

CORRESPONDENCE

11-9-15

1	Decas, Murray & Decas	Law department budget FY16 - Status
2	Commission on Disability	Historic Preservation Grant Restriction & ADA
3	SRPEDD	Regional Bicycle Plan
4	Xfinity	Installation Rates & Channel Changes
5	Verizon	Channel & Programming Changes
6	Town Clerk	Resignation of Teresa Kelly Farley from Finance Comm.
7	Plymouth County Ext. 4-H	2015-2016 Annual Report
8	Conservation Commission	Enforcement Order - NextSun re 17 Jericho Christian Fellowship, Inc.
9	Debbie Renaldi	Weston Memorial Park

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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

PHONE: (508) 947-4433
FAX: (508) 947-7147

REPLY TO POST OFFICE BOX 201
MIDDLEBORO, MA 02346-0201
DECASMURRAYDECAS@YAHOO.COM

November 3, 2015

Board of Selectmen
Middleboro Town Hall
Nickerson Avenue
Middleboro, MA 02346

RE: Law Department Fiscal **2016** Budget – Status

To The Members:

You asked for a monthly report of charges. I enclose copies of monthly time sheets for **OCTOBER, 2015**. Total time expended was **36** hours, including appearances. This is for information only and is not an invoice.

Services for **OCTOBER** were **\$5,000.00**.

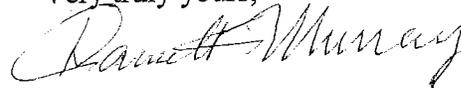
Costs incurred for **OCTOBER** were **\$ -0-**.

Services and costs for outside and special counsel for the month were **\$3,895.00**.

Total legal expenses (services and costs) incurred during the **2016** fiscal year through and including **OCTOBER, 2015** are as follows:

Town Counsel (regular pay)	=	\$ 20,000.00	(7/1/15 – 10/31/15)
Town Counsel (costs)	=	\$ 840.00	(7/1/15 – 10/31/15)
Outside Counsel	=	\$ 16,243.25	(7/1/15 – 10/31/15)
TOTAL	=	<u>\$ 37,083.25</u>	

Very truly yours,



Daniel F. Murray

DFM/s
82-117

cc: Town Accountant
Town Manager (via email)



Town of Middleborough Commission on Disability

2

November 4, 2015

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

Dear Honorable Members of the Board of Selectmen:

The Commission on Disability met with Joe Cornish of Historic New England on October 28, 2015 regarding the Historic Preservation Grant Restriction on the Oliver Estate. The Commission voted unanimously to send a letter to the Board of Selectmen to inform the Board they do not foresee any issues with the Historic Preservation Grant Restriction impacting ADA requirements.

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

Very truly yours,

Carolyn Gravelin
Chairman
Commission on Disability

/ajf

cc: Commission on Disability

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Jacqueline Shanley

From: Robert G. Nunes
Sent: Tuesday, November 03, 2015 5:47 PM
To: Jane Kudcey; Board of Selectmen
Subject: Fwd: Regional Bicycle Plan Open Houses

FYI

Sent from my iPhone

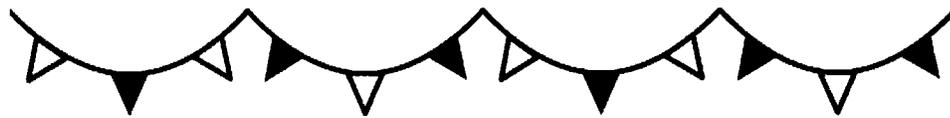
Begin forwarded message:

From: SRPEDD <jschmidt@srpedd.org>
Date: November 3, 2015 at 5:40:07 PM EST
To: <rnunes@middleborough.com>
Subject: **Regional Bicycle Plan Open Houses**
Reply-To: <jschmidt@srpedd.org>

Having trouble viewing this email? [Click here](#)



SRPEDD



The Regional Bicycle Plan is Here!

