

NEW BUSINESS

10-5-15



MIDDLEBOROUGH HIGH SCHOOL STUDENT COUNCIL

"THE VOICE OF STUDENT LEADERSHIP"
MASC GOLD COUNCIL OF EXCELLENCE & NASC GOLD COUNCIL OF EXCELLENCE

September 23, 2015

Dear Members of the Middleborough Board of Selectmen,

The Middleborough High School Student Council has been putting together the fifteenth annual Homecoming at the High School. Homecoming week is scheduled for October 5th-10th, 2015. The Homecoming game is scheduled for Saturday, October 10th against the North Quincy Red Raiders.

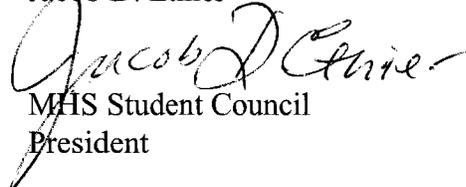
On the morning of October 10th, we would like to host a small parade that would proceed from the High School, down Fairview Street, up Wareham Street, and turn onto Benton Street to reach Battis Field, where homecoming game will be played. The parade would not be very large, consisting of small floats, one for each class, the MHS band, and the MHS twirlers.

We have already sent a letter addressing the Middleborough Police asking for their approval of our proposal. To ensure safety and allow the parade to run smoothly, we would also ask for assistance of a police cruiser leading the parade and a police cruiser trailing the parade, as well as assistance on certain corners where the parade will proceed through. We would like to know if you would agree to support this very successful event that truly brings our school together. This event would bring together the school community and the Town of Middleborough as it celebrates its annual Homecoming. If you have any questions, please contact Paul Branagan, the Student Council Advisor, at (508) 946-2010 ext.3102.

Thank you for your time and commitment to the student like in Middleborough.

Sincerely,

Jacob D. Ethier



MHS Student Council
President

Paul Branagan



MHS Student Council
Advisor & Principal

71 E. GROVE ST, MIDDLEBOROUGH, MA 02346 - MIDDLEBORO.K12.MA.US - (508) 946-2010

**Jacob Ethier - MHS President ~ Hannah McCarthy - MHS Vice President
Chris Dupuis - SEMASC Delegate ~ Doug Botelho - MASC Delegate
Paul Branagan - Advisor & MASC Executive Director**

Jacqueline Shanley

From: Joseph Perkins <jperkins@mpdmail.com>
Sent: Tuesday, September 29, 2015 8:00 AM
To: Jacqueline Shanley
Subject: MHS Homecoming Parade

Jackie,

All set with the High School and their homecoming parade on 10/10.

Thanks,
Joe

Chief Joseph M. Perkins
Middleboro Police Department
99 N. Main Street
Middleboro, MA 02346
(508)947-1212
jperkins@mpdmail.com
●FBINA 242

AGREEMENT

WHEREAS, The McLean Hospital Corporation (hereinafter referred to as "McLean") is a Massachusetts charitable corporation having a principal office at 115 Mill St., Belmont, MA 02478; and

WHEREAS, McLean operates an inpatient treatment and residential care facility for psychiatric patients at the property located at 23 Isaac St., Middleborough, MA (hereinafter referred to as the "Property"); and

WHEREAS, McLean did on April 23, 2015 acquire title to the Property, and because it is a nonprofit charitable corporation in Massachusetts, is exempt from the obligation to pay real estate taxes to the Town of Middleborough; and

WHEREAS, McLean recognizes that its operation of the facility on the Property will require some limited services from the Town of Middleborough, and, in recognition thereof, is desirous of voluntarily making a payment in lieu of taxes as a community contribution to the Town of Middleborough.

NOW THEREFORE, in consideration of the services that it receives from the Town of Middleborough and in furtherance of its desire to make a community contribution to the Town of Middleborough, in recognition thereof, McLean hereby agrees, subject to and upon the condition of the terms of the Acceptance attached hereto, as follows:

1. McLean agrees to pay to the Town of Middleborough the sum of \$20,000.00 per year for the next three years as a payment in lieu of the payment of real estate taxes with respect to the Property.
2. The payment shall be made on or before October 1 of each year, with the first payment being made immediately upon the execution of the attached Acceptance and subsequent payments shall be made on or before October 1 of each year thereafter for such three year period.

Witness our hand and seal on this day of September, 2015.

