town vote to transfer the sum of \$20,000 from Free Cash to purchase a used four wheel drive vehicle for the Planning Department.

The Planning Department vehicle, which is shared with the Conservation Department, was declared surplus and scrapped several months ago. The replacement vehicle will be a used, fuel efficient, four-wheel drive vehicle.

OR

I move to postpone this article indefinitely.

ARTICLE 14 I move that the Town vote to transfer the sum of \$31,070 from Free Cash to fund additional career incentive payments recently approved by the Commonwealth for three police officers and unused paid leave days for two police officers who have retired.

These expenses were not anticipated when budgets were submitted last spring.

ARTICLE 15 I move to postpone this article indefinitely.

The Pierce Trustees have offered to fund the purchase of these two cruisers.

ARTICLE 16 I move that the Town vote to transfer the sum of \$34,000 from Free Cash to purchase Self-Contained Breathing Apparatus (SCBA) air cylinders for the Fire Department.

The current SCBA units have exceeded their useful lives and can no longer be certified.

ARTICLE 17 **I move to postpone this article indefinitely.**

The Capital Planning Committee is in the process of developing a new capital plan and capital funding strategy for requests that cannot be funded this fall.

ARTICLE 18 **I move that the Town vote to transfer the sum of \$10,000 from Free Cash to purchase and install a new generator for the South Fire Station.**

The current generator was installed in the 1950's and replacement parts for it are no longer available.

ARTICLE 19 **I move that the Town vote to transfer the sum of \$12,000 from Free Cash to purchase individual paging devices and software to replace the obsolete and irreparable paging devices for the Fire Department.**

The current pagers are obsolete and can no longer be repaired.

ARTICLE 20 **I move that the Town vote to transfer the sum of \$16,000 from Free Cash to purchase a Truck Mounted Sander for Ice/Snow for the Public Works Department.**

This purchase will allow the Public Works Department to use an additional heavy vehicle in Ice/Snow removal operations.

ARTICLE 21 **I move to postpone this article indefinitely.**

The Capital Planning Committee is in the process of developing a new capital plan and capital funding strategy for requests that cannot be funded this fall.

ARTICLE 22 **I move that the Town vote to transfer the sum of \$210,000 from the Receipts Reserved for Appropriation: School Insurance Recovery in Excess of \$20,000 account for use by the School for all expenses associated with the replacement of damaged equipment.**

A failed HVAC unit resulted in extensive flooding in the Middle School Audio/Visual area. The insurance company has paid the claim but Town Meeting must appropriate insurance recovery funds in excess of \$20,000.

ARTICLE 23 **I move that the Town vote to transfer the sum of \$31,557 from Free Cash to replace the funds to the School Department's Facility Rental account.**

The School Department had to tap their Facility Rental account to make emergency repairs to the High School elevator last spring. This article replaces those funds.

ARTICLE 24 I move that the Town vote to transfer the sum of \$98,500 from Free Cash to purchase a new school bus for the School Department.

The number of students attending technical schools has increased necessitating the purchase of a new full-size school bus.

ARTICLE 25 I move that the Town vote to transfer the sum of \$34,500 from Free Cash to replace the air conditioning compressors and make related repairs at the John T. Nichols, Jr. Middle School.

The compressors at the Middle School failed over two years ago and need to be replaced.

ARTICLE 26 I move that the Town vote to transfer the sum of \$115,000 from the Water Enterprise Unreserved Retained Earnings Account to purchase a Backhoe for the Water Department.

The current backhoe is over 13 years old and no longer reliable.

ARTICLE 27 I move that the Town vote to transfer the sum of \$50,000 from the Wastewater Enterprise Unreserved/Retained Earnings Account to purchase a Sewer Jetter for the Wastewater Department.

The current jetter is a 1975 model and no longer adequate.

ARTICLE 28 I move that the Town vote to transfer the sum of \$20,000 from the Wastewater Enterprise Unreserved/Retained Earnings Account to fund engineering services related to pre-design permitting for the upgrade to the Wastewater Treatment Facility.

The Town's wastewater discharge permit is currently under review. These funds will be used to prepare for discussions on future permit requirements with state and federal officials.

ARTICLE 29 I move that the Town vote to transfer the sum of \$10,000 from Free Cash to hire a consultant to perform an actuarial valuation to determine the town's accrued liability and total unfunded liability for post-retirement benefits required by GASB 45.

The Town is required to value its GASB 45 liability for post-retirement health care benefits every two years.

ARTICLE 30 I move that the Town vote to transfer the sum of \$5,000 from Free Cash to make safe, demolish and/or remove dangerous, unsafe and/or abandoned structures.

This article provides the necessary funds in the event health and safety officials determine that structures must be made secure to protect public safety.

ARTICLE 31 **I move that the Town vote to transfer the sum of \$6,000 from Free Cash to fund energy efficiency improvements at the Town Office Buildings.**

The Green Energy Committee has made some initial energy efficiency improvement recommendations for the Town Office Buildings, which this article will fund.

ARTICLE 32 **I move that the Town vote to transfer the sum of \$250,000 from Free Cash to the Stabilization Fund.**

The Town currently has less than \$100,000 in its Stabilization Fund.

ARTICLE 33 **I move that the Town vote to replace the Town Manager as a member of the Citizens Environmental Health Impact Committee, established by votes under Article 1 of the 2007 Annual Town Meeting and Article 26 of the November 5, 2007 Special Town Meeting, with a member-at-large to be appointed by the Town Moderator.**

The Town Manager has not been able to attend the committee meetings on a regular basis and asked to be replaced by a member-at-large.

ARTICLE 34 **I move that the Town vote to authorize the Board of Selectmen to sign an Intermunicipal Agreement for regional cooperation in the provision of solid waste and recycling services by the South Shore Recycling Cooperative, and to see if the Town will vote to accept the provisions of the agreement titled Extension of Intermunicipal Agreement for Cooperative Recycling on the South Shore, and to accept of Section 419 of Chapter 194 of the Acts of 1998.**

This article allows the Town to schedule regular annual household hazardous waste collection days. A household hazardous waste collection day has been tentatively scheduled for November 13 at the Town Hall parking lot.

Draft Finance Committee motions.

ARTICLE 2 I move that \$120,535.65 be transferred from the funds below to the Debt Services budget:

FUND NUMBER	DESCRIPTION	AMOUNT
30	Departmental Equipment	\$1,697.50
51	Gas Recovery System – Engin.	1,587.09
52	Gas Recovery System – Const.	24,528.09
53	New Landfill	1,843.94
63	Road Drainage	7,291.52
66	Fire Protective Gear	1,100.24
74	Depart. Vehicles/Equipment	13,377.48
50	Construction Middle School	34,104.79
94	School Bus Purchase	35,505.00

I further move to reduce \$100,000 from Account # 574000 Property & Liability.

I further move to reduce \$150,000 from Account # 517400 Health & Life Insurance.

I further move to add \$30,000 to Account # 577000 Medical & Cash Aid.

I further move to add \$15,000 to Account # Engineering.

I further move to add \$2,200 to Account # 585900 New Software Programs.

I further move to add \$2,091.56 to the Conservation Commission Conservation Agent Account # 511155.

ARTICLE 3 I move that the Town transfer \$22.36 from Free Cash to Account #5 to pay an unpaid bill from the prior year.

Fall Special Town Meeting Motions FY2011

Monday, October 4, 2010
 Finance Committee

Article 2: (Budget Reductions and adjustments: \$ -370,535.65. Budget Supplements: \$+ 169,827.21)

(Difference = \$200,708.44. At the Annual Town Meeting we increased the school budget over balance by \$182,221.00. The NET deficit at that time was \$188,360.60. The surplus shown here is used against this deficit to balance the FY2011 budget.)

I move that the Town Transfer the sum of \$120,535.65 from the following funds to the Debt Services budget, department 710, account number 591000, maturing principal.

FUND NUMBER	Description of Fund	Amount
30	Departmental Equipment	\$ 1,697.50
50	Construction Middle School	\$ 34,104.79
51	Gas Recovery System- Engineering	\$ 1,587.09
52	Gas Recovery System- Construction	\$ 24,528.09
53	New Landfill	\$ 1,843.94
63	Road Drainage	\$ 7,291.52
66	Fire Protective Gear	\$ 1,100.24
74	Department Vehicles /Equipment	\$ 13,377.48
94	School Bus Purchase	\$ 35,005.00

I further move the Town reduce from taxation the following budgets and amounts for the fiscal year 2011 as specified here.

- | | | | | |
|-------------------------------------|----------------|-----------------------|---------------------------|----------------|
| 1. Debt Services budget | Department 710 | account number 591000 | Maturing Principal | \$120,535.65. |
| 2. Unclassified budget, | Department 950 | account number 574000 | Property and Liability | \$ 100,000.00. |
| 3. Employee Fringe Benefits budget, | department 919 | account number 517400 | Health and Life Insurance | \$ 150,000.00. |

I further move the Town to raise and appropriate from taxation to supplement the following budgets for the fiscal year 2011 as specified here.