The Southeastern Regional Planning and Economic Development District (SRPEDD) will be holding two public open houses to gain input on the 2015 Regional Bicycle Plan. If you are interested in finding out what is happening with bicycling in

the region, or how to get bicycle facilities in your community, these open houses are for you!

November 17, 2015 4:00 PM - 6:00 PM

Lawler Library (Buttonwood Park)

745 Rockdale Avenue New Bedford, MA 02740

Accessible Parking & Entrance at the Rear

The Library is on SRTA Route #6

November 18, 2015 4:00 PM - 6:00 PM

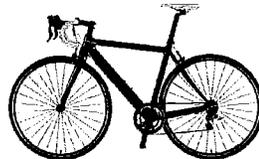
Attleboro Public Library

74 North Main Street, Attleboro, MA 02703

Accessible Parking & Entrance from the Side Parking Lot

The town hall is on GATRA Routes #10 and #14

Can't make it to an open house? Visit www.srpedd.org and/or contact Jackie Schmidt by email: jschmidt@srpedd.org, phone (508) 824-1367 x234, or mail: 88 Broadway, Taunton, MA



Se você preferir isto traduzido em Português, por favor ligue para nos.

Si desea que esta traducido al espanol, llamenos.

This location is accessible to people with disabilities and on a public transit route. Upon request, every effort will be made to provide accommodation or language assistance. Please contact SRPEDD's Title VI Coordinator by phone (508 824-1367), fax (508 823-1803), or by email lcabral@srpedd.org. Requests should be made as soon as possible prior to the meeting.

Title VI and Nondiscrimination Notice of Rights of Beneficiaries

The Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) through the Southeastern Regional Planning and Economic Development District (SRPEDD) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within SRPEDD's Title VI Programs consistent with federal interpretation and administration. Additionally, SRPEDD provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

Individuals seeking additional information or wishing to file a Title VI/Nondiscrimination complaint may contact the SRPEDD Title VI/Nondiscrimination Coordinator at the contact information here. All such complaints must be received, in writing, within 180 days of the alleged discriminatory occurrence. Assistance will be provided, upon request, to individuals unable to provide the complaint form in writing.

SRPEDD
Lilia Cabral
Title VI/Nondiscrimination Coordinator
88 Broadway
Taunton, MA 02780
Phone: (508) 824-1367
Fax: (508) 823-1803
Email: lcabral@srpedd.org
www.srpedd.org

Massachusetts Commission
Against Discrimination (MCAD)
One Ashburton Place, 6th Floor
Boston, MA 02109
617-994-6000
TTY: 617-994-6196

Massachusetts Public Accommodation Law (M.G.L. c 272 §§92a, 98, 98a) and Executive Order 526 section 4 also prohibit discrimination in public accommodations based on religion, creed, class, race, color, denomination, sex, sexual orientation, nationality, disability, gender identity and

expression, and veteran's status, and SRPEDD and the SMMPO assures compliance with these laws. Public Accommodation Law concerns can be brought to SRPEDD's Title VI/Nondiscrimination Coordinator or to file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminatory conduct.

The SMMPO is equally committed to implementing federal Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." In this capacity, the SMMPO identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The SMMPO carries out this responsibility by involving minority and low income individuals in the transportation process and considering their transportation needs in the development and review of the SMMPO's transportation plans, programs and projects.

English: If this information is needed in another language, please contact SRPEDD's Title VI Coordinator by phone at (508) 824-1367.

Portuguese: Caso esta informação seja necessária em outra idioma, favor contar o coordenador em Título VI do SRPEDD pelo telephone (508) 824-1367.

Spanish: Si necesita esta información en otro idioma, por favor contacte al coordinador de SRPEDD del Título VI al (508) 824-1367.



