

NEW BUSINESS

12-15-14

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD

Town of Middleborough
Massachusetts

Christopher Peck
D. P. W. Director

Department of Public Works
48 Wareham Street
Middleborough, MA 02346
Phone 508-946-2481 Fax 508-946-2484



- DIVISIONS**
- Highway
 - Sanitation
 - Insect & Pest Control
 - Tree Warden
 - Wastewater
 - Water

December 5, 2014

Mr. Robert Nunes, Town Manager
Town Hall
10 Nickerson Ave
Middleborough, Ma 02346

Subject: SERSG - 2015 Contract Award for Services Recommendation

After reviewing the 2015 SERSG bid documents I recommend that the Board of Selectmen sign the attached 2015 Contract Award Sheet for Services for the Middleboro D.P.W., as received from the Southeastern Regional Services Group.

The bids were reviewed by SERSG and determined to be the lowest responsible bidders meeting specifications. Please find below a summary of the 2015 bid amounts and the previous year bid amounts. The difference between the two bids has been broken down by service. The 2015 bid amounts are in bold.

Pavement Reclamation

<u>2014 (Murray Paving)</u>	<u>2015 (Murray Paving)</u>	<u>Difference</u>
\$2.12/SY	\$2.12/SY	None

In-Place Bituminous Concrete

<u>2014 (Aggregate Industries)</u>	<u>2015 (P.J. Keating)</u>	<u>Difference</u>
\$64.00/Ton	\$67.00/Ton	+3.00/Ton

SuperPave In-Place Bituminous Concrete

<u>2014</u>	<u>2015 (P.J. Keating)</u>	<u>Difference</u>
n/a	\$71.85/Ton	n/a

Polymer-Modified Cracksealing

<u>2014 (Seal-coating, Inc.)</u>	<u>2015 (Crack-Sealing, Inc.)</u>	<u>Difference</u>
\$4,500/Day	\$4,493/Day	-\$7.00/Day

Micro Paving- Surface Course

<u>2014 (Sealcoating Inc)</u>	<u>2015 (Sealcoating Inc)</u>	<u>Difference</u>
\$2.24/SY	\$2.09/SY	-\$0.15/SY

Micro Paving- Leveling Course- 2 lifts

<u>2014</u>	<u>2015 (Sealcoating Inc)</u>	<u>Difference</u>
n/a	\$3.85/SY	n/a

Steel Beam Guard Rail Type SS- Straight

<u>2014 (Commonwealth Guardrail)</u>	<u>2015 (Delucca Fence)</u>	<u>Difference</u>
\$18.10/Linear Foot	\$19.10/Linear Foot	-\$1.00/Linear Foot

Steel Beam Guard Rail Type SS- Curved

<u>2014 (Commonwealth Guardrail)</u>	<u>2015 (Delucca Fence)</u>	<u>Difference</u>
\$19.50/Linear Foot	\$19.50/Linear Foot	None

Sidewalk Construction and setting of curbs and edging-Unclassified Excavation

<u>2014 (Capone Brothers)</u>	<u>2015 (Capone Brothers)</u>	<u>Difference</u>
\$19.00/CY	\$19.00/CY	None

Sidewalk Construction and setting of curbs and edging-Bituminous Concrete Sidewalk and Berms

<u>2014 (Capone Brothers)</u>	<u>2015 (Capone Brothers)</u>	<u>Difference</u>
\$37.00/SY	\$37.00/SY	None

Chlorinated Rubber Traffic Line Painting- 4" Yellow and 4" White Fog Line

<u>2014 (Markings Inc.)</u>	<u>2015 (Highway Safety. Inc)</u>	<u>Difference</u>
\$0.037/Linear Foot	\$0.036/Linear Foot	-\$0.01/ft

Chlorinated Rubber Traffic Line Painting- Crosswalks

<u>2014 (Markings Inc.)</u>	<u>2015 (Highway Safety, Inc.)</u>	<u>Difference</u>
\$0.365/Linear Foot	\$0.35/Linear Foot	-\$0.015/Linear Foot

Chlorinated Rubber Traffic Line Painting- Stop Lines

<u>2014 (Markings Inc.)</u>	<u>2015 (Highway Safety, inc)</u>	<u>Difference</u>
\$0.365/Linear Foot	\$0.35/Linear Foot	-\$0.015/Linear Foot

If you have any questions concerning this letter please feel free to give me a call.

