

NEW BUSINESS

10-6-10

Jackie -

The Green Energy
Committee requests
permission to place
a sign on the
Town Hall front
lawn to advertise
our "Green Energy
Fair" on Nov. 6
from 10 to 2

Jeff Platts -
for the G.E.C.
947-7289

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION 9/28/10

ORGANIZATION/INDIVIDUAL Green Energy Committee - Jeff Stevens
ADDRESS co-chair

CITY, STATE, ZIP _____ TEL # _____

CO-APPLICANT (BARTENDING SERVICE) _____

OWNER NAME _____

ADDRESS _____

CITY, STATE, ZIP _____ TEL # _____

DATE(S) OF EVENT Nov 6, 2010 APPROXIMATE NUMBER OF PARTICIPANTS 200?

TIME OF DAY(S) REQUIRED NOV 5 TO NOV 6
(ATTACH SEPARATE SHEET IF NECESSARY)

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

BRIEFLY DESCRIBE TYPE OF ACTIVITY Use of Grand Ballroom + part of parking lot for Green Energy Fair + Electronics Recycling

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? No 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 Yes Name of Caterer Coffee + Donuts by committee 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 tables - Displays Trucks in parking lot

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

Rental Deposit (Bond) \$100.00 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 Jeff Stevens

Signature of Volunteer Jeff Stevens

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

I/we _____ hereby acknowledge return of our \$100.00 bond payment.

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL

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

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

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

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

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

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

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

on front lawn

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

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

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

I/we agree to provide a security deposit in the amount of \$100.00 refundable to me/us within two weeks after the event if, in the sole judgement of the Board of Selectmen, I/we have fully complied with the terms of this Agreement and the Rules and Regulations.

I/we require/request use of the following

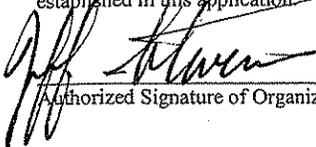
Chair set up _____ PA system/Podium set up PA. Piano _____

I/we agree to the following additional conditions:

The governing body of the renting organization named below met on Sept. 28 2010 and, a quorum being present, authorized the individual named below to sign this agreement. The minutes of that meeting, or a letter of authorization from the President of the renting organization, are attached to this agreement.

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL

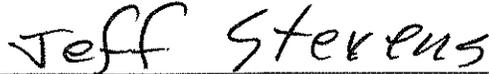
By signing below I/we acknowledge receipt of a copy of the rules and regulations and agree to abide by them and any other conditions established in this application.



Authorized Signature of Organization

Individual Signature

Signature of Owner – Co-Applicant (Bartending Service)



Name ---Please Print

Name—Please Print

Business Name—Please Print

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

LEONARD E. SIMMONS
SENIOR MULTI-SERVICE CENTER

Middleborough Council on Aging
558 Plymouth Street, Middleborough, MA 02346

Andrea M. Priest
Executive Director

508-946-2490
508-946-2489 fax
508-946-4446 TDD

September 29, 2010

To the Board of Selectmen,

At the COA we have an item we would like labeled as surplus to be able to dispose of it.
It is a very old kiln that was used for ceramics class.
It is outdated, too large, not energy efficient and we no longer have ceramics classes.
It was donated to us by the Middleboro Services to the Elderly and they approve of its disposal.
The COA. Board also approved of its disposal at the September 8th Board meeting.

Thank you for your consideration.



Middleborough High School Student Council

71 East Grove Street
Middleboro, Massachusetts 02346
508-946-2010
www.middleboro.k12.ma.us

Madeline Newton, *President*
Lucas Szulak, *Vice President*
Brian Wiksten, *MASC Delegate*
Zachary Botelho, *SEMASC Vice President*
Joseph Berger, *SEMASC Webmaster*

Paul Branagan, *Advisor &
MASC Deputy Executive Director*

Dear Members of the Middleboro Board of Selectmen,

The Middleboro High School Student Council has been putting together the tenth annual Homecoming at the high school. Homecoming week is scheduled for October 11th-16th, 2010. The Homecoming game is scheduled for Saturday, October 16th against the Scituate Sailors.