DEPARTMENT	ACCOUNT	DESCRIPTION	AMOUNT
Veteran's Services - Dept. 543	577000	Medical Cash Aid	\$30,000.00
DPW Highway Dept, 422	529802	Engineering & Consulting	\$15,000.00
Information Technology - Dept 155	585900	New Software programs	\$2,200.00
Conservation Commission - dept 171	511155	Reg. Pay Conservation Agent	\$2,091.56

Fall Special Town Meeting Motions FY2011

Monday, October 4, 2010

Finance Committee

Article 3: (Unpaid Bills: \$22.36, account 595236)

I move that the Town Transfer the sum of \$ 22.36 from Free Cash, in order to pay previous years, unpaid bills to those companies as listed here.

Payee	Amount
Federal Express Corporation	\$22.36

Charles Cristello

From: paul provencher [pjpro2000@yahoo.com]
Sent: Saturday, September 11, 2010 6:16 AM
To: Charles Cristello
Subject: 15 monies spent thus far in FY2011
Charlie

ARTICLE 2
\$50,000

I'm not sure if I missed a date that I needed to report my expenditures under chapter 115 and my need for additional funding for the FY. That said we appropriated \$350,000 for the current FY and by the end of the month of September I will have spent \$100,000 of that money.

The number of new cases and the additional costs of some of the older cases this year having me spending at a rate that I did not expect to be at this FY.

I am hopeful that I'm not too late to ask for that an additional \$50,000 for account # 015435770000 Medical and Cash Aid be considered in the STM.

Paul

ARTICLE 2

September 16, 2010

Charles Cristello
Town Manager
Town of Middleborough
10 Nickerson Avenue
Middleborough, MA 02346

Dear Charles,

We are pleased to inform you that your application for a MIIA Loss Control Grant has been approved for the following items and amounts.

emergency response trailer

6300

\$5000

- 5000

1300

You may choose to have the vendor/supplier invoice MIIA directly or MIIA will reimburse you upon receipt of a copy of a paid invoice. Please note: Due to fiscal year budgeting requirements, all grants must be invoiced or paid by June 15, 2011. There will be no exceptions. Invoices or requests for payment received after June 15th cannot be paid.

Please contact myself or Mary Ann Marino if you have any questions.

Very truly yours,



Jeffrey J. Siena
Loss Control Manager

CC:

Atlantic Broom

Atlantic Plow Blade Company
Atlantic Highway Sign Company

Servicing New England since 1956



CONTACT:

Southern New England Division

Leigh McStay c: 617-512-1830
Chip McDonald c: 617-839-0588

Northern New England Division

Tom Hogan c: 603-498-3457
Jack Davis c: 603-490-0623

6 x 12 Foot Car-Mate Sportster Trailer: To Include:

\$5800.00

- (50) Traffic Cones 28" w/2 Reflective Strips
- (10) Barrel With Base w/2 Reflective Strips
- (5) A-Frame Barricade with Sleeve w/Reflective Strips
- (2) Push Brooms

- (2) Caution Tape Rolls
- (5) Safety Vests
- (1) Shovel
- (1) Spedi Dry

Delivered

Specifications:

- ◆ GVWR 2990#
- ◆ Axle Dexter Spring E-Z Lube Hubs
- ◆ Tires 205/75D15 Bias Ply - C Range
- ◆ Hitch Ball 2" Coupler
- ◆ Hitch/Deck Ht 20" - 22"
- ◆ Light Plug Flat 4 Pole
- ◆ Tongue "A" Frame
- ◆ Rear Doors Double 65" W x 68" H
- ◆ Ramp Door Optional/1,500# /capacity
- ◆ Side Door Standard - 32"
- ◆ Frame 3" Tube
- ◆ Floor 3/4" Plywood - 24" OC
- ◆ Walls 1/4" Plywood - 16" OC
- ◆ Roof Bows Aluminum
- ◆ Roof 1 Piece Aluminum
- ◆ Exterior .030 Polar White / Black
- ◆ Dot Lighting All Led Standard
- ◆ Warranty 2 Years

Add: City Lettering for side of Trailer

Maximum 2 Color

\$500.00

All Quotations are Subject to Change Without Notice

345 John Quincy Adams Road, Taunton, MA 02780

tel: 774-226-1300 ** fax: 508-823-0052

ARTICLE 2

From: Charles Cristello

Sent: Thursday, September 16, 2010 5:21 PM

To: Andrea Priest; Andy Bagas; Anna Nalevanko, Dir. of O.E.C.D.; Barbara Erickson; Bruce Gates; Danielle Bowker - Library; Eileen Gates; Fran Cass; Jeanne Spalding; Joseph Silva; Judy MacDonald; Lance Benjamino; Patricia Cassady; Paul Provencher; Robert Whalen; Roger Brunelle; Ruth Geoffroy; Steven Dooney; Todd Goldman

Subject: FW: website

I have received a number of inquiries about updating pages on the web site. Here is my response to Barbara which applies generally. We should be able to give departments access after the STM on October 4th.

Charlie

\$2200

From: Charles Cristello

Sent: Thursday, September 16, 2010 4:38 PM

To: Barbara Erickson

Cc: Roger Brunelle

Subject: RE: website

Barbara,

We found we could not share seats the way we wanted to. The only alternative is to buy more which I will put in my budget amendment for October 4th.

Charlie

From: Roger Brunelle

Sent: Thursday, September 16, 2010 11:09 AM

To: Charles Cristello

Cc: All Town Department Heads; Andrea Priest

Subject: RE: website

At the time of activating the Web site it was felt that department heads would be able to up date their own site locations. It was then discovered that a copy of the software was required at each location at a substantial cost per location. This obviously will not work with out an influx our cash, which I understand you will be requesting at the upcoming Town Meeting. Subject to that being approved, the IT Department has been uploading various department requests.

Thank You

Roger Brunelle

Information Technology Director

Town of Middleborough

Charles Cristello

From: paul provencher [pjpro2000@yahoo.com]
Sent: Saturday, September 11, 2010 6:16 AM
To: Charles Cristello
Subject: 15 monies spent thus far in FY2011
Charlie

ARTICLE 2
\$50,000

I'm not sure if I missed a date that I needed to report my expenditures under chapter 115 and my need for additional funding for the FY. That said we appropriated \$350,000 for the current FY and by the end of the month of September I will have spent \$100,000 of that money.

The number of new cases and the additional costs of some of the older cases this year having me spending at a rate that I did not expect to be at this FY.

I am hopeful that I'm not too late to ask for that an additional \$50,000 for account # 015435770000 Medical and Cash Aid be considered in the STM.

Paul

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Thank You

Roger Brunelle

Information Technology Director

Town of Middleborough

Charles Cristello

ARTICLE 3

From: Judy MacDonald
Sent: Friday, September 10, 2010 12:33 PM
To: Richard Pavadore, FINCOM CHAIR
Cc: Charles Cristello; Allison Ferreira
Hi Rich,

\$22.36

Attached is an unpaid bill from FedEx. Everyone uses the same FedEx account at Town hall, and when the bill comes in to the Town clerks office and she gives everyone the portion of the bill that pertains to their department. I just received this bill today. Could you please put on the Town meeting warrant as an unpaid bill?

Thanks,

Judy M. Mac Donald
Treasurer/Collector
Town of Middleborough
20 Centre St.
Middleborough, MA 02346
(PH) 508-946-2421
Fax 508-947-5447
jmcdnld@middleborough.com



FedEx
 P.O. Box 371461
 Pittsburgh, PA 15250-7461



0000496 01 MB 0.379 **AUTO 140 3249 02346-225073 -C01-P00496-1



TOWN OF MIDDLEBORO/CLERK
 20 CENTRE ST STE A
 MIDDLEBORO MA 02346-2250



September 5, 2010

Attention: Accounts Payable
 Account #: 2055-2167-4

Thank you for your remittance identified below. We are unable, however, to determine the reason for the partial payment.

Requests for invoice adjustments must indicate the airbill number and the specific reason (i.e., discount, incorrect weight, incorrect service, service failure, rebill, etc.) for the adjustment. Adjustment requests should be sent to:

FedEx
 Revenue Services
 P.O. Box 727, Department 4741
 Memphis, TN 38194

Otherwise, please remit the balance due to:

FedEx
 P.O. Box 371461
 Pittsburgh, PA 15250-7461

Please return this letter with your remittance or invoice adjustments request.