Very Truly Yours,



Christopher Peck
Director of Public Works

The Board of Selectmen of the Town of Middleborough voted at their meeting held on _____ to award contracts to the bidders listed below under the SERSG DPW Services IFB for a twelve month period commencing 2/1/15. This award is conditioned upon the receipt of the appropriate documents specified in the above IFB. The SERSG Regional Administrator will collect these documents on behalf of the Board of Selectmen and present them to the Board for final approval and signature.

DPW SERVICES FOR A TWELVE-MONTH PERIOD 2/1/15-1/31/16

<u>ITEM NO. and DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>Quantity</u>	<u>Total Value</u>
1. Pavement Reclamation (RENEWAL)			
<u>Murray Paving & Reclamation - Holliston, MA</u>			
<i>BIDDER'S NAME</i>			
Pavement Reclamation	\$2.12 per square yard	38,670	\$81,980.40
Adjust Catch Basins	\$100.00 each	20	\$2,000.00
Structure Remodeling	\$1.00 each	8	\$8.00
Structures Rebuilt	\$170.00 per vertical foot	8	\$1,360.00
Excess Loading of Reclaimed Material	\$0.01 per cubic yard		\$0.00
Lower/Raise Manholes	\$100.00 each	10	\$1,000.00
Lower/Raise Water Gates	\$100.00 each	12	\$1,200.00
Lower/Raise Gas Gates	\$1.00 each	12	\$12.00
Trucking	\$100.00 per hour	0	\$0.00
	Item Sub-Total		\$87,560.40
12. SIDEWALK CONSTRUCTION AND SETTING OF CURBS AND EDGING (RENEWAL)			
<u>Capone Brothers Randolph, MA</u>			
<i>BIDDER'S NAME</i>			
Earth Excavation (cubic yds)	\$10.00 per cubic yard		\$0.00
Unclassified Excavation (cub yds)	\$19.00 per cubic yard	625	\$11,875.00
Class A Rock Excavation (cub yds)	\$25.00 per cubic yard		\$0.00
Stump Excavation (cubic yards)	\$25.00 per cubic yard		\$0.00
Topsoil Excavated and stacked (cub yds)	\$1.00 per cubic yard		\$0.00
Dense graded stone (cubic yards)	\$19.00 per cubic yard		\$0.00
Processed gravel (in place) (cubic yds)	\$18.00 per cubic yard		\$0.00
Installation of concrete sidewalks & wheelchair ramps (full depth construction) (sq yds)	\$65.00 per square yard		\$0.00
Installation of bituminous concrete sidewalk overlay	\$140.00 per ton		\$0.00
Installation of bit. concrete sidewalks and wheelchair ramps (full depth construction) (sq yds)	\$37.00 per square yard	3550	\$131,350.00
Installation of bituminous concrete berms and curbs	\$8.00 per linear foot		\$0.00