On the morning of October 16th, we would like to host a small parade that would proceed from the High School, down Fairview Street, up Wareham Street, and turn on to Benton Street to reach Battis Field, where the homecoming game will be played. The parade would not be very large, consisting of four small floats, one for each class, the band, and the twirlers.

To ensure safety and to allow the parade to run smoothly, we would also ask for the 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 Middleboro as it celebrates its annual Homecoming. If you have any questions, please contact Paul Branagan, the student council advisor, at (508)-946-2010 ext.103. Thank you for your time and commitment to the student life in Middleboro.

Sincerely,

Paul Branagan

Advisor

Student Council

Maddie Newton

President

Student Council

"The Voice of Student Leadership"
2009 & 2010 MASC Gold Council of Excellence Award
2005 & 2008 MASC Excellence Award
2006 NASC Gold Council of Excellence



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 9-20-10
NAME OF APPLICANT JASON MOREY (508) 904-4833
ADDRESS OF APPLICANT 25 W GROVE ST MIDDLEBORO MA 01546
ASSESSORS MAP & LOT 58 E - 2659
NAME OF BUSINESS SOUTH COAST CONCRETE
OWNER OF PROPERTY TO BE LICENSED W.P. ASSOCIATES LP
ADDRESS OF PROPERTY TO BE LICENSED 10 MERCHANT'S WAY SUITE 10
ASSESSORS MAP & LOT 58-5347

TYPE OF LICENSE REQUESTED: (Check One)

2nd Hand Furniture _____ 2nd Hand Clothing _____
Class I License _____ Class II License _____
Class III License _____ Liquor License _____
Common Victualer Other _____

Anticipated Start Date for Business OCTOBER 1 2010

Hours requested: 10:30 AM - 8 PM

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere? If yes, explain:

NO

Signature [Handwritten Signature]

DATE OF HEARING _____ APPROVED/DENIED _____

Do not write below line: To be Completed by Treasurer/Collector:

Please inform this department, as well as the Board of Selectmen, as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO

[Handwritten Signature]
[Initials]

Jacqueline Shanley

From: Jeanne Spalding
Sent: Wednesday, September 29, 2010 9:00 AM
To: Jacqueline Shanley
Subject: RE: South Coast Coneys

Yes and I have scheduled a walk through with him today. Thanks, j

From: Jacqueline Shanley
Sent: Wednesday, September 29, 2010 8:48 AM
To: Jeanne Spalding
Subject: South Coast Coneys

Hi Jean,

Just following up on Common Vic for the above. Is he going to be able to go forward at next Wed Selectmen's meeting?

Jacqueline Shanley

From: Jeanne Spalding
Sent: Thursday, September 23, 2010 3:57 PM
To: Jacqueline Shanley
Subject: RE: South Coast Coneys

I have just spoken with the applicant and advised him that he has not provided the Health Dept. with adequate information for us to give approval to the Board. I suggested he wait til the Oct 4 mtg to go before the Board and he has agreed. Next week he will provide me with his paperwork and plans and I will meet with him.

Can you reschedule him for the following Mon?

From: Jacqueline Shanley
Sent: Thursday, September 23, 2010 3:18 PM
To: Jeanne Spalding
Subject: South Coast Coneys

Hi Jeanne,

Attached is application for Common Vic if you would please provide comments.

Thank you!