The McLean Hospital Corporation

By 

ACCEPTANCE

The Town of Middleborough hereby accepts the agreement of The McLean Hospital Corporation as set forth above. It is understood and agreed that in the event that the tax exempt status of McLean should change or such other circumstances arise such that it becomes legally obligated to pay any real estate taxes with respect to the Property, then, in such event, any payments made hereunder during the fiscal year that McLean's tax exempt status should change and it should become obligated to pay any real estate taxes with respect to the property shall be credited towards the total amount due of any such real estate taxes.

Town of Middleborough, by its Board of Selectman

WESTON FOREST COMMITTEE

Jacqueline Shanley

From: Mark Belanger
Sent: Monday, August 17, 2015 1:46 PM
To: SelectmenWeb
Subject: weston committee

I would like to be considered for a spot on the Weston Forest Committee. I have attended the last 2 meetings and participated in a walk through of the Weston Forest with several committee members to see the layout of a proposed disc golf course. I have used the forest trails on numerous occasions and would like to volunteer to help keep this resource working for the citizens of Middleboro.

Mark Belanger

Middleboro, MA 02346



JUDY M. MacDONALD
TREASURER AND COLLECTOR

Town of Middleborough
Office of the Treasurer and Collector
20 Centre Street, 3rd Floor
Middleborough, MA 02346-2270
email: jmcndnd@middleborough.com

TELEPHONE
(508) 946-2420
(508) 946-2421

FAX
(508) 947-5447

Date: 9/30/2014
To: Board of Selectmen
From: Judy M. MacDonald, Treasurer/Collector 

Borrowing: \$2,065,000. General Obligation Refunding Bonds, Series B - Refunding of 2007 Landfill Bond Issue (Subject to Federal and Massachusetts Income Taxation)

Results of electronic bids, Wednesday, September 30, 2015:

<u>Bank</u>	<u>Bid Amount</u>	<u>True Int. Cost</u>
Robert W. Baird & Co., Inc.	\$2,065,000.	2.700334
SunTrust Robinson Humphrey	\$2,065,000.	2.831182
Roosevelt & Cross, Inc.	\$2,065,000.	2.858533

Bid awarded, subject to Selectmen's approval to:

Robert W. Baird & Co., Inc.	\$2,065,000.	2.700334
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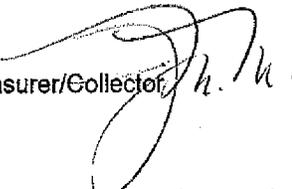


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(508) 946-2420
(508) 946-2421

FAX
(508) 947-5447

Date: 9/30/2014
To: Board of Selectmen
From: Judy M. MacDonald, Treasurer/Collector 
Borrowing: \$6,135,000.00 General Obligation Refunding Bonds, Series A
Refunding of 2005 and 2007 Bond Issues

Results of electronic bids, Wednesday, September 30, 2015:

<u>Bank</u>	<u>Bid Amount</u>	<u>True Int. Cost</u>
Fidelity Capital Markets	6,135,000.	1.705575
Janney Montgomery Scott, LLC	6,135,000.	1.724736
PNC Capital Markets	6,135,000.	1.777587
Robert W. Baird & Co., Inc.	6,135,000.	1.786539
Roosevelt & Cross, Inc.	6,135,000.	1.796860

Bid awarded, subject to Selectmen's approval to:

Fidelity Capital Markets	\$6,135,000.	1.705575
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(508) 947-5447

Date: 9/30/15

To: Board of Selectmen

From: Judy M. MacDonald, Treasurer/Collector

Note Sale

Dated: October 9, 2015

Due: October 7, 2016

Borrowing: \$4,122,079.00 Multi Issue, See attached list of projects authorized.

Results of bids, Wednesday, September 30, 2015:

<u>Bank</u>	<u>Bid Amount</u>	<u>Interest Rate</u>	<u>Premium</u>	<u>NIC</u>
Eastern Bank	\$4,122,079.	1.25	\$33,039.38	0.444
Jeffries, LLC	\$4,122,079.	1.00	\$22,218.01	0.458
TD Securities	\$4,122,079.	2.00	\$62,202.17	0.483
Oppenheimer	\$4,122,079.	2.00	\$58,700.00	0.568

Bid awarded, subject to Selectmen's approval to:

Eastern Bank	\$4,122,079.	1.25	\$33,039.38	0.444
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Estimated Interest: \$51,239.74
Less premium 33,039.38
Net Interest Cost 18,200.36