<u>ITEM NO. and DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>Quantity</u>	<u>Total Value</u>
Install of Granite Curb - Straight - Type VB	\$18.00 per linear foot		\$0.00
Furnish and Install Granite Curb Corners - Type A	\$208.00 each		\$0.00
Furnish and Install Granite Curb Inlet - Straight - Type A	\$280.00 each		\$0.00
Furnish and Install Granite Curb Inlet - Curved - Type A	\$300.00 each		\$0.00
Furnish and Install Granite Curb - Straight - Type VB	\$32.00 per linear foot		\$0.00
Furnish and Install Granite Curb - Curved - Type VB	\$35.00 per linear foot		\$0.00
Furnish and Install Granite Curb - Curved - Type VA4	\$39.00 per linear foot		\$0.00
Furnish and Install Granite Curb - Straight - Type VA4	\$36.00 per linear foot		\$0.00
Furnish and Install Granite Curb - Straight - Type SB	\$19.75 per linear foot		\$0.00
Furnish & Install Granite Transition Curb for wheelchair ramps & driveways - Straight - Type VB (lin ft)	\$28.00 per linear foot		\$0.00
Furnish & Install Granite Transition Curb for wheelchair ramps & driveways - Curved - Type VB (lin ft)	\$33.00 per linear foot		\$0.00
Furnish and Install Transition Slope to Vertical (each)	\$235.00 each		\$0.00
Furnish and Install Handicap Panels (rubber ADA) (each)	\$299.00 each		\$0.00
Granite Curb - Removed and Reset - Type VB (linear ft)	\$16.00 per linear foot		\$0.00
Granite Curb - Removed and Reset - Type SB (linear ft)	\$15.00 per linear foot		\$0.00
Granite Curb Inlet - Removed and Reset (each)	\$1.00 each		\$0.00
Granite Curb Corner - Removed and Reset (each)	\$1.00 each		\$0.00
Granite Edging Removed and Reset (linear ft)	\$15.00 per linear foot		\$0.00
Granite Curb Removed and Stacked (linear ft)	\$1.00 per linear foot		\$0.00
Granite Curb Inlet - Removed and Stacked (each)	\$1.00 each		\$0.00
Furnish and Install Granite Edging - Straight - Type SB	\$19.75 per linear foot		\$0.00
Mail Boxes Removed and Reset (each)	\$50.00 each		\$0.00
Loam and Seed (square yds)	\$10.00 per square yard		\$0.00
Pavement Sawcutting / Grinding (linear ft)	\$2.00 per linear foot		\$0.00
Sweeping (Manual cleanup following Sawcutting / Grinding) (lin-ft)	\$0.10 per linear foot		\$0.00
	Item Sub-Total		\$143,225.00

<u>ITEM NO. and DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>Quantity</u>	<u>Total Value</u>
2. In-Place Bituminous Concrete			
Zone C: Lakeville, Middleborough, Raynham			
P.J. Keating - Lunenburg, MA			
<i>BIDDER'S NAME</i>			
In-Place Bituminous Concrete	\$67.00 per ton	6,100	\$408,700.00
Cold Planing	\$1.55 per square yard	0	\$0.00
Bitumen Tack Coat	\$15.00 per gallon	0	\$0.00
Structure Adjustments	\$100.00 each	0	\$0.00
Structures Remodeled	\$100.00 each	0	\$0.00
Structure Rebuilt	\$100.00 per vertical foot	0	\$0.00
Hand Work	\$67.00 per ton	0	\$0.00
Unclassified Excavation	\$15.00 per cubic yard	0	\$0.00
Sawcutting	\$0.01 per linear foot	0	\$0.00
Playgrounds/Parking Lots	\$67.00 per ton	0	\$0.00
	Item Sub-Total		\$408,700.00
3. SuperPave In-Place Bituminous Concrete			
PJ Keating - Lunenburg, MA			
<i>Bidder's Name</i>			
Hot Mix Asphalt Superpave Mix	\$71.85 per ton	1,940	\$139,389.00
Bitumen Tack Coat	\$0.01 per gallon	0	\$0.00
Hot Paured Rubberized Asphalt Sealer	\$0.01 per linear ft	0	\$0.00
Cold Planing	\$1.69 per square yd.	7,500	\$12,675.00
Structure Adjustments	\$215.00 each	20	\$4,300.00
Structures Remodeled	\$50.00 each	5	\$250.00
Structures Rebuilt	\$110.00 per vertical ft.	5	\$550.00
Hand Work	\$71.85 per ton	20	\$1,437.00
Unclassified Excavation	\$15.00 per cubic yd.		\$0.00
Sawcutting	\$0.01 per linear ft	0	\$0.00
Playgrounds / Parking Lots	\$71.85 per ton	0	\$0.00
	Item Sub-Total		\$158,601.00
5. POLYMER-MODIFIED CRACK SEALING			
Crack-Sealing Raynham, MA	\$9.93 per gallon	2,000	\$19,860.00
<i>BIDDER'S NAME</i>	\$4,493.00 per day		\$0.00
	Item Sub-Total		\$19,860.00
8 MICRO PAVING			
Senicoating Inc. - Braintree, MA			
<i>BIDDER'S NAME</i>			
Surface Course (1 lift)	\$2.09 per square yard	0	\$0.00
Leveling Course (2 lifts)	\$3.85 per square yard	5,000	\$19,250.00
Leveling Course with crack repair (2 lifts)	\$4.15 per square yard	0	\$0.00
	Item Sub-Total		\$19,250.00