Sincerely,

FedEx

Invoice Number	Invoice Date	Previous Balance	Check Number	Payment Applied	Balance Due
7-076-55199	05/03/10	\$62.75	214911	\$40.39	\$22.36

SICK LEAVE BUYBACK

ARTICLE 4

NAME	Hrly Rate	DAILY RATE OF PAY	ACCUMULATED SICK DAYS AS OF 1/31/11	TOTAL ELIGIBLE	COST
Burke, William	\$45.10	\$541.20	275.0	75	\$40,590.00
James Wiksten	\$41.33	\$495.97	110.0	36	\$17,855.04

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



Bruce D. Gates
Chief of Police

ARTICLE 4

TO: CHARLES CRISTELLO
TOWN MANAGER

FROM: IRENE HUDSON
ADMIN. ASSIST. TO THE CHIEF

DATE: AUGUST 24, 2010

RE: POLICE OFFICERS RETIREMENT

Robert Silvia, Retirement Date 7-10-10

	<u>Daily Rate</u>	<u>Owed</u>
43.25 Sick Days	225.52	9,753.74
4 Personal Days	Same	902.08
20 Vacation Days	Same	4,510.40
10 Admin. Days	Same	2,255.20
3.25 Comp Days	Same	732.94
		<u>18,154.36</u>

\$ 11,058

Ronald Costa, Retirement Date 08-06-10

	<u>Daily Rate</u>	<u>Owed</u>
6 Sick Days	217.28	1,303.68
4 Personal Days	Same	869.12
26 Vacation Days	Same	5,649.28
		<u>7,822.08</u>

TOTAL 25,976.44

ARTICLE 7

<u>ANNUAL TRASH AND RECYCLING COST ANALYSIS</u>		FY 08 Actual	FY 09 Actual
Surplus (Deficit)	\$107,873	\$ 107,873	\$ 99,165
Cumulative Surplus		215,746	314,911
Expenditures from General Fund			132,273
Balance due to Trash Enterprise Fund			182,638

ARTICLE 8

Charles Cristello

From: Steven Dooney
Sent: Thursday, April 15, 2010 2:04 PM
To: Charles Cristello
Subject: estimated local meals tax

Attachments: Microsoft Excel Worksheet

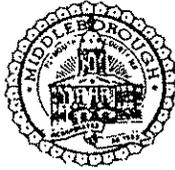
Charlie, link to cherry sheets, and estimated meals tax.

http://www.mass.gov/?pageID=dorterminal&L=5&L0=Home&L1=Local+Officials&L2=Municipal+Data+and+Financial+Management&L3=Cherry+Sheets&L4=FY2011+Local+Aid+Proposals&sid=Ador&b=terminalcontent&f=dls_cherry_11_cs11ct_wordrec&csid=Ador

Estimated Local Receipt					
Local Option Meals Excise or Room Occupancy Excise (assumes adopted by August 31, 2009)					
DOR Code	Municipality	Original Estimated Meals Tax Revenue if Adopted by 8/31/2009	Original Estimated Room Tax Revenue per percentage point adopted	Seasonally Adjusted Room Tax Revenue per percentage point adopted	
182	MIDDLEBOROUGH	162,738	33,408	17,979	

This would a 8 months estimate. Effective date 10/1. 12 months is in the neighborhood of 242,000.00.

Steve Dooney
Town Accountant
Town of Middleborough



ARTICLE 13

Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

August 24, 2010

Marsha Brunelle, Chairman
Board of Selectmen
10 Nickerson Ave.
Middleborough, MA 02346

Re: Planning Department Vehicle for Construction Inspections

Dear Marsha,

The Planning Department no longer has a vehicle to perform inspections and other tasks required by the Planning Board for the execution of its duties. You may be aware that the Planning Department has been using cast-off police and other Town vehicles for the last 10 years. Our most recent vehicles are unsafe or are not able to be repaired and the Department is left without a car. Staff has been driving their own vehicle for the last month but the Town's mileage reimbursement is inadequate to allow this for an extended period of time. The Planning Board is requesting that an article be placed on the Town Meeting Warrant to fund the purchase of a used vehicle for use by both the Planning and Conservation Departments.

The Planning Department used an old 1997 Crown Victoria police cruiser which was retired in 2008 when no longer able to be driven and it was replaced with a discarded 1995 Corsica from the Health Department. In April 2009 the Police Department gave the Planning Department another old 2003 police car; but after our registering the car, the Highway Department informed us that it was unsafe to drive and cost prohibitive to fix. The Board then accepted the Park Department's old police car in May 2009 and that was found to have no brakes when it was driven by staff. In April 2010 the Board accepted a discarded 1998 Chevy Blazer from the Gas and Electric Department that the Highway Department called "a piece of junk" because of its condition. After that vehicle was registered to the Planning Department, staff lost both front and rear brakes while doing site inspections in South Middleborough and it was lucky that a severe accident didn't occur. The Department has now given this vehicle to the DPW for off-road use at the landfill. The Planning Department continued to use the above referenced 1995 Corsica until late July 2010 when that vehicle lost a rear spring while being driven in the Jackson Street parking lot; it is not repairable and is unable to be moved without being towed.

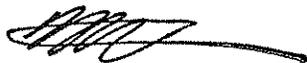
Board of Selectmen
August 24, 2010
Page 2

The Planning Board is very concerned with the condition of the Town vehicles that have been provided to the Planning Department for use by staff. They are not only in poor condition without funds being provided to maintain them, they are unsafe; they are a liability for the Town and a danger to the lives of our staff.

The Planning Board requests that the attached article be placed on the Special Town Meeting warrant to allow the Planning Board to purchase a used 4WD vehicle in an amount not to exceed \$20,000. This vehicle would be used by the Planning Department and shared with the Conservation Agent.

Thank you in advance for your attention to this matter.

Sincerely,



Michael J. Labonte, Chairman
For the Planning Board

Attachment

Cc: Finance Committee
Capital Planning committee
Town Manager

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



Bruce D. Gates
Chief of Police

Article 14

TO: CHARLES CRISTELLO
TOWN MANAGER

FROM: IRENE HUDSON
ADMIN. ASSIST. TO THE CHIEF

DATE: AUGUST 24, 2010

RE: FALL 2010 SPECIAL TOWN MEETING WARRANT REQUEST

Career Incentive Increases FY11

The following officer has been approved by the State Police Career Incentive Pay Program to receive 10% incentive pay as he has earned his Associates in Criminal Justice:

Kristopher Dees	\$5,383.63	10% of base salary
-----------------	------------	--------------------

The following two officers will each receive 20% as they have earned their Bachelors in Criminal Justice:

Nathan Ferbert	\$5,383.63
Peter Vanasse	\$5,383.63

Both Ferbert and Vanasse will each make 20% of base salary which is \$10,767.27 per officer. Half of that was already included in the FY11 budget.

The above increases were not included in the FY11 budget submitted by the Police Department.

TOTAL FALL 2010 SPECIAL TOWN MEETING WARRANT REQUEST \$16,150.89



ARTICLE 15

August 23, 2010

Middleborough Police Department
 Attn: Chief Bruce Gates
 508-946-2453/ bruce.gates@mpdmail.com

Please find below a quote per the Plymouth County , Cooperative Procurement

Contract 09-10-11. M.G.L. c.30B applies to the procurement of all commodities quoted. Plymouth County contract items have been collectively purchased pursuant to M.G.L. c 30B sec. 1c and M.G.L. c.7 sec. 22B. The governmental body is responsible to determine the applicability of M.G.L. c 30B to off contract items, including, but not limited to off contract items that have already been properly procured under M.G.L. c 30B sec. 1c and M.G.L. c. 7 sec. 22A (purchases from a vendor on a contract with the Commonwealth), other contracts procured under M.G.L. c 30B sec 1c and M.G.L. c.7 sec. 22B, or any M.G.L. c. 30B contract between the vendor and the jurisdiction. All off contract items must be procured under M.G.L. c. 30B.

Pg.	Item	Unit Cost	Qty.	Total
12	2011 Ford Crown Victoria per 10-01	\$ 23,490.00	1	\$ 23,490.00
23 #1	Limited Slip	135.00	1	135.00
23 #10	8-way seat	395.00	1	395.00
23 #14	Spot Light	190.00	1	190.00
23 #16	Front window vent shades	50.00	1	50.00
24 #25	Two Tone Paint	575.00	1	575.00
25 #43	Custom Graphics	395.00	1	395.00
	Wig wag headlight flasher included w/standard power patrol			included
44 #1403	LED nite-dome	55.00	1	55.00
43 #1201	Manual Tremco anti-theft switch	135.00	1	135.00
46 #1505	Transfer Cage	135.00	1	135.00
47 #1507	Transfer rear plastic transport seat	75.00	1	75.00
47 #1510	Transfer deck light	60.00	1	60.00
47 #1512/1513	Transfer (6) Hideaways	155.00	1	155.00
47 #1518	Transfer rifle rack	45.00	1	45.00
47 #1519	Transfer lap top	105.00	1	105.00
47 #1522	Transfer arrow stick	50.00	1	50.00
47 #1523	Transfer radar	35.00	1	35.00
32 #226	Whelen Led side mirror lights	425.00	1	425.00
36 #716	Setina rear window screens	195.00	1	195.00
46 #1455	Charge Guard	125.00	1	125.00
	Transfer fire ext & Triple outl elt			included
33 #252	Code 3 Tricore super visor light	995.00	1	995.00
TOTAL ESTIMATE:				\$27,820.00

Please be advised that the current 2010 contract that this vehicle was quoted under ends on September 30. For budgeting purposes, we suggest to add five percent to cover any manufacturer increase in pricing.