PART I

THE NOTES

DESCRIPTION OF THE NOTES

The Notes will be dated October 9, 2015 and will mature on October 7, 2016 with interest at the rate or rates determined upon their sale payable at maturity. The Notes will be issued in book-entry form in principal amounts of \$1,000 or integral multiples thereof, with the exception of one denomination of \$1,079, with transfer of the Notes on the records of The Depository Trust Company and its Participants unless the delivery of a fully registered note certificate is requested by the winning bidder and approved by the Town. Interest will be computed on a 30/360-day year basis (358/360). The Notes will be issued without the option of prior redemption. Both principal and interest will be payable to DTC, or to the registered owner if a fully registered certificate is requested by the winning bidder and approved by the Town, by U.S. Bank National Association, in Boston, Massachusetts, or its successor, as Paying Agent.

AUTHORIZATION AND USE OF PROCEEDS

The Notes consist of the following amounts and authorizations:

<u>Amount</u>	<u>Purpose</u>	<u>Statutory Authorization</u>	<u>Vote Date</u>
\$ 215,000	Forestry Vehicle	MGL, Ch. 44, s. 7(9)	4/22/13 art. 9
335,018	Departmental Equipment	MGL, Ch. 44, s. 7(9)	4/22/13 art. 10
10,000	Traffic Signal	MGL, Ch. 44, s. 7(14)	4/22/13 art. 10
4,495	Library Compressor	MGL, Ch. 44, s. 7(9)	4/22/13 art. 11
22,848	Town Hall Annex Roof	MGL, Ch. 44, s. 7(3A)	4/22/13 art. 11
24,345	Carpeting	MGL, Ch. 44, s. 7(9)	4/22/13 art. 11
69,000	COA Parking Lot	MGL, Ch. 44, s. 7(6)	4/22/13 art. 11
155,000	Elementary Complex Renovations	MGL, Ch. 44, s. 7(3A)	4/22/13 art. 12
66,083	High School Renovations	MGL, Ch. 44, s. 7(3A)	4/22/13 art. 13
70,000	School Technology	MGL, Ch. 44, s. 7(28)	4/22/13 art. 14
1,000,000	Upgrade Wastewater Treatment Fac.	MGL, Ch. 44, s. 8(15)	4/22/13 art. 15
600,000	Police Station Design	MGL, Ch. 44, s. 7(21)	4/22/13 art. 15
100,000	Fire Equipment	MGL, Ch. 44, s. 7(9)	5/27/14 art. 10
92,000	Parks Equipment	MGL, Ch. 44, s. 7(9)	5/27/14 art. 11
61,000	Public Works Equipment	MGL, Ch. 44, s. 7(9)	5/27/14 art. 11
55,000	Fire Command Vehicle	MGL, Ch. 44, s. 7(9)	5/27/14 art. 10
30,000	COA Parking Lot	MGL, Ch. 44, s. 7(6)	5/27/14 art. 12
100,000	COA Roof	MGL, Ch. 44, s. 7(3A)	5/27/14 art. 12
60,000	Intercom System	MGL, Ch. 44, s. 7(3A)	5/27/14 art. 13
22,278	Voting Booths and Covers	MGL, Ch. 44, s. 7(9)	5/27/14 art. 12
22,000	Animal Control Vehicle	MGL, Ch. 44, s. 7(9)	5/27/14 art. 12
19,837	Library Carpeting	MGL, Ch. 44, s. 7(9)	5/27/14 art. 12
20,000	Cabs and Chassis for Public Works	MGL, Ch. 44, s. 7(9)	5/27/14 art. 11
90,000	Boilers Nichols Middle School	MGL, Ch. 44, s. 7(3A)	5/27/14 art. 14
47,000	Hot Water Tank Nichols MS	MGL, Ch. 44, s. 7(3A)	5/27/14 art. 14
98,000	Muni Parking Lot Improv. Pearl St	MGL, Ch. 44, s. 7(5)(6)	4/27/15 art. 9
78,660	Public Safety Comm. System.	MGL, Ch. 44, s. 7(9)	4/27/15 art. 6
45,000	Supt/Tow Vehicle Fire Dept	MGL, Ch. 44, s. 7(9)	4/27/15 art. 6