<u>ITEM NO. and DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>Quantity</u>	<u>Total Value</u>
11. INSTALLATION OF STEEL BEAM GUARD RAIL			
<u>DeLucca Fence Methuen, MA</u>			
<i>BIDDER'S NAME</i>			
Straight (Metal Posts)	\$19.10 per foot	1,000	\$19,100.00
Straight (Wooden Posts-Galvanized)	\$19.50 per foot	0	\$0.00
Straight (Wooden Posts-Rust)	\$19.65 per foot	0	\$0.00
Curved (Galvanized)	\$10.00 per foot	200	\$2,000.00
Curved (Rust)	\$10.00 per foot	0	\$0.00
End Pieces (Galvanized)	\$45.00 each	10	\$450.00
End Pieces (Rust)	\$45.00 each	0	\$0.00
	Item Sub-Total		\$21,550.00

17. CHLORINATED RUBBER TRAFFIC LINE PAINTING

Highway Safety Systems Rockland, MA

BIDDER'S NAME

4" Yellow Centerline	\$0.036 per linear foot	400,000	\$14,400.00
4" White Line	\$0.036 per linear foot	10,000	\$360.00
4" Yellow Hatch Lines	\$0.350 per linear foot	0	\$0.00
Crosswalks	\$0.350 per linear foot	8,000	\$2,800.00
Stopline	\$0.350 per linear foot	1,000	\$350.00
Stop Words	\$9.000 each	0	\$0.00
Parking Lines	\$0.150 per linear foot	0	\$0.00
Ts and Ls	\$0.750 each	0	\$0.00
Directional arrows (federal)	\$15.000 each	0	\$0.00
8" "only"	\$15.000 each	0	\$0.00
3" "only"	\$10.000 each	0	\$0.00
8" "school"	\$33.000 each	0	\$0.00
Traffic Islands	\$25.000 each	0	\$0.00
Railroad Crossings	\$70.000 each	0	\$0.00
Removal of Existing Paint Lines	\$0.200 per square foot	0	\$0.00
Grinding for Inlay	\$0.200 per square foot	0	\$0.00
	Item Sub-Total		\$17,910.00

Total Estimated Value of All Contracts \$876,656.40

Chair, Board of Selectmen

Please note that this is a unit price contract. Contract values above are based on estimated quantities, and it is understood that the contractor will provide the quantities actually required by the municipalities.



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 12/5/14
NAME OF APPLICANT William Fuller *Attending Service of U.F.*
ADDRESS OF APPLICANT 13 WEST END AVE
ASSESSORS MAP & LOT 498/5575
DAYTIME TELEPHONE 508 923 4744

NAME OF BUSINESS Alley Theatre
OWNER OF PROPERTY TO BE LICENSED HOWLAND INV. TRUST
ADDRESS OF PROPERTY TO BE LICENSED 133 CENTER ST.
ASSESSORS MAP & LOT 50P/5389

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand Furniture _____
- Class I License _____
- Class III License _____
- Common Victualler _____
- Entertainment _____
- 2nd Hand Clothing _____
- Class II License _____
- Liquor License BEER/WINE
- Automatic Amusement _____
- Other _____

Anticipated Start Date for Business 12/31/14 - STEVE Sweeney Comedy Show
Hours requested: 6pm - 11pm

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

YES, SIMILAR REQUESTS AND SUBSEQUENT APPROVAL

Signature [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? _____



Town of Middleborough
20 Centre Street, Second Floor
Middleborough, Massachusetts 02346

Robert J. Whalen
Building Commissioner
Tel. 508-946-2426
Fax 508-946-2305

December 3, 2014

Middleborough Board of Selectmen
Middleborough Town Offices
10 Nickerson Ave
Middleborough, MA 02346

RE: Surplus Vehicles

Honorable Board,

I would like to request that the 2000 Ford Crown Victoria, vehicle identification number #2FAFP71W5YX200084 be declared surplus. This vehicle has over 150,000 miles, a rotted frame and would require extensive repairs. We have replaced it with another vehicle donated by the Police Department. If you have any questions regarding vehicle this contact me.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d