STAY CONNECTED:



SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC
DEVELOPMENT DISTRICT (SRPEDD)
P:(508) 824-1367 | F:(508) 823-1803 |
info@srpedd.org www.srpedd.org

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October 31, 2015

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

Re: Installation Rates

Dear Chairman and Members of the Board:

In keeping with our ongoing efforts to provide updates regarding our services, I am writing to inform you of some upcoming changes to our installation rates. On January 1, 2016, due to changes in business costs, the following installation rates will change:

- Activate Pre-Existing Additional Outlet (After Initial Installation of Service) from \$22.95 to \$24.60,
- Relocate Additional Outlet (After Initial Installation of Service) from \$30.30 to \$32.65
- Connect DVR/DVD (Initial Installation of Service) from \$7.75 to \$8.20
- Connect DVR/DVD (After Initial Installation of Service) from \$19.00 to \$19.60
- Upgrade of Service from \$28.45 to \$29.45
- Upgrade DVR Service from \$28.45 to \$29.45
- Downgrade of Service from \$12.40 to \$12.45
- In-Home Service Visit (XFINITY TV) from \$37.05 to \$37.15
- Field Collection Charge from \$25.00 to \$30.00

Please be advised Customers are receiving notification, in advance via bill message, of these changes.

Should you have any questions, please do not hesitate to contact me at 617.279.6017.

Sincerely,

Mary O'Keeffe

Mary O'Keeffe, Sr. Manager
Government & Regulatory Affairs

*Prices listed above exclude applicable taxes and fees.



October 30, 2015

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

Re: Channel Changes

Dear Chairman and Members of the Board:

As part of our ongoing commitment to keep you informed about any changes to XFINITY TV services in your community, we want to let you know that on January 14, 2016 the following channel changes will occur:

- CMT ch 282/HD ch 864 will move from Digital Preferred to Sports Entertainment Package.
- POP ch 182 will move from Expanded Basic to Digital Preferred and will no longer be available with Digital Economy.
- Spike TV ch 55/HD ch 855 will move from Expanded Basic to Digital Preferred and will no longer be available on Xfinity TV 300 Latino and Xfinity TV 450 Latino.

Customers will be notified of these channel changes in advance through a bill message on their monthly bill statement.

If you have any questions about these changes, please feel free to contact me at 617.279.6017.

Sincerely,

Mary O'Keeffe

Mary O'Keeffe, Sr. Manager
Government & Regulatory Affairs



Fios® TV Channel and Programming Changes

On or after November 5, 2015, beIN Sports HD on channel 805 will also be available on channel 596. On or after January 31, 2016, beIN Sports HD will move from channel 805 to channel 596.

On or after November 16, 2015, Universal Sports Network on channel 804 was removed from the channel lineup by the content provider.

On or after December 15, 2015, One World Sports on channel 309 will move to channel 595 in your Fios® TV channel lineup.

On or after January 31, 2016, UpliftTV will become Enrich and will move from channel 798 to channel 659. Programming on the channel will remain the same.



Allison J. Ferreira
Town Clerk

TOWN OF MIDDLEBOROUGH
Town Clerk's Office

Bank Building, 20 Centre Street
Middleborough, Massachusetts 02346-2250
508-946-2415 phone
508-946-2308 fax

(6)

MEMORANDUM

TO: Finance Committee

CC: Board of Selectmen

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

DATE: October 29, 2015

RE: Resignation of Teresa Kelly Farley

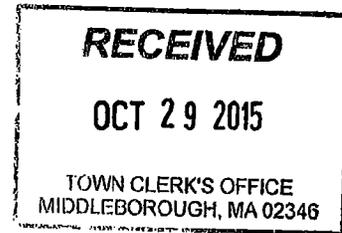
Please be advised I received the attached correspondence from Teresa K. Farley resigning from her position as an elected official of the Middleborough Finance Committee effective October 29, 2015.

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

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

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

October 29th, 2015



Ms. Ferreira, (Town Clerk)

As of today, October 29th, 2015,
I am resigning my position on
Finance Committee, due to my
employment in the town of Middleboro.

