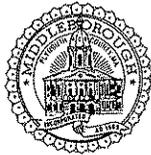


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CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

TOWN MANAGER'S REPORT
DECEMBER 5, 2011

Attached please find correspondence from the office of the Town Manager for your review. Thank you.

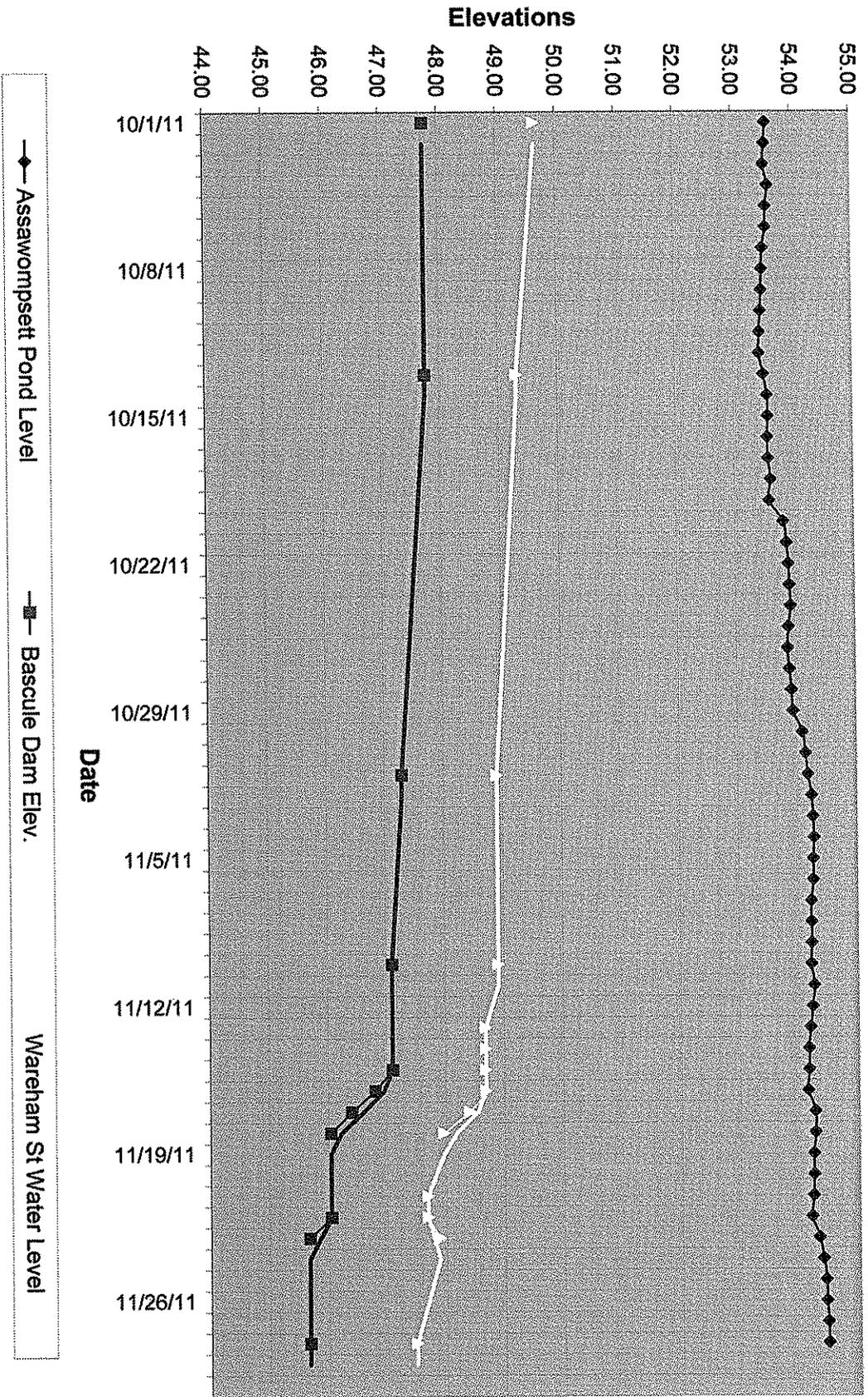
Charles J. Cristello
Town Manager

The data indicates that in spite of lowering the dam at Wareham Street, Lake Assawompsett has continued to rise during October and November.