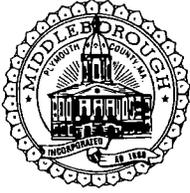
CC: Robert Nunes, Town Manager

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



Joseph M. Perkins
Chief of Police

TO: JACKIE SHANLEY
EXEC. ASSIST. TO THE BOARD OF SELECTMEN

FROM: IRENE HUDSON
ADMIN. ASSIST. TO THE CHIEF OF POLICE

DATE: DECEMBER 3, 2014

RE: FY15 TRAFFIC ENFORCEMENT GRANT

The Middleborough Police Department has opportunity to once again participate in the FY15 Traffic Enforcement Grant. This \$12,500.00 grant will be used for mobilizations such as Drive Sober or Get Pulled Over, etc. The main objective during these grant mobilizations is to prevent injury as a result of motor vehicle accidents, to stop impaired operation of motor vehicles on our roadways and to serve as a deterrent by maintaining high visibility. This grant will run through September, 2015.

With the Board's approval please have Chairman Frawley sign and date page 1. The Town Manager will need to sign and date page 2 in the presence of a notary.

Please return the package to me once the signatures are completed. If you have any questions please don't hesitate to contact me. Thank you.

*The contract is
not attached. It's
a five year contract,
good through 2017.
Doesn't require
new signatures.*

COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING FORM



CONTRACTOR LEGAL NAME:
CONTRACTOR VENDOR/CUSTOMER CODE:

INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Robert Nunes	Town Manager
Joseph Perkins	Chief of Police
Peter Andrade	Lieutenant
David Beals, Jr.	Sergeant

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

Signature

Date: _____

Title: Chairman, Board of Selectmen Telephone: 508-946-2405

Fax: 508-946-0058 Email: selectmanfrawley@middleborough.com

[Listing can not be accepted without all of this information completed.]
A copy of this listing must be attached to the "record copy" of a contract filed with the department.

**COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

Issued
May
2004



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

PROOF OF AUTHENTICATION OF SIGNATURE

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): _____

Title: Town Manager

X _____
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, _____ (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

_____, 20 ____.

My commission expires on: _____

AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____, 20 ____.

AFFIX CORPORATE SEAL

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

HAND DELIVERY

December 9, 2014

Jackie Shanley, Secretary to Board of Selectmen

RE: New Cross Street well site

Dear Jackie:

I enclose:

1. Deed to Douglas F. Green
2. Order of Taking
3. Promissory Note

Please ask the Board to sign all three documents. The Chairman's signature should be notarized on Items 1 and 2. You should sign as a witness in Item 3 on the line to the left of the Board signature lines.

Please give me the executed documents by December 17, 2014. Closings are scheduled for December 18 (Green and Deboyes) and December 19 (Lucas/Craver). I plan to record the order of taking, related plan and deeds on December 19.

Very truly yours,



Daniel F. Murray
Town Counsel

DFM/k
Encls.
T-1782

cc: Robert G. Nunes, Town Manager

DEED FROM MUNICIPALITY

The *Town of Middleborough*, a Massachusetts municipal corporation with a regular place of business in Plymouth County, Massachusetts, pursuant to a vote taken under Article 28 of the warrant for the 2012 Middleborough Annual Town Meeting and in consideration of One Dollar (\$1.00) paid and of a deed recorded herewith from the within grantee to the within grantor of a parcel of land off Cross Street in Middleborough, Plymouth County, Massachusetts, shown as PARCEL – C on a plan entitled “PLAN OF LAND PREPARED FOR THE TOWN OF MIDDLEBOROUGH ON CROSS STREET IN MIDDLEBOROUGH, MASSACHUSETTS” dated October 21, 2013, prepared by Outback Engineering, Incorporated and recorded in the Plymouth County Registry of Deeds, grants to *Douglas F. Green* of 43 Cross Street, Middleborough, Massachusetts 02346 –

A certain parcel of land on the easterly side of Cross Street in Middleborough, Plymouth County, Massachusetts formerly owned by The Co-operative Bank of Concord and taken by an Instrument of Taking dated November 27, 1995 recorded in the Plymouth County Registry of Deeds in Book 14074, Page 130.

Said parcel is believed to contain 1.40 acres more or less and is further identified as Lot 3788 on Middleborough Assessors Map 40 and Lot B on a plan recorded in said registry in Plan Book 26, Page 1123.

For further description see the deed to The Co-operative Bank of Concord recorded in said registry in Book 9770, Page 235.

See also the Final Judgment in Tax Lien Case dated November 16, 2000 and recorded in said registry in Book 19625, Page 183 for title.