Steve Spokowski
 Fleet Account Manager
 Car Sales

The Middleborough Fire Department is making the following budgetary requests for critically-important equipment, so that we can provide quality public safety services to the community with a low level of risk to our firefighters.

1. Pumping Engine **\$415,000**

Numerous repair issues have rendered the vehicle unsafe & cost-prohibitive to further repair attempts, making a new front-line Apparatus a necessity.

2. Breathing Apparatus **\$34,000**

30 Cylinders are past their service life and must be replaced by years end.

3. Paging Devices **\$12,000**

30 radio paging devices are required for inter-departmental communications.

4. Generator for South Station **\$10,000**

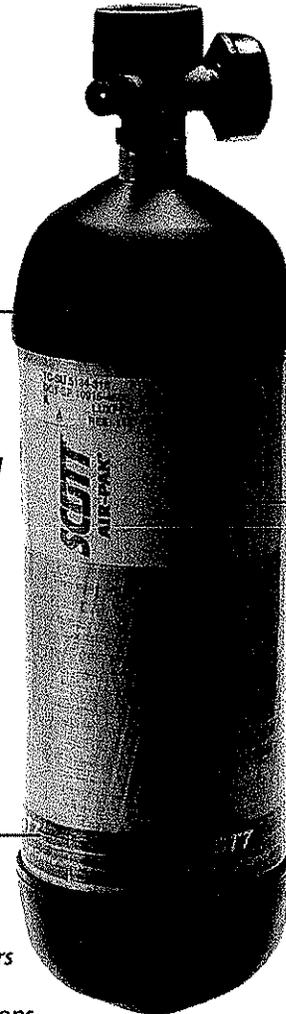
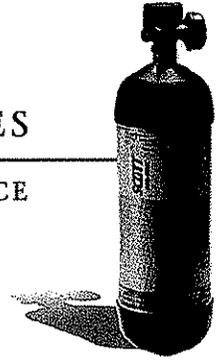
Back-up generator is obsolete and must be replaced for South Station.

At this time, we are all experiencing fiscal constraints and challenges, however as Chief, it is my responsibility to inform the citizens of the imperative nature of the department's needs. Our situation in regards to equipment issues, have become a matter of safety to the public, as well as, the entire firefighting force. With adequate firefighting equipment, we will be able to mitigate these unsafe circumstances, which will allow us to facilitate effective protection for our citizens and our department's firefighters.



TOUGH CYLINDERS & ACCESSORIES

LONGER LASTING PERFORMANCE



Protective Cylinder End Caps (optional)

- Protects the crown areas of carbon cylinders.
- Available for the carbon 45-minute, 4500 psi cylinder.
- Adds additional durability and extends cylinder life.
- NFPA 1981, 2002 compliant as an accessory for our Air-Pak® Fifty™ SCBA (soon available for the Air-Pak® 75™ and Air-Pak® NXG7™ SCBA's with NFPA 1981, 2007 compliance).
- Easy to install and remains firmly adhered to cylinder.
- Easily removed and reused as necessary.
- Can be purchased individually or as a set (one each end).

Cylinder Glow Bands

- Highly luminescent glow band.
- Now standard on all carbon cylinders.
- Optimal visibility for first responders in low light environments.
- Maintains NIOSH, NFPA 1981 and CBRN approvals.

ST7 Tough Cylinders

- Built extremely tough and durable.
- Provides added protection against abrasion, abuse and mishaps.
- Available for the carbon 45 minute, 4500 psi cylinders (others to follow).
- Designed for the most demanding fireground operations.
- Features state-of-the-art reinforcing materials.
- Five year hydrostatic test and 15 year life.
- Designed and manufactured in compliance with DOT.

Scott Tough Cylinders And Protective End Caps

Part Number	Description
804722-11	ST7 45 Minute, 4500 psi Cylinder And Valve With Blue Identifier
200688-S445	Cylinder Protective Cap, Each, Small Hole, Valve End, For 45 Minute, 4500 psi Carbon Cylinder
200688-D445	Cylinder Protective Cap, Each, Dome End, For 45 Minute, 4500 psi Carbon Cylinder
200686-01	Epoxy Pak (Epoxy For Eight Caps, Mixing Nozzle, O/M)
31001465	Applicator Gun/Mixer

Title Sponsor



Monroe Corporate Center • P.O. Box 569 • Monroe, NC 28111
 Telephone: 800.247.7257 • Facsimile: 704.291.8330
 www.scottthehealthsafety.com • sh-sale@tycoint.com

H/S 6709 3/08

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For more great industrial and safety resources, visit: <http://www.labsafety.com/refinfo/default.htm>

This article provided by [labsafety.com](http://www.labsafety.com)



Interested in having timely and informative safety-related information sent directly to your e-mail box? LSS publishes our no-charge Saf-T-News every other week. To begin receiving your copy, click [here](#).

Hydrostatic Testing of SCBA Cylinders

Document Number: 307

A hydrostatic test is the most common way in which a cylinder is checked for leaks or flaws. During a hydrostatic test, the cylinder is examined to ensure it can safely hold its rated pressure. Testing is crucial as such containers can explode if they fail when containing compressed gas.

A hydrostatic test consists of filling the cylinder with a nearly incompressible liquid, usually water, and examining it for leaks or permanent changes in shape. The test pressure is always considerably more than the operating pressure to give a margin for safety. Typically, 150 percent of the operating pressure is used. Water is commonly used as it is almost incompressible, and will only expand by a very small amount. If high pressure gas was used, the gas could expand up to several hundred times its compressed volume, running the risk of serious injury.

All SCBA cylinders require periodic hydrostatic testing as required by 49 CFR 180.205. The frequency of the maintenance depends upon the cylinder material.

- Steel cylinders should be tested every five years. They have an indefinite service life until they fail a hydro test.
- Aluminum cylinders (not including hoop-wrapped) should be tested every five years. They have an indefinite service life until they fail a hydro test.
- Hoop-wrapped cylinders should be tested every three years. Hoop-wrapped cylinders have a 15-year service life.
- Fully wrapped fiberglass cylinders should be tested every three years. They have a 15 year service life.
- Fully wrapped Kevlar cylinders should be tested every three years. They have a 15-year service life.
- Fully wrapped carbon fiber cylinders should be tested every five years. They have a 15-year service life.

Cylinders should not be filled if they have exceeded their valid service life or re-test dates. Cylinders which show evidence of exposure to high heat or flames (paint turned to a brown or black color, decals missing or gauge lens melted) need to be removed from service and re-hydrostatic tested prior to recharging. If there is any doubt about the suitability of the cylinder for recharge, it should be returned to a certified hydrostatic test facility for examination and retesting. Any evidence of a crack, defect or damage requires the cylinder to be removed from service.

Visual inspections should also be performed on a regular basis as recommended by the DOT. The visual inspection should include, but is not limited to, removing the cylinder valve, inserting a high-intensity light probe and angled mirror into the cylinder and examining the inner surfaces of the cylinder. This inspection is necessary to aide in identifying defects in the inner surfaces of the neck and shoulder area of the cylinder.

In addition to the mandatory hydrostatic testing of the cylinders and the visual inspections, it is also suggested to submit cylinders for non-destructive testing in between the required hydrostatic testing. These types of tests are usually ultrasonic tests or eddy current tests.

The DOT requires that hydrostatic retesting and re-qualification be conducted by registered agents who have been certified by the DOT and who have been issued a valid Re-testers Identification Number (RIN) by the DOT Research and Special Programs Administration (RSPA). The recommended visual inspections do not have to be conducted by a DOT certified RIN holder. However, the visual inspection should be performed by an individual who has the proper training and is competent in performing visual inspections.

Many fire departments have the equipment and trained personnel to perform the hydrostatic testing on SCBA cylinders. The SCBA manufacturer or the distributor it was purchased through should be able to direct you to a test facility in your area.

Commonly Asked Questions

Q. *How do I know when the last time a hydrostatic test was performed on my cylinder?*

A. According to 49 CFR 180.213 the cylinders should be clearly and permanently marked on the metal of the cylinder with the date the cylinder was manufactured and the date(s) of the subsequent hydrostatic tests. Marking on the cylinder sidewall is prohibited. It is very important to check for valid re-test dates before refilling cylinders.