Jackie

DECAS, MURRAY & DECAS ATTORNEYS AT LAW
132 NORTH MAIN STREET • MIDDLEBORO • MASSACHUSETTS 02346 • (508) 947-4433

GEORGE C. DECAS (RETIRED)
DANIEL F. MURRAY, ESQUIRE
WILLIAM C. DECAS, ESQUIRE

REPLY TO POST OFFICE BOX 201
MIDDLEBORO, MA 02346-0201
FAX (508) 947-7147

WAREHAM OFFICE:
210-B MAIN STREET
(508) 947-4433

September 23, 2010

Charles J. Cristello, Town Manager
(via FAX#: 508-946-2320)

Dear Charlie:

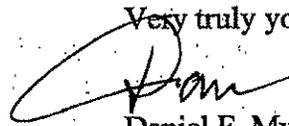
Bob Burke of American Legion Nickerson Post 64 contacted me. Mr. Burke indicated that in 2000 the Board of Selectmen granted a license to Post 64 so that it could have a fire escape in its building on South Main Street protrude over the adjacent Town Financial Office Building.

Mr. Burke advised that Post 64 sold its building. He requested a new license to be issued to the new owner of the Post 64 Building.

I enclose copies of the original license and Post 64's deed to the present owner. I also enclose an explanatory letter from Mr. Burke.

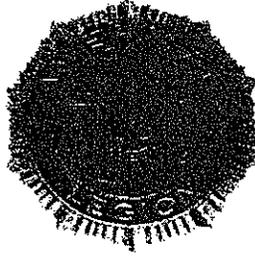
Please advise if the Board will grant a new license to the new owner on the same terms and conditions previously granted. Mr. Burke asked to be notified in advance of any meeting of the Board to consider the matter so he could attend. His telephone number is

Very truly yours,


Daniel F. Murray
Town Counsel

DFM/s
10-103-3
Enclosures

Simon L. Nickerson



Post 64

Atty. Daniel Murray
P.O. BOX 201
Middleborough, MA 02346

Dear Dan;

Per our telephone conversation on Friday September 10, 2010 the American Legion Memorial Association has sold our building on 11 – 13 South Main Street to Howland Investment Trust.

The Association has a license agreement (attached) with the Town of Middleborough authorizing them to build and maintain a walkway / stairway / fire escape in the air space above Middleborough's Financial Office building property located at the corner of Centre Street and South Main Street.

Since we have sold the building we need to transfer this license to the Howland Investment Trust. Per your request I have also enclosed a copy of the deed transferring the ownership of the property to the Howland Investment Trust.

You also asked that I remind you to ask the Town Manager to notify me of the date that this issue will appear on the Board of Selectmen's agenda. Could you also provide me with a copy of the new license agreement?

Since the year 2000 we have changed officers. Our President is now Donald Triner and Robert Burke is the Treasurer.

I can be reached at 508.415.8501.

The Howland Investment Trust contact is William Fuller 508.923.4744.

Thank-you for all your help in getting this matter resolved.

A handwritten signature in black ink, appearing to read "R Burke".

Robert Burke
Treasurer

P.O. Box 135, 8 Thatcher's Row, Middleborough, Massachusetts 02346

LICENSE AGREEMENT

AGREEMENT made by and between the Town of Middleborough, hereinafter "Middleborough", acting by its Board of Selectmen and Memorial Association Simeon L. Nickerson Post 64 American Legion, hereinafter "American Legion".

The parties covenant and agree as follows:

1. Middleborough hereby authorizes and licenses American Legion to install and maintain a walkway/stairway/fire escape in the air space above Middleborough's Financial Office Building property located at the corner of Centre Street and South Main Street in Middleborough, Massachusetts. The walkway/stairway/fire escape structure shall be for the purpose of providing a second means of egress from the second floor of the American Legion's building at 9 South Main Street, Middleborough, Massachusetts. The walkway/stairway/fire escape shall be located and constructed in accordance with the attached two (2) page sketch and shall not be affixed, attached or be in contact with the Financial Office Building.
2. American Legion shall indemnify, defend and hold Middleborough and its officers and employees harmless for any and all claims for damages of whatever description arising out of, related to or occurring during the construction and/or use of the walkway/stairway/fire escape authorized hereunder except for damages which are solely caused by the negligence or deliberately wrongful act of Middleborough or its officers or employees.
3. American Legion hereby releases Middleborough and its officers and employees from any and all claims for damages arising out of, related to or occurring during the construction and/or use of the walkway/stairway/fire escape authorized hereunder except for damages which are solely caused by the negligence or deliberately wrongful act of Middleborough or its officers or employees.
4. Middleborough shall not charge American Legion a fee for the license provided for hereunder.
- ~~5. This agreement provides for a license and shall not be construed to be a rental or lease agreement or an easement. This agreement or notice thereof shall not be recorded in the Plymouth County Registry of Deeds. The license may be revoked at the option of Middleborough acting by its Board of Selectmen by a written notice to American Legion not less than ninety (90) days before revocation shall be effective. American Legion hereby releases Middleborough from any and all claims for damages of whatever description arising from revocation of the license.~~

WITNESS the hands and seals of the undersigned to duplicate originals hereof this 6th day of June, 2000.

Town of Middleborough

Memorial Association
Simeon L. Nickerson Post 64
American Legion

By:

Ellen G. Grant
John J. Adams
Rep. D. Moni
James H. Webster
Merika L. Brunelle
Board of Selectmen

By:

Richard M. Bagdasarian
Richard M. Bagdasarian, President
Dennis E. Foye
Dennis E. Foye, Treasurer/Clerk