PROPERTY ADDRESS: Cross Street, Middleborough, MA

IN WITNESS WHEREOF the Town of Middleborough has caused these presents to be signed and sealed by its Board of Selectmen this 15th day of December, 2014.

Town of Middleborough
By

Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

ORDER OF TAKING

The Board of Selectmen of the Town of Middleborough, in the name and behalf of the Town of Middleborough, a municipal corporation situated in Plymouth County and Commonwealth of Massachusetts, pursuant to the votes taken under Article 28 of the warrant for the Middleborough 2012 Annual Town Meeting and under Article 26 of the warrant for the Middleborough 2013 Annual Town Meeting and pursuant to the provisions of Massachusetts General Laws, Chapter 40 and Chapter 79, do hereby take by eminent domain for municipal purposes, to wit, for construction, development, use and Zone 1 protection of a well site for the Town of Middleborough's municipal water supply system, the following described parcels of land and easements in land together with any and all appurtenant rights, easements, interests and any other rights therein whether said land is subject to or has the benefit of such appurtenant rights, easements, interests and other rights and only insofar they are still in force or effect, as follows

PARCEL ONE

A parcel of land off Cross Street in Middleborough containing 0.18 acres of land and being shown as PARCEL – A on a plan entitled “PLAN OF LAND PREPARED FOR THE TOWN OF MIDDLEBOROUGH ON CROSS STREET IN MIDDLEBOROUGH, MASSACHUSETTS” dated October 21, 2013, prepared by Outback Engineering Incorporated and recorded herewith. PARCEL – A is shown on the plan as containing 0.18 acres (7,685 square feet). Being a part of the land described in a deed recorded in the Plymouth County Registry of Deeds in Book 16778, Page 095.

PARCEL TWO

A parcel of land off Cross Street in Middleborough, Massachusetts containing 1.60 acres of land and being shown as PARCEL – C on the plan described in PARCEL ONE above (hereafter the “plan”). PARCEL – C is shown on the plan as containing 1.60 acres (69,546 square feet). Being a part of the land described in a deed recorded in said registry in Book 6640, Page 040.

PARCEL THREE

A parcel of land off Cross Street in Middleborough, Massachusetts containing 0.86 acres of land and being shown as PARCEL – F on the plan. PARCEL – F is shown on the plan as

containing 0.86 acres (37,591 square feet). Being a part of the land described in a deed recorded in said registry in Book 38878, Page 082.

PARCEL FOUR

A parcel off Cross Street in Middleborough, Massachusetts containing 10.73 acres of land and being shown as PARCEL D on the plan. PARCEL D is shown on the plan as containing 10.73 acres (467,192 square feet). Being a part of the land described in a deed recorded in said registry in Book 2582, Page 232.

PARCEL FIVE

A parcel of land off Cross Street in Middleborough, Massachusetts containing 0.54 acres of land and being shown as PARCEL – B on the plan. PARCEL – B is shown on the plan as containing 0.54 acres (23,707 square feet). Being a part of the land described in a deed recorded in said registry in Book 6526, Page 215.

PARCEL SIX (Easement)

A perpetual access and utility easement in, over, under and through land on the easterly side of Cross Street in Middleborough, Massachusetts running from the easterly side of Cross Street along the southerly line of the property (Lot 3029 on Middleborough Assessors Map 40) for about 203.00 feet and then turning northeasterly to connect with an existing bridge over a brook, sometimes known as Josie's Meadow Brook, and continuing over said bridge northerly to the westerly line of PARCEL – B shown on the plan and described in PARCEL FIVE above. The easement area hereby taken is shown on the plan as an ACCESS AND UTILITY EASEMENT containing 10,599 square feet.

The easement hereby taken shall permit passage on foot and by vehicle over the easement area between Cross Street and said PARCEL – B shown on the plan and the other land components of the municipal well site shown on the plan and described herein. The easement shall permit the Town of Middleborough to enter the area and to pave or otherwise improve the easement area, to install utilities including water pipes in, over, under and through the easement area, to construct, reconstruct or replace a bridge within the easement area over Josie's Meadow Brook and to maintain, repair and replace structures and facilities constructed or installed in the easement area by the Town of Middleborough. The easement shall be appurtenant to PARCEL – B and the other land components of the municipal well site shown on the plan and described herein. The easement may not be relocated or changed except for the written consent of the Town of Middleborough.