Sources for More Information

[49 CFR 180.205](#)

[NIOSH \(National Institute of Safety and Health\)](#)

Task 1. WPCF Capacity and NPDES Permit Review

The objective of Task 1 is to meet with EPA and MADEP regarding the future NPDES permit and Middleborough WPCF permit limits.

A key component of this task will be meeting with MA DEP and/or EPA to discuss permit status and direction for future planning (additional discharge from plant vs moving forward with alternative disposal options including reuse and groundwater discharge). It is estimated that this will involve a total of 4 meetings.

A memorandum will be developed for distribution to MA DEP and EPA summarizing the estimated future flows and loads, stating the argument on behalf of the Town for a determination of the future disposal so that the planning process can proceed. The argument at this time will be centered around a "load basis" discharge that will keep current cBOD and TSS loading to the Nemasket River but increase hydraulic discharge capacity from the WPCF. The Middleborough WPCF is currently required to discharge cBOD and TSS to the Nemasket River at a concentration of 7 mg/L each, at an average daily design flow of 2.16 MGD. As an example, by lowering the required discharge to 5 mg/L for both cBOD and TSS, the plant can hydraulically discharge 3.02 MGD. The issue of a lower concentration based permit will be reviewed in the context of the overall strategy of meeting the future flow needs of Middleborough.

In addition to the capacity question, discussions will also be focused on identifying and confirming the future permit nutrient requirements to better streamline the planning purposes. CDM recommends discussion with MA DEP to approve the content of this scope, particularly Task 2, to ensure that aspects of comprehensive planning are being met that will streamline the various permitting processes associated with this work.

The final step of Task 1 will be to develop a final summary memorandum regarding "the way forward" in regards to capacity (i.e. whether groundwater recharge is necessary or if additional discharge from the plant is possible) and what nutrient or other potential discharge parameters need to be addressed in a new final permit. The results will be presented in a meeting to the Town and Mashpee Wampanoag Tribe.

It is also assumed under this task that there will need to be periodic progress meetings (estimated at an additional 4 meetings) with the Town and the Mashpee Wampanoag Tribe throughout Tasks 1 and 2.

Task 2. Evaluation of Nitrogen Removal Process Alternatives

The objective of Task 2 is to evaluate secondary treatment process alternatives that can achieve an effluent total nitrogen of 8 mg/L, while also meeting an effluent total

phosphorus of 0.2 mg/L. For the purpose of developing this scope, it is assumed that the next NPDES Permit received from EPA for the Middleborough WPCF will contain limits of 8 mg/L for total Nitrogen and 0.2 mg/L for total Phosphorus. If it is determined through the performance of Task 1 that a combination of surface water discharge, groundwater discharge and reuse is required, the alternatives evaluated in this task will be updated to ensure compliance. Wastewater treatment for nitrogen to 8 mg/L is adequate to meet both the NPDES discharge limit and the 10 mg/L required for reuse and groundwater discharge. Hydraulic analyses will also be performed, and layouts and costs will be developed for each alternative. A recommended plan will be provided in a report issued to the Town.

2.1 Select future flows and loads

Future flow and load values were estimated as part of a 'Summary Report' dated July 2008 and supplemented with a memorandum dated October 31, 2008. The flows and loads are assumed to be current and will be reviewed and updated if necessary.

2.2 Identify alternatives

Alternatives that provide the greatest cost benefit and adaptability to future conditions will be identified. The configuration options identified may include but will not be limited to those listed below.

- Modified Ludzack-Ettinger (MLE)
- Integrated Fixed-Film Activated Sludge (IFAS)
- Denitrification Filters
- Membrane Bioreactors
- Four-stage and five-stage Bardenpho
- Chemical addition

2.3 Evaluate Process Alternatives

Process alternatives that cannot achieve the required effluent limits will be eliminated from the list of alternatives. Calculations will determine unit sizes, whether existing tankage is adequate, MLSS concentrations, aeration requirements, and mass balances for streams of wastewater and solids associated with the changes to the biological processes at the Middleborough WPCF.

2.3.1 BioWin Model Development and Sampling Plan -

This task will involve the development of a process simulation using BioWin software. In the future, as design the project moves towards process design, it will be important to calibrate the model with specific plan parameters and a sampling plan.

This task will also review existing wastewater quality data from the past three years and recommend a sampling and analysis plan necessary to characterize Middleborough's wastewater in order. The goal is to then use the simulation to assist with design of the selected alternative for Middleborough.

2.3.2 Water Pollution Control Facility Audit

This task involves a site visit a plant walkthrough with Middleborough WPCF staff and CDM function engineers (architectural, structural, HVAC, electrical, etc.) to evaluate existing plant equipment and determine components in need of replacement or upgrade.

2.4 Hydraulic analyses

This exercise will identify the possible need for intermediary pumps and determine if existing piping is sufficient or if larger pipes are required, as this will influence costs. A technical memorandum will be prepared summarizing the results and conclusions of the hydraulic analyses.

2.5 Preliminary Screening of Alternatives

The options will be ranked based on effectiveness of meeting limits, hydraulic impacts of implementation and the ability of the processes to be incorporated into the existing site. From this screening, the options will be selected for cost evaluation and ranking.

2.6 Develop layouts

For each of the selected process alternatives, a schematic of the site layout will be developed. Results from both the process evaluation (potential new tank requirements) as well as the hydraulic analysis (new pumping requirements) will be considered. Schematics for each process will be developed for inclusion as figures in the final report.

2.7 Evaluate costs

A cost effective analysis of each alternative will be developed for each selected alternative and will include costs associated with construction and operation of facilities included in each plan alternative including:

- Capital costs including the cost of construction and engineering;
- Operation and maintenance costs including the costs for labor, utilities (including costs for aeration), materials (including costs for chemicals), contractual services, expenses, replacement of equipment and parts to ensure effective and dependable operation during the 20-year planning period; and
- Salvage value at the end of the 20-year planning period.

2.8 Comparison and ranking of alternatives

Using 1) the cost evaluation of the process alternatives, 2) the ability to meet the effluent requirements, and 3) the possibility and adaptability of each process to address future permit changes, the alternatives will be compared and ranked.

2.9 Technical review

A review of all process alternatives will be performed by a committee of lead practitioners within CDM.

2.10 Recommended plan

The results of the technical review will culminate in the recommendation of process alternative. Factors considered will include reliability, complexity, ability to implement, and capital and operating costs.

2.10.1 Preliminary design criteria

Preliminary design criteria will be developed for the recommended process alternative. Such information may include schematic flow diagrams, unit processes, site plans, and design data regarding flow rates, detention times, and sizing of units. The requirements for operation and maintenance will also be summarized. Total project cost estimates for the recommended process alternative, moved forward from the previous cost effective analysis exercise, together with a schedule for completion of all work will also be presented. Total project costs will consist of engineering (study, design and construction phase), construction, contingency, legal, administrative, land acquisition, easements and other related costs.

2.10.2 Implementation plan

A schedule for implementation of the recommended plan will be presented. This schedule will detail the design and construction of the recommended process alternative and will also include any plan to phase construction of these facilities. The critical path items of the schedule will be identified.

2.10.3 Financial plan

The financing requirements necessary for the implementation of the recommended plan will be presented. The costs of the recommended process alternatives will be presented and the availability of any federal, state, or private assistance for reducing costs will be discussed.

2.11 Project Meetings

It is estimated for this project that there will be formal monthly meetings to update the Town on project status. In addition, the Town will be invited to participate in the technical review described in Task 2.9 and to comment while technical options are being finalized.

Task 3. Summary Report

The purpose of this task is to summarize the technical memorandums and findings of Parts 1 and 2 in a final report. The final report will include the technical memoranda, process alternative summaries, cost analyses, ranking of criteria, recommended plan, preliminary design criteria, implementation plan, financial plan, and other project details. The report will present the selected alternatives for meeting the nutrient removal limits as they relate to treating Middleborough flows. A draft will undergo internal QA/QC, followed by review by the town. The final draft will be published contingent on approval by the town and following any public participation as required by potential permitting processes.

Project Schedule

The schedule for Task 1 is estimated to take 3 to 6 months, depending on results of initial meetings with regulators. Task 2 and 3 are estimated to take 6 months.

Project Permitting

The attached draft budget for permitting reflects our best estimate based on a scope of work prepared by another consultant. It is our opinion that the scope of those services will change based on the scope items listed in this proposal. A more detailed permitting scope will result from the results of this study.