COMPARATIVE DATA ON WATER LEVELS
OCTOBER 2011 THROUGH NOVEMBER 2011

LAKE ASSAWOMPSETT		WAREHAM STREET, MIDDLEBOROUGH	
Date	Water Elevation	Water Elevation	Dam Elevation
October 1	53.59	49.64	47.75
October 13	53.51	49.30	47.75
November 1	54.19	48.90	47.29
November 10	54.22	48.90	47.10
November 17	54.27	48.40	46.40
November 23	54.32	47.89	45.67
November 30	54.51	47.10	45.67

Assawompsett Pond Elevations vs. Wareham Street Bascule Dam



REQUESTS FOR PROPOSALS

GUIDOBONI/SOULE FARM LEASE OPERATION

QUALIFICATION OF PROSPECTIVE LESSEES

The Town of Middleborough acting through its Board of Selectmen, desires to have the operation, management and improvement of the Guidoboni/Soule Farm, owned by the Town and located on Soule Street, in what is known as East Middleborough, carried out by others under the provisions of a long term lease as authorized by Chapter 295 of the Acts of 1989 and in accordance with the provisions of Chapter 30B of the Massachusetts General Laws. Requests for Proposals are hereby solicited for a long term lease of the property.

DESCRIPTION – LEASE AREA

The property was an operating dairy farm prior to its purchase by the Town.

The lease area will consist of property within the Town of Middleborough (approximately 90 acres, 65 of which are tillable), and the Plympton parcel Number B-0002-0097.0 consisting of 34 +/- acres.

Buildings on the property consist primarily of a large farm house and adjacent dairy barn together with several outbuildings.

BASIC TERMS AND REQUIREMENTS OF LEASE AGREEMENT

The operation will be under the provisions of a long term lease, not to exceed ten (10) years in length.

The lease will reflect the goals of the Town which resulted in the property being purchased as a result of its exercise of the Chapter 61A option authority. These goals are as follows:

- That lease operations protect the historical aspects and significance of the prosperous and self-sustaining farms that characterized the Soule neighborhood.
- That the Guidoboni/Soule Farm agricultural activities be diversified in a manner that reasonably reflected the lessor preference for low input, sustainable practices, as evidenced by a specific plan to be submitted as part of the applicant's proposal.
- That the proportion of the Farm that is tillable land be maintained and utilized for agriculture, and that agricultural practices consistent with the APR status of the Farm be employed.
- That lease operations shall demonstrate a strong environmental and agricultural education program with opportunities for public participation.

- That the prospective lessee shall indicate opportunities that they are prepared to offer and provide, of specific benefit to Middleborough residents of all ages.
- That the Town shall receive annual lease payments and that opportunities to update the financial terms of the lease on a periodic basis shall be included in its terms.
- That the Board of Selectmen following lessee selection shall appoint an Advisory Committee. That the Advisory Committee shall monitor and manage the lease performance. The Committee shall consist of a member of the Selectmen, or their designee, a member at large and a representative of the lessee. Lessee participation with this Advisory Committee and attendance at its meetings as requested, shall be a lease requirement.
- That the lessee shall submit an annual report of operation for review by the Advisory Committee and approval by the Board of Selectmen, by February 1st. The Board of Selectmen may request additional information from the lessee.
- That the reservation of specific field perimeters for fifteen (15) foot public access walkways, or as may be determined by the Town in consultation with the lessee, be a lease component. The existing trails open to the public shall be maintained.
- That the Town of Middleborough and appointed or elected officials, as well as its employees, be indemnified pursuant to appropriate lease components.
- That any additional buildings proposed for construction or site alteration shall be in keeping with the present farmstead and subject to the prior approval of the Town. Any improvements on the APR portion of the Farm shall be subject to State and Town approval.
- That the lessee shall be responsible to maintain the existing APR status of the Farm.

CRITERIA FOR THE EVALUATION OF PROPOSALS

A detailed proposal for the planned use of the leased premises should include, but is not limited to, the following:

- A detailed plan of lease payments to the Town specific to proposed amounts and dates of payment.
- Detailed information regarding the financial stability of the applicant. Proof of financial capability to operate a long term lease including:
 1. List of corporate or other involved individuals
 2. Three (3) business or professional references
 3. Bank references
 4. Proof of financial capability to operate a long term lease
 5. Experience in management and development of comparable projects
 6. Fully executed attachments 1, 2, 3

- Approximate projections as to time schedule and costs of any proposed new buildings, major structure modifications or other planned capital improvements that may be anticipated during the full term of the lease.
- Approximate projections as to time schedule, estimated cost and order of priority for repairs and maintenance improvements to the existing buildings upon the leased property during the full term of the lease.
- Detailed summary of proposed environmental and agricultural education programs (including an estimated date when such programs may begin) and the opportunities for public participation in the programs.
- Detailed summary of the opportunities that are to be offered and provided to Middleborough residents of all ages.
- Specific lease operational details that will enrich the cultural and social fabric of the community.
- A summary of proposed land use, conservation measures and practices and any other proposed natural resource protection for the leased premises.
- A summary of the nature of the proposed use of the leased premises.
- A statement concerning the methods and suggested amounts of public liability insurance protection including a statement from an insurance company that would be willing to provide the lessee with such a policy for the leased premises in the amount of not less than \$ 1,000,000.00 occurrence limit of comprehensive general liability and also naming the Town of Middleborough as an additional insured.