THORSON

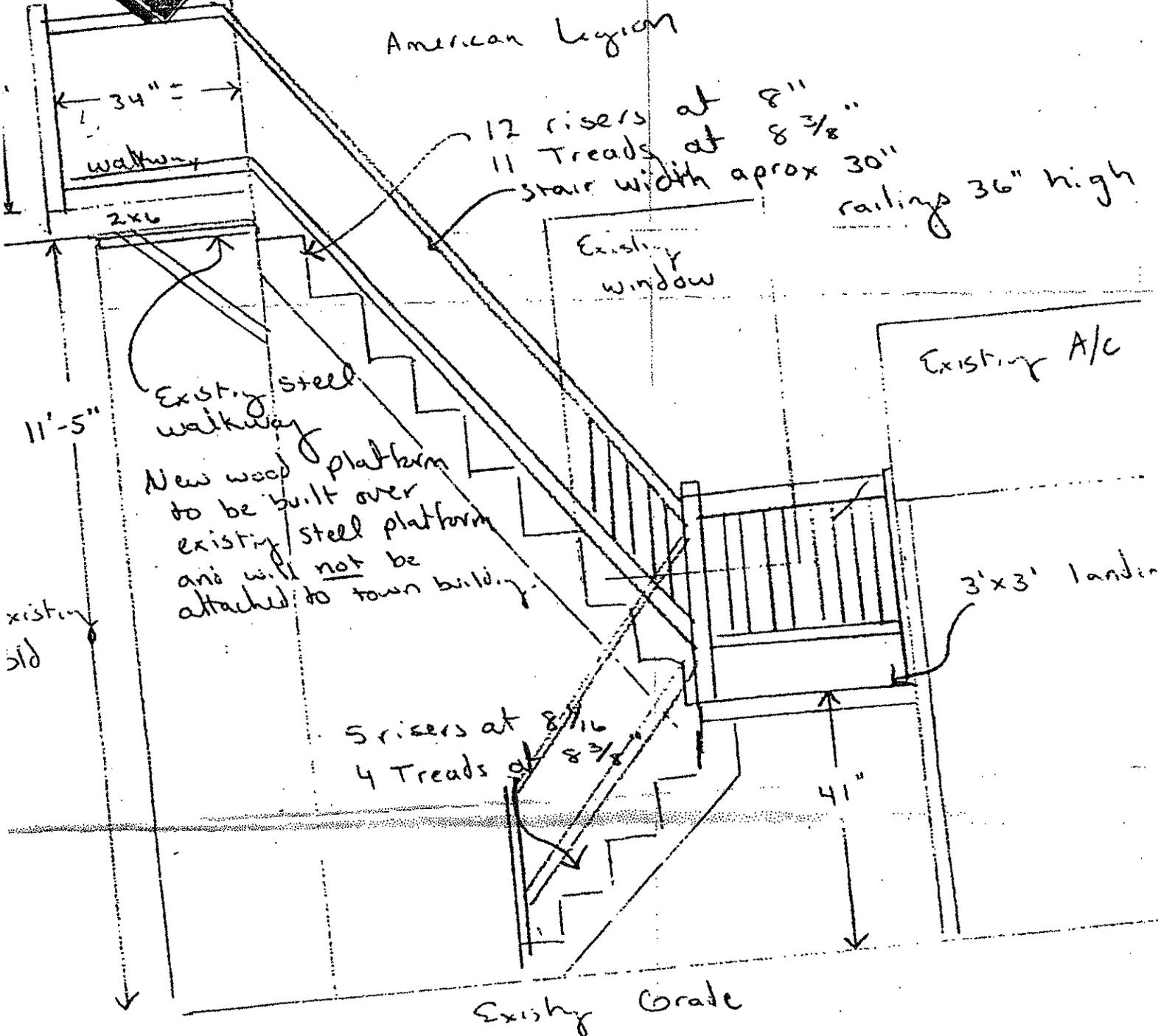
Restoration & Construction

80 Keith Place • Bridgewater, MA 02324

(508) 279-0656

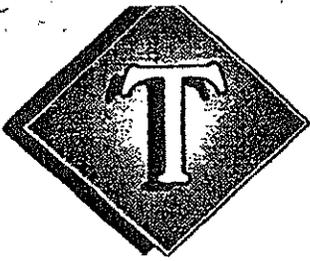
Feb 8

American Legion



Rear Elevation Scale 1/4" = 1'

Quality Restoration Work • Custom Homes • Additions • Remodeling



THORSON Restoration & Construction

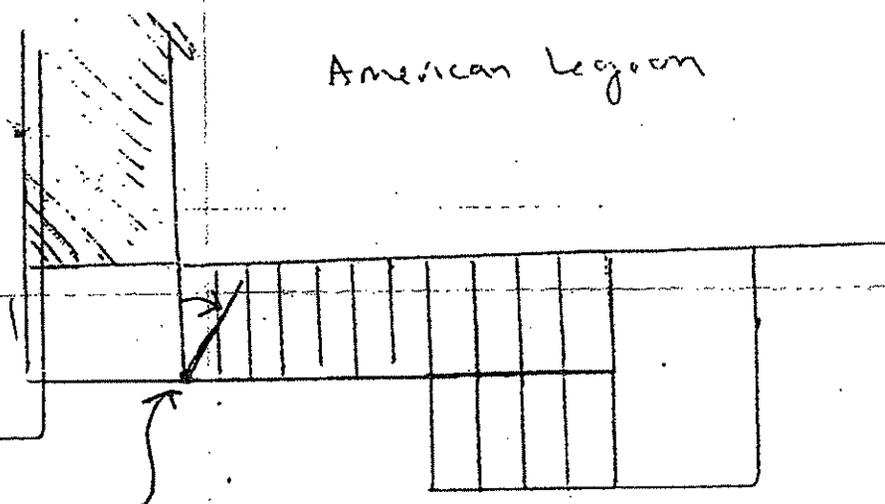
80 Keith Place • Bridgewater, MA 02324 • (508) 279-0656