Summary of Costs by Task

	<u>Hours</u>	<u>Cost</u>
Task 1 - WPCF Capacity and NPDES Permit Review	112	\$17,424
Task 2 - Evaluation of Nitrogen Removal Alternatives	686	\$95,570
Task 3 - Summary Report	176	\$28,740
<i>Total</i>	<i>974</i>	<i>\$141,734</i>

Charles Cristello

From: Robert Whalen
Sent: Monday, September 20, 2010 9:44 AM
To: Charles Cristello
Subject: RE: Article 30 Unsafe Buildings

Good Morning Charlie.

The Legislature has created three distinct methods for cities and towns to demolish repair or board up unsafe structures.

The first is M.G.L. c.111 sec.127B This statute gives the board of health power to repair structures ,remove occupants , "close up the premises" or demolish the building if necessary.

The second is M.G.L. c.139 sec.1 This is basically the same language but gives authority to the alderman or selectman in a city or town.

The third is M.G.L. c.143,sec.6,7,8,9,10 This again is the same language that gives the authority to the building official.

The language is basically the same for all three instances. The main issue and the reason for Article30 is that once an order has been issued to remove a building or make it safe the owner has a set amount of time to correct the issues. Should the owner refuse to take action after the appeal period has been exhausted it then becomes the liability of the town to remove or make the building safe.

Currently we have no funding should we have to board up repair or demolish any vacant structures. The department of Revenue does have guidelines in assessing liens on the property for the abatement of hazards and demolition of unsafe structures.
This would be a method to recover the costs involved.

Thanks
Bob Whalen

ARTICLE 31

EXECUTIVE SUMMARY

The Middleborough Town Hall has excellent opportunities to improve energy efficiency, while at the same time providing a more comfortable working environment for employees and the public. Gas used for space heating in the Town Hall is 3 to 5 times per square foot more than one would expect for a building of this type and use. In addition, electrical use is 20% higher in the summer than is accounted for by the equipment installed in the building. This energy analysis identifies the causes of the energy losses, suggests mechanisms to fix the problems, and could provide over \$11,000 per year in savings for this one building alone (Table 1). The repairs to the energy systems are not costly and would see a payback of one year or less, with continued savings every year.

Table 1: Opportunities for Energy Savings

Project	Cost	Annual Savings	Payback (years)
Setback temperature on second floor	\$4,000	\$3,900	1.0
Shut off backup circulator pump	\$0	\$1,300	instant
HVAC Air System Controls Measures	\$5,200	\$5,500	0.95
Re-calibrate controls, set-points, dampers			
Optimize ventilation rates			
Right-size VAV box airflow			
Seal leaks between ballroom and attic (without setback for 2 nd floor)	\$500	\$1,500	0.33
Seal leaks between ballroom and attic (in addition to setback for Second Floor)	See above	\$400	1.25

Energy saving opportunities are as follows:

- ❖ **Setback the temperature on the second floor.** It is unnecessary to heat the ballroom during the winter when it is not in use. The pipes can be protected from freezing by replacing the water with propylene glycol. The space will not be too cold because it will get some heat rising from the first floor.
- ❖ **Shut off the backup circulator pump for the heating system.** Running the extra pump increases pipe noise, increases pipe erosion, imbalances heat delivery to individual radiators, and uses an unnecessary 7,900 kWh of electricity per year.
- ❖ **Recalibrate controls.** Heating and cooling systems run continuously during the winter and summer, respectively. The system needs to be set up so that the heat is turned down and the air conditioning is turned off when the building is not in use. The bathroom exhaust fans, which exhaust a lot of air, also need to be shut off when the building is not occupied. The current HVAC and control systems are not easy for non-technical personnel to operate, therefore an employee with technical skills needs to be identified and trained to monitor the systems for proper operation.

- ❖ **Fix the return air and outside air dampers.** Because of the slipping dampers, excess outside air is brought into the building where it must be heated or cooled. In the winter, the cold air coming through the air return was found cascading over employees or in one case over the thermostat, leading to an overheated room.
- ❖ **Optimize Ventilation rates.** The building is usually lightly occupied and being old, it is not tightly sealed. The excess air currently brought in through the ventilation system must be heated or cooled and is not necessary for healthy indoor air quality.
- ❖ **Right-size VAV box air flow rates.** Too much air is flowing through the VAV boxes for the current occupancy level and use, leading to spaces that are seriously overcooled in the summer. This wastes energy and makes it uncomfortable for employees working in the building.
- ❖ **Seal air leaks between the ballroom and the attic.** The large opening between the ballroom and the attic leak a considerable amount of warm air into the attic where it is lost through the roof.

ARTICLE 34

Dear Mr. Cristello,

Your phone call made my day. Thank you for inquiring about membership in the SSRC for Middleboro. The attached memo is also pasted below.

RE: Steps to join the SSRC

If the Town of Middleboro decides that it would like to become a member of the SSRC,

1. the attached documents should be reviewed by the appropriate town officials
 - a. Intermunicipal Agreement
 - b. SSRC Bylaws
 - c. Special Legislation enabling the SSRC to exist as an independent political entity)
2. A funding source should be determined for the \$4,500 annual membership dues, and
3. the following article should be placed on the next Town Meeting Warrant:

"**ARTICLE ___**: To see if the Town will vote to authorize the Board of Selectmen to sign an Intermunicipal Agreement for regional cooperation in the provision of solid waste and recycling services by the South Shore Recycling Cooperative, and to see if the Town will vote to accept the provisions of Section 419 of Chapter 194 of the Acts of 1998; or act on anything relative thereto."

If authorized at Town Meeting,

1. An original signed copy of the IMA should be forwarded to the SSRC Office with a check for membership dues prorated for the remainder of the fiscal year in which membership is authorized.
2. Two representatives to our Board of Directors should be appointed. It is preferable that at least one appointee has some decision-making authority on the Town's solid waste, hazardous waste, and recycling programs.
3. Each town has one vote. Meetings are held roughly monthly on Thursdays from 9-10:30 am.

I would be happy to come down to give a presentation and answer questions your convenience. Note that I am moving, and will be out of the office from June 22-July 10.

The SSRC would welcome Middleborough as its seventeenth member town. Please call me if you have any questions or comments.

EXTENSION OF INTERMUNICIPAL AGREEMENT FOR COOPERATIVE RECYCLING ON THE SOUTH SHORE

This agreement is made among the Towns of Abington, Cohasset, Duxbury, Hanover, Hanson, Hingham, Holbrook, Hull, Kingston, Marshfield, Norwell, Plymouth, Rockland, Scituate, Weymouth and Whitman (hereinafter the "members") under Massachusetts General Laws, Chapter 40, Section 4A, and other applicable laws.

RECITALS

Whereas the members acknowledge that there is a critical need to eliminate, mitigate and prevent the adverse environmental and public health effects associated with the collection, processing and disposal of solid waste from whatever source derived, including municipal, industrial, domestic, commercial and other sources or activities;

Whereas the members desire to maintain full local authority and control over their solid waste management and recycling activities;

Whereas the members recognize that recycling conserves natural resources, reduces our reliance on landfilling and incineration of waste; and can be cost-effective; the members support the Commonwealth of Massachusetts' goal to maximize the diversion of recyclable materials from the waste stream; therefore the members wish to work together in a cooperative effort to increase their recycling and decrease the amount of waste generated by members;

Whereas the members desire to reduce the costs to local taxpayers for solid waste management and to conduct their local recycling programs in the most cost effective manner; therefore the members desire to work cooperatively to reduce the costs to manage solid waste in an environmentally safe manner;

Whereas the members wish to maximize their purchasing power by joining together for regional procurements relating to solid waste disposal and recycling;

Whereas the members each have the power to enter into this Agreement under applicable Massachusetts law and Town Meeting or City Council votes duly adopted;

Now therefore the members mutually acknowledge the receipt of good and valuable consideration for this Agreement, consisting of the mutual promises and covenants set forth herein, and enter into this agreement to evidence that they have agreed as follows:

ARTICLES OF AGREEMENT

Article 1 South Shore Recycling Cooperative.

There is hereby established the South Shore Recycling Cooperative (hereinafter referred to as the "Cooperative"), which shall include those cities and towns as named above which have adopted this Agreement by vote of Town Meeting, Town or City Council.

Article 2. Purpose and Functions of the Cooperative.

The South Shore Recycling Cooperative is established to provide a forum of cooperative management of solid waste by members, to assist each member Town to improve the cost-effectiveness of their recycling efforts by providing economy of scale while maintaining full control over solid waste management; to assist members to improve programs to divert waste materials from the waste stream and to reduce the amount and toxicity of wastes; and to provide such assistance on an individual basis to each member Town and cooperatively in joint programs with other Towns.

Notwithstanding any provision herein, no member town shall be obligated to participate in any particular Cooperative contract, program, or procurement and each member town shall be free to establish its own contracts, programs or procurements independently of the Cooperative.

Article 3. Board of Directors.