Thank you,

Teresa Farley

Middleboro, MA 02346

Teresa K Farley



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

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



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

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

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

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

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

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

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



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

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



Plymouth County Extension 4-H Youth Development Program

44 Obery Street
Plymouth, MA 02360

Tel: 781-293-3541

Fax: 774-773-3184



Mvollmer@umext.umass.edu

Vschell@umext.umass.edu

October 28, 2015

CHAIRMAN, BOARD OF SELECTMAN
10 Nickerson Avenue
Middleborough, MA 02346

Dear Chairman:

Enclosed you will find a copy of our Annual Report as well as the assessment for an appropriation in respect to fiscal year 2015-2016.

The Town of Middleborough participated in the following Extension sponsored programs this year:

- 4-H Plant Science Sunflower Program for grades K-2
- 4-H Embryology Program at Mary K. Goode School
- Home of several 4-H Clubs at the East Middleboro 4-H Clubhouse that focus on animal science, homesteading, science and technology, leadership and community service.
- 4-H Public Speaking Program
- 4-H demonstrations and events throughout town

Through our programing we have given many Middleborough residents opportunities to participate in community service, citizenship and leadership activities year round.

Thank you for your attention to this matter.

Respectfully submitted,

Plymouth County Extension
Board of Trustees

BY: Molly Vollmer
Extension Director

Cc: County Treasurer
County Administrator



TRUSTEES FOR PLYMOUTH COUNTY COOPERATIVE EXTENSION
UNIVERSITY OF MASSACHUSETTS U.S. DEPT. OF AGRICULTURE



44 OBERY STREET MASSACHUSETTS 02360

PHONE: 781-293-3541

2015 REPORT OF TRUSTEES FOR COUNTY COOPERATIVE EXTENSION

Town of MIDDLEBOROUGH

In accordance with the General Laws of the Commonwealth, Chapter 128, the Trustees for Plymouth County Cooperative Extension are empowered to receive, on behalf of the County, money appropriated by any town, or by the Federal Government for carrying out the provision of the Law, under which they are appointed.

Plymouth County Cooperative Extension has made contact during the past year in every community, either by public meetings, direct mail, phone calls, individual visits, and/or demonstrations, to assist the needs of the citizens toward helping to solve management problems, better living, and better community service. Cooperative Extension staff have been ably assisted by many local volunteer leaders.

Expenses were incurred during the year for the purchase of materials needed in carrying on the various Extension programs:

\$ Booklets, Manuals, Fact sheets, etc.
\$ Extension Volunteer Expense
\$ 4-H School Programs
\$ 4-H Program Leader Expense

FINANCIAL SUMMARY

Requested Appropriation for (2015-2016) \$ 500.00

Make all checks payable to The COUNTY of PLYMOUTH

PLEASE REMIT TO:

Plymouth County Extension

44 Obery Street, Plymouth, MA 02360

Phone: 781.293.3541 Fax: 774.773.3184

Attn: Molly Vollmer

Respectfully submitted,

TRUSTEES FOR PLYMOUTH COUNTY COOPERATIVE EXTENSION

BY: _____

Molly Vollmer

Molly Vollmer, Extension Director

PLYMOUTH COUNTY COOPERATIVE EXTENSION ANNUAL REPORT

July 1, 2014 - June 30, 2015

The role of Plymouth County Cooperative Extension is to deliver research-based information to Plymouth County residents through non-formal methods. The Plymouth County Extension staff work on behalf of Plymouth County residents, in concert with UMass Amherst faculty and Extension staff, and the United States Department of Agriculture, to provide valuable information in the program areas of 'Agriculture and Landscape' and '4-H Youth and Family Development'. The Extension System is supported by County, State and Federal funds, and operates under Federal and State laws and agreements. Local citizens, appointed by the Plymouth County Commissioners, serve as Plymouth County Cooperative Extension Trustees, directing the overall program. Volunteer advisory groups work with Extension staff on developing programs.