PARCEL SEVEN (Temporary Easement)

A temporary construction easement in, over and through land on the easterly side of Cross Street in Middleborough, Massachusetts, the easement area being fifteen (15) feet in width and abutting and parallel to the northerly line of the ACCESS AND UTILITY EASEMENT described in PARCEL SIX above running from the easterly side of Cross Street over Josie's

Meadow Brook to PARCEL -B on the plan. The easement shall permit entry to the temporary easement area, passage on foot and by vehicle and the use of machinery and equipment to construct and install structures and facilities and other improvements which may be installed pursuant to the easement described in PARCEL SIX above. The temporary construction easement shall terminate four (4) years after the date of recording of a deed to the Town of Middleborough from the owners of the above PARCEL FIVE, PARCEL SIX and PARCEL SEVEN.

Hereby taking the said parcels as shown on the plan or as described herein however the same may be bounded and described.

The structures on the premises, if any there be, and the trees upon the land area are included in this taking.

No betterments are assessed.

The supposed owners of the above described parcels and any interests therein are set out below together with the damages which are determined to have been occasioned by said taking and are hereby awarded:

<u>SUPPOSED OWNER(S)</u>	<u>DAMAGES</u>
I. <u>PARCEL ONE</u>	
1. Brett D. Deboyes 59 Cross Street Middleboro, MA 02346	None
2. Lynn K. Deboyes 59 Cross Street Middleboro, MA 02346	None
3. MERS, Inc. for EverHome Mortgage Company (mortgagee) 81 Nations Way Jacksonville, FL 32256	None
4. Owners Unknown	None
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II. <u>PARCEL TWO</u>	
1. Douglas F. Green 43 Cross Street Middleboro, MA 02346	None
2. Owners Unknown	None

III. PARCEL THREE

- | | | |
|----|--|------|
| 1. | Dorothy J. Lucas
170 Everett Street
Middleboro, MA 02346 | None |
| 2. | Robin L. Craver
P.O. Box 634
Douglas, MA 01570 | None |
| 3. | Owners Unknown | None |

IV. PARCEL FOUR

- | | | |
|----|--|------|
| 1. | Dorothy J. Lucas
170 Everett Street
Middleboro, MA 02346 | None |
| 2. | Owners Unknown | None |

V. PARCEL FIVE, SIX AND SEVEN

- | | | |
|----|--|------|
| 1. | Wanda Y. Cain
43 Clancy Road
Boston, MA 02124 | None |
| 2. | Mary Nelson
3660 Haynesville Road
Montgomery, AL 36108 | None |
| 3. | Leonita Nelson
4307 Meadow Walk Court
Montgomery, AL 36116 | None |
| 4. | Kristan Nelson
3660 Haynesville Road
Montgomery, AL 36108 | None |
| 5. | Donna Nelson
3144 Selma Road
Montgomery, AL 36108 | None |
| 6. | Owners Unknown | None |
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Wherefore, the Town of Middleborough acting by and through its Board of Selectmen has adopted this order and caused these presents to be executed this 15th day of December, 2014.

Town of Middleborough

By

Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

On this 15th day of December 2014, before me the undersigned Notary Public, personally appeared the above named Allin J. Frawley, proved to me through satisfactory evidence of identification, which was personal knowledge of his identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose(s).

Notary Public:

My Commission Expires:

PROMISSORY NOTE

\$240,000.00

December 19, 2014

FOR VALUE RECEIVED, the **Town of Middleborough** promises to pay to **Dorothy J. Lucas** of Middleborough, Massachusetts, or order, the sum of Two Hundred Forty Thousand Dollars (\$240,000.00) in fifteen (15) years from this date with interest on the unpaid principal balance to be paid annually at the annual rate of one percent (1%) simple annual interest during the term, and for such further time as such principal sum, or any part thereof, shall remain unpaid. The principal shall be paid in fifteen (15) equal annual installments of Sixteen Thousand Dollars (\$16,000.00), the first such installment to be paid on December 19, 2015 and annually thereafter. Accrued interest on the unpaid principal balance shall be paid annually at the time for payment of installments of principal.

Signed in the presence of:

Signed and Sealed
Town of Middleborough
By:

Board of Selectmen