Page 2 Detail of top platform with door

Top view

Town Building

American Legion

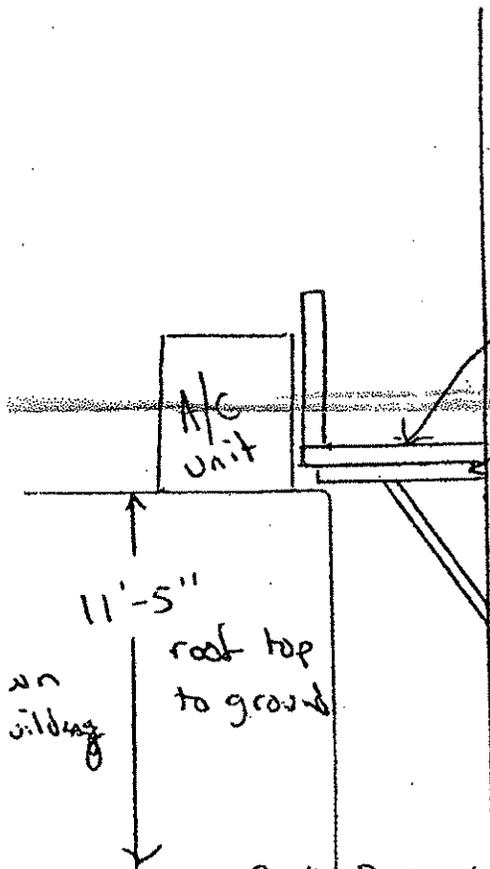


6' tall door out-swing over stair

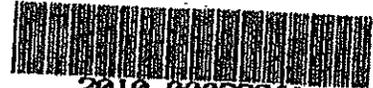
[New wood platform to be built on top of or metal, New wood will not be attached or rest on Town building

[Existing metal platform permanently attached to American Legion Bld.

American Legion



Quality Restoration Work • Custom Homes • Additions • Remodeling



2010 00068941
Bk: 38895Pg: 127 Page: 1 of 4
Recorded: 08/26/2010 04:00 PM

ATTEST: *John R. Buckley, Jr.*
REGISTRAR,
PLYMOUTH COUNTY REGISTRY OF DEEDS

QUITCLAIM DEED

Memorial Association, Simeon L. Nickerson Post 64 American Legion, Incorporated, a Massachusetts Nonprofit Corporation, of Middleboro, Massachusetts, for consideration paid (the amount of \$200,000.00), grant to William H. Fuller and Stephanie A. Fuller of 13 West End Avenue, Middleboro, MA 02346, as they are the Trustees of the Howland Investment Trust u/d/t dated April 2, 2008, which trust is recorded with the Plymouth County Registry of Deeds in Book 36052, Page 234, with Quitclaim Covenants, that certain parcel of land situated in MIDDLEBORO, Plymouth County, Massachusetts, described on Exhibit A - Description, which exhibit is attached hereto and incorporated herein by reference.

Said premises are known and numbered as 9 South Main Street, Middleboro, Massachusetts.

This conveyance is made subject to and with the benefit of all easements, restrictions, and other matters of record to the extent the same are in force and applicable.

For title, see Book 1435, Page 34.

RETURN TO: *mail 5*
Mr. William H. Fuller
13 West End Avenue
Middleboro, MA 02346

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 08/26/2010 04:00 PM
Ctrl# 045111 28978 Doc# 00068941
Fee: \$912.00 Cons: \$200,000.00

RECEIVED

IN WITNESS WHEREOF, Memorial Association, Simeon L. Nickerson Post No. 64, American Legion, Incorporated, has caused its corporate execution hereof as a sealed instrument by Donald Triner, its President, and Robert Burke, its Treasurer, hereto duly authorized, on August 26, 2010.