The executive power of the Cooperative shall be vested in a Board of Directors consisting of two representatives from each member appointed for a three year term as provided by law, or by local charter or bylaw. These Board members shall serve until their successors are appointed and qualified. The bylaws of the Cooperative shall provide for how a member town's vote should be cast if the two representatives from the town cast opposite votes on the same motion.

Article 4. Authority and Functions of Board of Directors.

The Board of Directors is hereby authorized and directed to:

- a) Adopt and amend bylaws for the conduct of Board meetings and the regulation of its affairs, provided that such bylaws are consistent with this Agreement and any applicable special or general laws;
- b) Annually, no later than June 30 each year, elect from among its members a Chairman, Vice-Chairman, Secretary, and Treasurer;
- c) Submit a written report each year to each of the members detailing the services provided, funds received, and providing full financial disclosure;
- d) Conduct regional procurements for members;
- e) Prepare, advertise, and award regional contracts for recycling services on behalf of members;
- f) Develop and implement regional public education programs;
- g) Develop grant proposals to assist members to obtain state grants to help improve their solid waste management and recycling programs;
- h) Make recommendations and provide technical assistance to members concerning solid waste management and recycling;
- i) Recommend policies to members governing solid waste management and recycling; and

- j) Assist members to establish, where appropriate, facilities such as transfer stations, materials recycling facilities, collection centers, permanent household hazardous waste collection centers, or other solid waste facilities which provide necessary solid waste or recycling services for the host municipality and for other members.

Article 5. Effective Date.

- a) This Agreement shall take effect as of July 1, 2008.
- b) Before this Agreement becomes effective or binding on a city or town, it must be approved by vote of the respective Town Meeting or City Council in accordance with G.L. c. 40, §4A.

Article 6. Annual Membership Fees

Each member Town shall pay an annual Membership Fee to the Cooperative in an amount to be determined by the Board of Directors. Failure of any member Town to make such required payment or otherwise fund the required Membership Fee to the Cooperative at the time required shall be deemed a notice of termination in accordance with Article 9(a) hereof.

Article 7. Term.

This Agreement shall be in effect for a third five year term through June 30, 2013. The term hereof may be extended for additional five year periods by the affirmative vote, within the last year of the then-current term, of the town meeting, town or city council of each member municipality which desires to extend the term hereof. The failure of any one or more members to vote to extend the term hereof shall not prevent the other members from extending the term and continuing the Cooperative.

Article 8. Membership.

- a) A member municipality may join the Cooperative by vote in accordance with G.L. c. 40, §4a to approve this Agreement.
- b) A non-member municipality may become a member of the Cooperative upon:
 - (i) A vote by the non-member in accordance with G.L. c. 40, §4A to approve this Agreement; and
 - (ii) An affirmative vote by a majority of the Board of Directors to accept the non-member as provided in the bylaws of the Cooperative and subject to such conditions as the Board of Directors may impose.

Article 9. Termination.

- a) Any municipality may terminate its membership as of the end of a fiscal year by vote of town meeting or city council, as the case may be, without cause provided the Board of Selectmen or City Council, as the case may be, gives notice to the other members of the intent to terminate this Agreement no later than six months prior to the date of termination.
- b) In the event of termination, the municipality terminating the Agreement shall still be obliged to provide its required membership Fee, as provided in Article 6, for the entire fiscal year during which the notice of the termination was given. Any municipality giving notice of termination later than December 31 shall be obliged to provide the required membership fee to the Cooperative for the following fiscal year. Upon such termination, a former member shall have no further rights nor claims with respect to the property, assets, or other rights of the

Cooperative but shall be responsible for liabilities and claims with respect to the period of its membership prior to such termination.

- c) Termination of this agreement by one member shall not have the effect of terminating the agreement as to the remaining members.

Article 10. Amendment

The provisions, terms and conditions of this Agreement may be modified only by written amendments to this Agreement approved by all members by vote of their respective Town Meeting, Town or City Council.

Article 11. Severability

If any clause or provision of this Agreement or its application shall be held unlawful or invalid, no other clause or provision of this Agreement shall be affected, and this Agreement shall be construed and enforced as if such unlawful or invalid clause or provision had not been contained herein.

Article 12. Assignment.

No member shall have the right to assign or otherwise transfer its rights or obligations as a member under this agreement.

Article 13. Waiver.

Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of such party's right and shall not affect the right of such party to exercise at some future time said right or rights or any other right it may have hereunder.

Article 14. Interpretations.

For purposes of this Agreement, except where the context clearly indicates otherwise, the use of the singular shall include the plural and pronouns shall include both singular and plural and shall include all genders.

Article 15. Authority to create entity

If the Board of directors shall hereafter determine, it may create an independent legal entity by creating a not-for-profit corporation or through the adoption of special legislation.

Article 16. Liability

The individual member communities of the Cooperative shall not be liable for any actions or decisions of the Cooperative, and the Cooperative shall indemnify, defend and hold harmless each member from any claim, demand, action or cause of action arising from or caused by any action or decision made by or on behalf of the Cooperative.

APPROVED AND AGREED TO:

MAYOR or CHAIRMAN, BOARD OF SELECTMEN

TOWN OF _____ DATE: _____

SOUTH SHORE
RECYCLING
COOPERATIVE



103 Farm Street
Dover, MA 02030
(508) 785-8318
fax (508) 785-2296
ssrcclaire@aol.com

BY-LAWS
Adopted 12/8/99

ARTICLE 1. NAME

The name of this organization shall be the SOUTH SHORE RECYCLING COOPERATIVE (hereinafter referred to as the "Cooperative").

ARTICLE 2. AUTHORITY AND PURPOSE

Section 1. The South Shore Recycling Cooperative is established to provide a forum for cooperative management of solid waste by members, to assist each member Town to improve the cost-effectiveness of their recycling efforts by providing economy of scale while maintaining full control over solid waste management; to assist members to improve programs to divert waste materials from the waste stream and to reduce the amount and toxicity of wastes; and to provide such assistance on an individual basis to each member Town and cooperatively in joint programs with other Towns.

Section 2. Limitation of powers.

- a) Notwithstanding any provision herein, no member town shall be obligated to participate in any particular Cooperative contract, program, or procurement and each member town shall be free to establish its own contracts, programs or procurements independently of the Cooperative.
- b) The Cooperative shall not have the power of eminent domain, nor the power to levy taxes, to require the payment of any funds by members, except as provided by the agreement. The cooperative shall not incur debt which obligates its assets for periods of more than one fiscal year. The cooperative shall be subject to all local zoning or non-zoning land-use by-laws and regulations. The agents and employees of the cooperative shall be agents and employees of the cooperative and not of the member cities or towns.

ARTICLE 3. MEMBERSHIP

Section 1. The Cooperative shall be composed of cities and towns who have joined the Cooperative pursuant to the provisions of the Intermunicipal Agreement for Cooperative Recycling on the South Shore, a copy of which is on file in the offices of the Town Clerk of the member towns.

Section 2. Members.

- a) A member municipality may join the Cooperative by vote in accordance with G.L. c. 40, §4a to approve this Agreement.
- b) Original member towns are the Towns of Abington, Cohasset, Duxbury, Hanover, Hingham, Kingston, Marshfield, Norwell, Pembroke, Rockland, and Weymouth (hereinafter the "members")

Section 3. A non-member municipality may become a member of the Cooperative upon:

- a) A vote by the non-member in accordance with G.L. c. 40, §4A to approve this Agreement; and,
- b) An affirmative vote by a majority of the Board of Directors to accept the non-member as provided in the bylaws and subject to such conditions as the Board of Directors may impose.

Section 4. Associate Members. A non-member municipality may become a non-voting associate member of the Cooperative upon:

- a) Payment of the membership fee or other fee as determined by the Board of Directors; and,
- b) An affirmative vote by a majority of the Board of Directors to accept the non-member as provided in the bylaws and subject to such conditions as the Board of Directors may impose.

Section 5. Termination.

- a) Any municipality may terminate its membership as of the end of a fiscal year by vote of town meeting or city council, as the case may be, without cause provided the Board of Selectmen or City Council, as the case may be, gives notice to the other members of the intent to terminate this Agreement no later than six months prior to the date of termination.

- b) In the event of termination, the municipality terminating the Agreement shall still be obliged to provide its required membership Fee, as provided in Article 6 of the IMA, for the entire fiscal year during which the notice of the termination was given. Any municipality giving notice of termination later than December 31 shall be obliged to provide the required membership fee to the Cooperative for the following fiscal year. Upon such termination, a former member shall have no further rights nor claims with respect to the property, assets, or other rights of the Cooperative but shall be responsible for liabilities and claims with respect to the period of its membership prior to such termination.
- c) Termination of this agreement by one member shall not have the effect of terminating the agreement as to the remaining members.