24,515	Town Manager Vehicle	MGL, Ch. 44, s. 7(9)	4/27/15 art. 12
66,000	Police Cruisers	MGL, Ch. 44, s. 7(9)	4/27/15 art. 5
75,000	Asbestos Removal Police Station	MGL, Ch. 44, s. 7(31)	4/27/15 art. 5
25,000	Highway Department Vehicle	MGL, Ch. 44, s. 7(9)	4/27/15 art. 8
145,000	Library Mobile Cart w/Tablets	MGL, Ch. 44, s. 7(28)	4/27/15 art. 10
150,000	Software	MGL, Ch. 44, s. 7(29)	4/27/15 art. 5
60,000	Special Ed Mini Bus	MGL, Ch. 44, s. 7(9)	4/27/15 art. 11
64,000	IT Equipment	MGL, Ch. 44, s. 7(28)	4/27/15 art. 9
<u>\$4,122,079</u>			

\$3,998,079 of the notes along with \$113,259 of Town proceeds will be used to redeem a like amount of bond anticipation notes maturing October 9, 2015. \$124,000 of the Notes will be used to provide temporary financing for the Special Ed mini bus and IT equipment.

SECURITY AND REMEDIES

Full Faith and Credit. General obligation bonds and notes of a Massachusetts city or town constitute a pledge of its full faith and credit. Payment is not limited to a particular fund or revenue source. Except for "qualified bonds" and setoffs of state distributions, no provision is made by the Massachusetts statutes for priorities among bonds and notes and other general obligations, although the use of certain moneys may be restricted.

Tax Levy. The Massachusetts statutes direct the municipal assessors to include annually in the tax levy for the next fiscal year "all debt and interest charges matured and maturing during the next fiscal year and not otherwise provided for (and) all amounts necessary to satisfy final judgments". Specific provision is also made for including in the next tax levy payments of rebate amounts not otherwise provided for and payment of notes in anticipation of federal or state aid, if the aid is no longer forthcoming.

The total amount of a tax levy is limited by statute. However the voters in each municipality may vote to exclude from the limitation any amounts required to pay debt service on indebtedness incurred before November 4, 1980. Local voters may also vote to exempt specific subsequent bond issues from the limitation. In addition, obligations incurred before November 4, 1980 may be constitutionally entitled to payment from taxes in excess of the statutory limit.

Except for taxes on the increased value of certain property in designated development districts which may be pledged for the payment of debt service on bonds issued to finance economic development projects within such districts, no provision is made for a lien on any portion of the tax levy to secure particular bonds or notes or bonds and notes generally (or judgments on bonds or notes) in priority to other claims. Provision is made, however, for borrowing to pay judgments, subject to the General Debt Limit. Subject to the approval of the State Director of Accounts for judgments above \$10,000, judgments may also be paid from available funds without appropriation and included in the next tax levy unless other provision is made.

Court Proceedings. Massachusetts cities and towns are subject to suit on their general obligation bonds and notes and courts of competent jurisdiction have power in appropriate proceedings to order payment of a judgment on the bonds or notes from lawfully available funds or, if necessary, to order the city or town to take lawful action to obtain the required money, including the raising of it in the next annual tax levy, within the limits prescribed by law. In exercising their discretion as to whether to enter such an order, the courts could take into account all relevant factors including the current operating needs of the city or town and the availability and adequacy of other remedies. The Massachusetts Supreme Judicial Court has stated in the past that a judgment against a municipality can be enforced by the taking and sale of the property of any inhabitant.



McMAHON ASSOCIATES
300 Myles Standish Boulevard | Taunton, MA 02780
p 508-823-2245 | f 508-823-2246
www.mcmtrans.com

September 29, 2015

Mr. Robert G. Nunes, Town Manager
Town of Middleborough
Town Hall
10 Nickerson Avenue
Middleborough, MA 02346

PRINCIPALS
Joseph W. McMahon, P.E.
Joseph J. DeSantis, P.E., PTOE
John S. DePalma
William T. Steffens
Casey A. Moore, P.E.
Gary R. McNaughton, P.E., PTOE

ASSOCIATES
John J. Mitchell, P.E.
Christopher J. Williams, P.E.
R. Trent Ebersole, P.E.
Matthew M. Kozsuch, P.E.
Maureen Chlebek, P.E., PTOE

RE: Bid Analysis for Pearl Street Parking Lot

Dear Mr. Nunes:

On Friday, September 25, 2015 at 2:00 PM, McMahon Associates conducted the bid opening for the Pearl Street Parking Lot project.