Cooperative Extension resources and programs for Plymouth County residents include: 4-H Science and Technology workshops in the areas of embryology and plant science; accredited overnight 4-H summer camps; 4-H animal science summer day-workshops; 4-H Life Skills Training, 4-H Community Service Projects, 4-H Public Speaking Training, 4-H Babysitting Program and 4-H partnerships with local farms and agricultural enterprises including the Marshfield Agricultural Society, Plymouth County Farm Bureau and Plymouth County Grange. New research findings are translated into practical applications and shared with residents and communities through workshops, lectures, conferences, office visits, phone calls, field demonstrations, radio, television, local libraries, technical assistance, and newspaper articles. Publications such as newsletters, booklets, and fact sheets bring information directly to those who need it. Additional information is delivered through UMass-Amherst Center for Agriculture and Extension web access www.ag.umass.edu

Members of the Plymouth County Extension Staff:

Molly Vollmer, Director Plymouth County Extension/ Extension Educator
Valerie Schell, Extension Educator, 4-H Youth and Family Development Program
Evelyn Golden, Program Assistant, 4-H Youth and Family Development Program
Cathy Acampora, Administrative Assistant

Board of Trustees:

John Burnett Jr. -Whitman	
Michael Connor - Bridgewater	Meghan C. Riley -Chairman, Whitman
Jeff Chandler - Duxbury	John Illingworth- Abington
Aylene Calnan- Hingham	Paul Nicol- Hanson

Sandra Wright, Plymouth County Commissioner - Bridgewater

The Plymouth County Extension office is located at 44 Obery Street, Plymouth, MA 02360
(781-293-3541; fax: 774-773-3184)



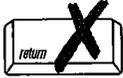
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE220-1245

A. Violation Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Middleborough
Conservation Commission (Issuing Authority)

November 2, 2015
Date

To:

Renewable Generation MA, LLC (NextSun)
Name of Violator
77 Pond Avenue, Suite 101, Brookline, MA 02445
Address

1. Location of Violation:

Jericho Christian Fellowship, Inc.
Property Owner (if different)
17 Jericho Road (now 117 East Grove Street)
Street Address
Middleborough
City/Town
Map 65
Assessors Map/Plat Number

02346
Zip Code
Lot 2916
Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

1) Cutting of 141 Trees and Saplings beyond the erosion controls toward the bordering vegetated wetland. 2) cutting within the bordering vegetated wetland within the vicinity of wetland flag B8. 3) Erosion controls in disrepair and allowing material to enter toward the wetlands. 4) In violation of the approved plans of record dated July 13, 2015 (7 Sheets) under the Order of Conditions. 5) slope and site not stabilized. 6) Some fill material on site not clean fill and has tires and other debris within it. All of this during the construction of a 650kW(AC) rated ground mounted solar electrical generation facility.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 9 – Enforcement Order

SE220-1245

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Determination).

B. Findings (cont.)

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Amelia Tracy Renewable Generation MA, LLC

7/24/2015

Name

Dated

SE220-1245

7, 13, 14, 18, 19a, special conditions
and standard Cond: 5, 7, 8, 17

File Number

The Order of Conditions expired on (date): _____ Date

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before

November 12, 2015

Date

for the following:

Cutting in the Buffer zone and wetland, stabilize the erosion controls on-site.

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE220-1245

C. Order (cont.)

- Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Patricia J. Cassidy, Conservation Agent for the Middleborough Conservation Commission

Name

508-946-2406

Phone Number

M-F 8:30 AM - 5:00 PM

Hours/Days Available

Issued by:

Middleborough

Conservation Commission



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE220-1245

Conservation Commission signatures required on following page.