SUBMISSION REQUIREMENTS

Completed proposals for the lease of the Guidoboni/Soule Farm must be received no later than 3:00 PM - Friday, February 3, 2012. **SEVEN (7) COPIES OF THE PROPOSAL SHOULD BE SUBMITTED IN A SEALED ENVELOPE MARKED "GUIDOBONI/SOULE FARM LEASE PROPOAL" AND DELIVERED TO:**

Chief Procurement Officer
Town Manager's Office
Town of Middleborough
10 Nickerson Avenue
Middleborough, MA 02346

Prospective lessees are advised that the lessee must comply with Chapter 7, Section 40J of the Massachusetts General Laws which requires a disclosure of beneficial interests to be filed with the Commonwealth of Massachusetts.

A certificate of Non-Collusion, State and Town Tax Compliance Certifications and a Disclosure of Beneficial Interests must be completed and submitted with sealed proposal.

The Selectmen will award the lease to the person or entity they deem to best meet the criteria set forth in the Request for Proposal and in the best long term interest of the Town.

Prospective lessees having questions or needing more information concerning this Requests for Proposals may call or write:

Charles Cristello, Town Manager
Town Hall – 10 Nickerson Avenue
Middleborough, MA 02346
Telephone: (508) 947-0928

AWARD OF LEASE

The Selectmen reserve the right to accept or reject any and all proposals and to award the lease to the person or entity they deem to best meet the criteria set forth in the Requests for Proposals and in the best long term interest of the Town.

ATTACHMENT 1

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Name of person signing bid or proposal

Name of Business

ATTACHMENT 2

TAX COMPLIANCE CERTIFICATION

Pursuant to M.G.L. c. 62C, Sec. 49A, _____ [name of proposer (s)] is/are certifying under the penalties of perjury that, to the best of my knowledge and belief, _____ [name of proposer (s)] is/are in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

*Signature of Individual or
Corporate Name (Mandatory)

By: Corporation Officer
(Mandatory, if Applicable)

**Social Security # (Voluntary) or
Federal Identification Number

*Approval of a contract or other agreement will not be granted unless this certification clause is signed by the applicant.

** Your social security number will be furnished to the Massachusetts Board of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed or extended. This request is made under the authority of Mass. G.L. c 62C. s. 49A.

ATTACHMENT 3

DISCLOSURE OF BENEFICIAL INTERESTS IN REAL PROPERTY TRANSACTION

This form contains a disclosure of the names and addresses of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the Massachusetts Division of Capital Planning and Operations, as required by M.G.L. c. 7, sec. 40J, prior to the conveyance of or execution of a lease for the real property described below. Attach additional sheets if necessary.

1. Public Agency involved in this transaction: _____
(Name of jurisdiction)

2. Complete legal description of the property:

3. Type of transaction: _____ Sale _____ Lease or rental for _____ (term):

4. Seller(s) or Lessor(s): _____
Purchaser(s) of Lessee(s): _____

Charles Cristello

From: Decas, Murray & Decas [decasmurraydecas@yahoo.com]
Sent: Friday, December 02, 2011 10:56 AM
To: Charles Cristello
Subject: Fw: Edgeway - weekly status report

----- Forwarded Message -----

From: Gerard Marsan <gerard.marsan@comcast.net>
To: Murray & Decas Decas <decasmurraydecas@yahoo.com>
Sent: Thursday, December 1, 2011 3:11 PM
Subject: Re: Edgeway - weekly status report

Yes, last week after getting Comcast's installation plan and confirming with Prime Engineering that the trenching route that Comcast wished to take would not interfere with or compromise the Phase I work and underground structures. Yesterday Comcast confirmed that it would start the installation today.

Gerard S. Marsan, Esq.
Marsan & Marsan
45 Bristol Drive
South Easton, MA 02375
Tel: (508) 238-0176
Fax: (508) 238-0230

----- Original Message -----

From: Murray & Decas Decas <decasmurraydecas@yahoo.com>
To: Gerard Marsan <gerard.marsan@comcast.net>
Cc: Charles Cristello <ccristello@middleborough.com>
Sent: Wed, 30 Nov 2011 20:42:43 -0000 (UTC)
Subject: Edgeway - weekly status report

Attorney Marsan,

In your status report for this week, please address whether your client has given the cable provider the go ahead.

Very truly yours,

Daniel F. Murray

12/2/2011