Section 6. Participation in any program or activity sponsored by the Cooperative, including any contract or program for regional utilization of services, may be conditional on the payment of an appropriate financial contribution to the Cooperative to support the operation of the Cooperative.

- a. The Cooperative may vote, by majority vote of the member towns present and voting, at any time to prohibit any member town from participating in any specific regional contract or in all Cooperative programs unless said member town makes a financial contribution as specified by the Cooperative in its vote.
- b. The Cooperative may vote, by majority vote of the member towns present and voting, at any time to allow any associate member town or non-member town to participate in any specific regional contract or in all Cooperative programs upon the payment of a financial contribution as specified by the Cooperative in its vote.

ARTICLE 4. BOARD OF DIRECTORS

Section 1. The executive power of the Cooperative shall be vested in a Board of Directors consisting of two representatives from each member appointed for a three year term as provided by law, or by local charter or bylaw. These Board members shall serve until their successors are appointed and sworn in. Member Towns are requested to notify the Cooperative of any change in appointments.

Section 2. Each member Town shall have one vote on the Cooperative, which shall be exercised by member representatives present and voting at a meeting of the Board of Directors. The vote of a Town shall be determined by

unanimous vote of that Town's representatives present and voting. If the two representatives present and voting from a member Town do not agree on what vote should be taken on a particular vote, then no vote shall be recorded by that member Town on that particular vote.

Section 3. A quorum of six (6) member Towns shall be required at any meeting to conduct official business of the Cooperative.

Section 4. A majority vote of all Towns present and voting shall be required for a motion to carry. Two-thirds majority of those Towns present and voting shall be required to approve any spending over \$250.00.

Section 5. The Cooperative shall hold at least one meeting each month, unless this requirement is suspended for any particular month by majority vote of the Cooperative. The meetings of the Cooperative shall be conducted by the Chairman in accordance with Robert's Rules of Order.

Section 6. The Board of Directors is hereby authorized and directed to:

- a) Submit a written report each year to each of the members detailing the services provided and funds received, and providing full financial disclosure;
- b) Conduct regional procurements for members;
- c) Prepare, advertise, and award regional contracts for recycling services on behalf of members;
- d) Develop and implement regional public education programs;
- e) Develop grant proposals to assist members to obtain state grants to help improve their solid waste management and recycling programs;
- f) Make recommendations and provide technical assistance to members concerning solid waste management and recycling;
- g) Recommend policies to members governing solid waste management and recycling; and,
- h) Assist members to establish, where appropriate, facilities such as transfer stations, materials recycling facilities, collection centers, permanent household hazardous waste collection centers, or other solid waste facilities which provide necessary solid waste or recycling services for the host municipality and for other members.

ARTICLE 5. OFFICERS

Section 1. There shall be a Chairman, Vice-Chairman, Secretary, and Treasurer. These four officers, in addition to one or more other members appointed by the Chairman, shall constitute the Executive Committee of the Cooperative. Officers shall be elected for a one year term. No town shall have more than one member on the Executive Committee at any one time.

Section 2. Chairman. The Chairman's responsibilities include: preparation of the agenda, conducting meetings, appointing all internal committees, ensuring that the staff carries out the will of the Cooperative, and representing the Cooperative before other local, regional, or state agencies and organizations.

Section 3. Vice-Chairman. The Vice-Chairman shall assume all duties of the Chairman in his absence.

Section 4. Secretary. The Secretary coordinates preparation and timely distribution of minutes, maintains the membership lists, distributes copies of all correspondence, and takes the role at each meeting for attendance and voting purposes.

Section 5. Treasurer. The Treasurer oversees management of collection and disbursement of the funds of the Cooperative, and prepares and presents a Treasurers report at each meeting.

Section 6. Election of Officers. The annual election of officers shall be held during the June meeting, where it shall be the first order of business. Elections must be conducted by June 30 of each year. Officers shall assume office at time of their election and shall serve until their successors are elected.

Section 7. Vacancy. In the event of the inability of an officer to serve, the next ranking officer, or in the absence of such an officer, a member appointed by the Chairman, shall perform such duties until the Cooperative elects another to fill the vacancy.

ARTICLE 6. COMMITTEES

Section 1. The Chairman shall appoint all internal committees, including but not limited to the standing committees listed, and shall determine the composition of each committee.

Section 2. Standing Committees. The Standing Committees shall include the Executive Committee, the Bylaw Committee, and the Nominating Committee.

Section 3. Executive Committee. The Executive Committee shall be composed of the four officers, in addition to one or more other members appointed by the Chairman, who may act on behalf on the Cooperative on any matter which requires immediate action, but subject to ratification by the Cooperative at its next meeting.

Section 4. Bylaw Committee. The Bylaw committee shall be chaired by the Secretary and may make and shall consider all recommendations for amendments to these bylaws, and shall provide a recommendation to the Cooperative on any proposed amendments.

Section 5. Nominating Committee. The Nominating Committee shall present recommendations for a slate of officers to the Cooperative prior to the election of officers.

ARTICLE 7. FISCAL MANAGEMENT

Section 1. The fiscal year of the Cooperative shall begin on July 1 of each calendar year and conclude on June 30 of the following calendar year.

Section 2. Annual Membership Fees. Each member Town shall pay an annual Membership Fee to the Cooperative in an amount to be determined by the Board of Directors. Failure of any member Town to make such required payment or otherwise fund the required Membership Fee to the Cooperative at the time required shall be deemed a notice of termination in accordance with Article 3, Section 6 hereof.

Section 3. The Chairman, or Treasurer, may spend or authorize the expenditure of no more than \$250 at any one time without any vote of the Cooperative. The Chairman, or the Treasurer, may spend or authorize the expenditure of more than \$250 if said spending has been authorized in advance by the vote of the Cooperative.

ARTICLE 8. ADOPTION AND AMENDMENT OF BYLAWS

These Bylaws may be adopted or amended by vote of a majority of the member towns at any time provided that each individual member of the Cooperative has been provided a copy of these bylaws or amendment thereto no later than seven days prior to the vote on same.

ARTICLE 9. AUTHORITY TO CREATE ENTITY

If the Board of Directors shall hereafter determine, it may create an independent legal entity by creating a not-for-profit corporation or through the adoption of special legislation.

ARTICLE 10. EFFECTIVE DATE.

These bylaws or any amendment thereto shall take effect on adoption.

Commonwealth of Massachusetts
ACTS OF 1998, CHAPTER 194

SECTION 419. There is hereby established the South Shore Recycling Cooperative, a public body politic and corporate, hereinafter referred to as the cooperative. The towns of Abington, Cohasset, Duxbury, Hanover, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Rockland, Scituate, and Weymouth are authorized to enter into an agreement to join said cooperative.

Said cooperative shall be for the purposes of and in accordance with an agreement entitled "Intermunicipal Agreement for Cooperative Recycling on the South Shore," hereinafter referred to as the agreement, which is on file in the office of the town or city clerks of the members.

This section shall take effect in any city or town referred to in the first paragraph of this section upon vote by town meeting or city council, as the case may be, to accept the provisions of this section and the agreement. The cities and towns referred to in the first paragraph of this section which accept the provisions of this section and the agreement shall be the initial members of the board of directors of the cooperative. Any other city or town may join the Cooperative by vote of town meeting or city council, as the case may be, to accept the provisions of the agreement and to accept the provisions of this section, provided however that no such city or town may become a member unless such membership is accepted by majority vote of the board of directors of the cooperative.

The powers and authority of the cooperative shall be vested in a board of directors, which shall be composed of two representatives from each member city or town, appointed for three year terms. One representative from each member city or town shall be appointed by the elected or appointed municipal board or commission which has the authority over solid waste management in said city or town. One representative shall be appointed by the board of selectmen or the city council, as the case may be, of the city or town. Each member city or town shall have one vote in all votes taken by the board of directors.

In addition to the powers enumerated in the agreement, the board of directors of said cooperative shall have the rights and powers: to adopt bylaws for the regulation of its affairs and the conduct of its business; provided however, that said bylaws be consistent with this section, to adopt an official seal and alter the same at its pleasure; to maintain an office at such place or places as it may determine; to sue and be sued and to prosecute and defend actions relating to its properties and affairs; to own and maintain real and personal property; to apply for, accept, and disburse grant funds; to receive, manage, and disburse funds; to conduct regional procurement of supplies and services for members, to prepare, advertise, and award contracts to provide regional solid waste or recycling services for member towns, to change its name, and to hire and fire personnel.

The cooperative shall not have the power of eminent domain, nor the power to levy taxes, to require the payment of any funds by members, except as provided by the agreement. The cooperative shall not incur debt which obligates its assets for periods of more than one fiscal year. The cooperative shall be subject to all local zoning or non-zoning land-use by-laws and regulations. The employees and agents of the cooperative shall be agents and employees of the cooperative and not of the member cities or towns.