Memorial Association, Simeon L. Nickerson Post No. 64, American Legion, Incorporated

By: Donald Triner
Donald Triner, Its President

By: Robert K. Burke
Robert Burke, Its Treasurer

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

August 26, 2010

On August 26, 2010, before me, the undersigned notary public, personally appeared Donald Triner and Robert Burke, proved to me through satisfactory evidence of identification, which were Massachusetts driver's licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the President and Treasurer of Memorial Association, Simeon L. Nickerson Post No. 64, American Legion, Incorporated

James Taylor Pye
James Taylor Pye
Notary Public
Commonwealth of Massachusetts
My commission expires:
June 16, 2017



EXHIBIT A - DESCRIPTION

The land in MIDDLEBOROUGH, Plymouth County, Massachusetts, with the buildings thereon, on the Northwest side of South Main Street, bounded and described as follows, viz:

Beginning at a point in the Northwest side line of said South Main Street, bearing Southwesterly and distant 151.42 feet from the bound marking the intersection of the Northwest side line of said South Main Street and the Southwest side line of Centre Street; thence

NORTHWESTERLY in a line parallel with the Southwest side of "Homestead Hall", so called 80 feet to an iron pipe for a corner; thence

NORTHEASTERLY in a line parallel with said South Main Street, 50.30 feet to an iron pipe for a corner standing in the line of the Middleborough Savings Bank's Southwest side line produced Northwesterly to intersect said Northeast course; thence in said produced line

SOUTHEASTERLY 14.75 feet to the West corner stone bound of said Savings Bank Lot and continuing same course 65.25 feet to said South Main Street; thence in the line of said South Main Street

SOUTHWESTERLY 51.62 feet to the point of beginning.

Also a right-of-way in the rear of the granted premises bounded and described as follows:

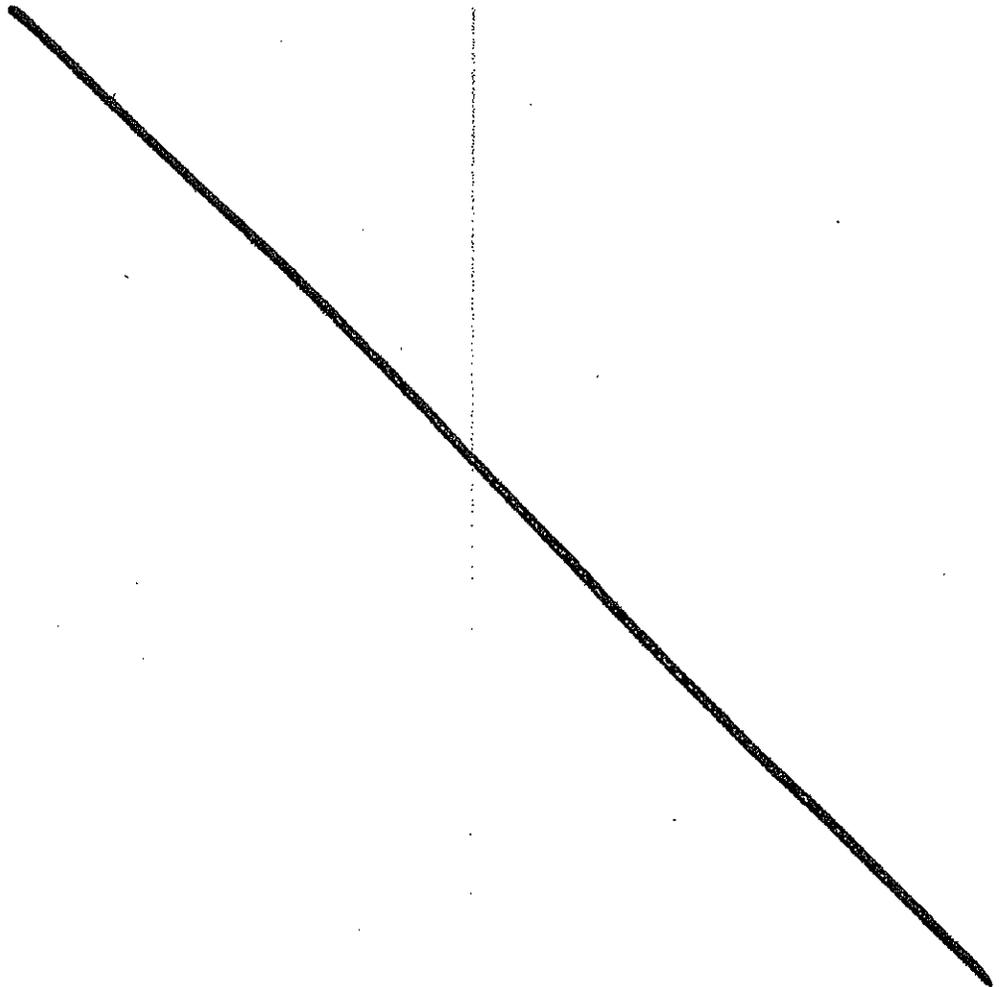
Beginning at the North corner of the herein granted premises and turning an angle of 21° 30' to the West