We received a total of five bids ranging in price from \$160,928 to \$279,460. The lowest responsible bid was submitted by Pawtucket Hot Mix Asphalt at a total price of \$160,928. There was a minor mathematical error encountered on the Pawtucket Hot Mix Asphalt bid resulting in a total of \$160,821.80; however it remained as the lowest responsible bid. The unit price bid analysis for the three lowest bidders is attached.

The references provided by Pawtucket Hot Mix Asphalt were contacted and found to be acceptable. Therefore, we recommend that the town award the contract to Pawtucket Hot Mix Asphalt.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

Gary R. McNaughton, P.E., PTOE
Vice President & General Manager

Cc: Christopher Peck, Director of Public Works

LMM**Lynch, Malloy, Marini, LLP**
Certified Public Accountants & Advisors

September 18, 2015

Board of Selectmen
c/o Mr. Steve Dooney, Town Accountant
Town of Middleborough, Massachusetts
10 Nickerson Ave
Middleborough, MA 02346

Dear Steve:

Thank you for the opportunity to continue our working relationship with the Town. As we discussed, we are pleased to submit our proposal for the audit of the Town's financial statements.

As you are aware, we have always worked with the Town over the years relative to our audit fees within the Town's budgetary constraints. We appreciate the working relationship that we have developed during our previous engagements. Over the past several years, our audit fees have remained relatively constant with only minimal increases each year, if at all; however, there have been significant changes in our professional regulations, auditing standards, and financial reporting requirements, including implementing the provisions of GASB 68, *Accounting and Financial Reporting for Pensions* in fiscal year 2015. As a result of these changes, we are reluctantly proposing an increase in our audit fees. We appreciate all the work your staff and other Town personnel have performed in connection with the audits.

We look forward to our continued working relationship. If you have any questions relating to the enclosed proposal, please let me know.

Sincerely,



Robert J. Lynch, Partner

Enc.

■ 99 Longwater Circle, Suite 200
Norwell, MA 02061
781-871-5850■ 9 Baystate Court
Brewster, MA 02631
508-255-2240■ 41 West Central Street
Natick, MA 01760
508-650-0018

AGREEMENT

TOWN OF MIDDELBOROUGH

Article 1. This agreement, made this 28th day of Sept., 2015 by and between the TOWN OF MIDDLEBOROUGH, party of the first part, hereinafter called the TOWN, by its TOWN MANAGER, and Abide, Inc., 483 Shaker Rd., P.O. Box 886, East Longmeadow, MA 01028

hereinafter called the Contractor.

Article 2. Witnesseth, that the parties to this agreement, each in consideration of the agreement on the part of the others herein contained, do hereby agree, the TOWN OF MIDDLEBOROUGH for itself, and said contractor for his heirs, executors, administrators and assigns as follows:

To furnish all equipment, machinery, tools and labor, to furnish and deliver all materials required to be furnished (except as otherwise specified) and deliver in and about the project and to do and perform all work in strict conformity with the provisions of this Contract of the Notice to Bidders, Bid and Drawings hereto annexed. The said Notice to Bidders, Bid and Drawings are hereby made a part of this contract as fully and to the same effect as if the same had been set forth at length and incorporated in the contracts.

Article 3. In consideration of the foregoing premises the TOWN agrees to pay and the CONTRACTOR agrees to receive as full compensation for everything furnished and done by the CONTRACTOR under this contract, including all work required but not included in the items herein mentioned, and also for all loss or damage arising out of the nature of the work described herein, or from the action of the elements, or from any unforeseen obstruction or difficulty encountered in the prosecution of the work, and for all expenses incurred by or in consequence of the suspension or discontinuance of the work specified, and for well and faithfully completing the work, and the whole thereof, as herein provided, such prices as are set forth in the accompanying bid.

Date for final completion of the project is thirty (30) days from the date of Notice to Proceed. This Agreement entered into as of the day and year first written above.

TOWN OF MIDDLEBOROUGH, MASSACHUSETTS

FOR THE TOWN

FOR THE COMPANY

Allin Frawley, Chairman
Board of Selectmen

Contractor

Date: _____

Company: Abide, Inc.

Joseph Perkins, Chief of Police

483 Shaker Rd., P.O. Box 886
Address Line 1

Allison Ferreira, Town Clerk
APPROVED AS TO FORM ONLY

East Longmeadow, MA 01028
Address Line 2

Judy MacDonald, Town Treasurer
I CERTIFY THAT SUFFICIENT FUNDS
ARE AVAILABLE FOR THIS CONTRACT