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Patricia Cassidy, Conservation Agent

7011 3500 0001 3784 5902
Signature of delivery person or certified mail number

Jacqueline Shanley

From: DebbieK <>
Sent: Monday, November 02, 2015 11:36 AM
To: SelectmenWeb; johnranaldi@verizon.net; slfaul@hotmail.com
Subject: Weston Memorial Park

Dear Selectmen,

I understand that you will be making a decision about the Disc Golf in the Weston Memorial Park after 11/11/2015. I was given the woman's e-mail address that takes the Weston Memorial Park's Trustees meeting notes, but I have misplaced it. Since my comments would have been added to a summary that the Trustee's would have presented to you, I am sending them directly to you.

1. A survey of the Park should be completed. From the last meeting it sounds like we have already encroached on an abutting landowner. And I do not believe a gentleman's agreement is a way to approach a property line.

2. The survey completed by the Park Department shows the following:

- * 66.88% would like more/better hiking/walking/trail running/ mountain bike paths.
- * 43.91% of those surveyed go out of town because our trails here are not kept up.
- * 52.10% would like more picnic areas
- * 17.44% wanted disc golf

Looking at that survey I would surmise that we need to look at updating the trails in the Weston Park, put in some picnic tables and advertise the park more. Bring back the people that go to other towns back to Middleboro.

3. No survey was completed to see what the community wanted for this park. As we can see by the the Park's Dept. survey a minority wants the Disc Golf course. Shame on us for not performing due diligence.

* If they wanted more involvement/ideas why not ask for it? They could have posted something in the Messenger (Gas & Electric), put a posting at the Town Hall, had a table at Crazy Days, etc. The point is they still can. And I believe that should be done prior to the construction of the park.

4. They have cut down Holly saplings and have trimmed Holly trees (a whole side). Where are the acres of debris going? Landfill?

5. At a recent meeting it was said an acre to one and a half acres for each hole would be cleared. Plus the trails. The course is going to be 22 to 27 holes. That is a lot of acreage.

- * Where are the acres of debris going? Landfill? Is that a permit issue?
- * Where are the pictures to show what is going to be cleared?

6. Who is going to oversee this project that is not biased and has some knowledge? Or once you give them the ok they have a free reign? And please do not tell me the Weston association because from the meeting that I have attended they are biased, for a couple reasons; some are disc golf enthusiasts and some feel that their authority has been questioned. Not a good combination.

7. This should be treated like any other project that the Town becomes involved in - Professionally.

- * A professional survey of the land
- * Town involvement (conservation, planning - some one that has some knowledge; right now now we just have enthusiastic club members.) of the construction of this course.
- * A map of the Park with an overlay of the suggested course. Pictures of the land to be cleared.
- * What about the Barn Owl? Its home is in the park. I have seen the Barn Own & the Bald Eagle in the park. They are both on the endangered list and the state has Middleborough as one of their nesting areas.
- * An agreement of use with the Club and dismantling, if the course is not popular and not widely used.
 The unused park down to the Cape attracted drug dealers & drug users.
- * No Gentleman agreements everything in writing.
 - * It is very nice for someone to say they will bus players from their house, but that is not a valid response.
 - * That no trees will be cut down.

- * That the area will be cleared of trash after tournaments.
- * Upkeep of the course. As we can see from the Parks survey that as a town we are not very good at this aspect.
- * Etc.

* A yearly contract, update and review with the club.

* Required updates with real information. Not well we cut down Pictures, areas that have been assigned plots on the map so people know where & what.

* The club member from the Cape said at the last Weston meeting that it has involved all town departments from the beginning. And found a lot of benefits in doing business this way. They also agreed a professionally done map of the park with the overlay of the course was needed.

* The Health Dept has said they will need to be involved when trash cans & porta-potties are used.

* What about off street parking.

* What about horse trailer parking when tournaments are held. The parking lot does not allow for both. I know this because I live across the street and see exactly what happens in that parking lot. Measuring of the lot from an interested party does not give you the correct facts.

* They charge a fee for playing in tournaments how does that affect our liability?

* A website on the Middleborough Town page is direly needed.

Thank you for taking time out of your busy schedule to read my concerns.

Deborah Ranaldi

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