NORTHWESTERLY 16.3 feet to an iron pipe; thence

SOUTHWESTERLY in a line parallel with and distant 15 feet from the Northwest side line of the granted premises 44 feet to its intersection with the Southwest side line of the granted premises produced Northwesterly; thence in said produced line

SOUTHEASTERLY 15 feet to the West Corner of the granted premises Together with the right to pass and repass from side right-of-way and the granted premises to said South Main Street over a right of way which is to expend 12 feet in width from the Southwest side line of the herein granted premises and way.

The granted premises are known and numbered as 9 South Main Street, Middleboro, Massachusetts.





Town of Middleborough

Department of Veterans' Services

20 Centre Street, Third Floor
Middleborough, Massachusetts 02346-2252

Telephone
508-946-2407

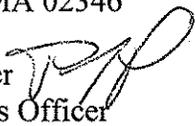
Fax
508-946-2312

Cell
508-958-3557

Paul J. Provencher
Director of Veterans' Services

MEMORANDUM

To: Board of Selectmen
Middleborough, MA 02346

From: Paul J. Provencher 
Veterans' Services Officer

Subject: Permission for selected activities on and around Veterans' Day 2010

Date: September 17, 2010

The Middleboro Veterans' Council requests your permission for the following 4 items:

1. A parade permit for the Middleboro Veterans' Council to hold their annual Veterans' Day Parade on Thursday the 11th of November 2010. It would step off from the Middleboro Town Hall parking lot at or about 10:00am. Parade participants will be asked to begin forming up at 9:30am so that Bob Lessard, our parade coordinator and his assistants, can put together the order of march. Upon the completion of the parade at or about 11:00am we will be holding the Veterans' Day Services at the Middleborough Veterans' Memorial Park on the Town Hall lawn.

I would like to invite all the Selectmen and the town manager to participate in any or all of the Veterans' Day events. If any of you are interested in making a short speech at the ceremony in the park please let me know as soon as possible so we can schedule it into the program.

The parade route for this year is as follows:

Leaving the Middleboro Town Hall parking lot by taking a right on to Union St.

Turning right on to Nickerson Ave.

Crossing South Main St. on to Webster St.



Middleborough Veterans' Outreach Center, Inc
61 Summer Street
Middleborough, Massachusetts 02346
508-947-9109
E-Mail: mvoc217@verizon.net

September 27, 2010

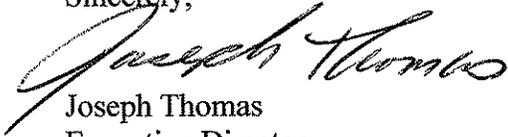
Dear Honorable Board,

The Middleborough Veterans' Outreach Center Inc. wishes to come before the board to announce the third annual "Keep Our Veterans' Warm" Raffle'

The program provides home energy assistance to our community of veterans during the cold winter months.

Thank you in advance for your time and consideration.

Sincerely,


Joseph Thomas
Executive Director