

HEARINGS, MEETINGS, LICENSES

2-11-13



The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, February 11, 2013 at 7:30 PM, for the purpose of discussing an application filed Andy Cimbron for a Special Permit under the Water Resource Protection District By-law, to allow filling & construction of a driveway & utilities within 25' of a wetland as allowed with a "Limited Project" per Sec. 3, d., I, of the WRPD Overlay District. This project is located as Map 34 Lot 5028, 37 Katrina Road. Anyone wishing to be heard on this matter should appear at the time and place designated.

Alfred P. Rullo, Jr.
Allin Frawley
Steven P. Spataro
Ben Quelle
Stephen J. McKinnon
BOARD OF SELECTMEN

Publish: January 31 and February 7

Payment forthcoming – Advertiser #300074

RECEIVED
 12:59 PM aft
 JAN 17 2003
Allison A. Jensen
 TOWN CLERK'S OFFICE
 MIDDLEBOROUGH, MA 02346

BOARD OF SELECTMEN
 MIDDLEBOROUGH, MASSACHUSETTS

PETITION
FOR PUBLIC HEARING

This Petition, when completed and signed, must be filed with the Town Clerk, Town Hall, Middleborough, Massachusetts.

Middleborough, MA DECEMBER 5, 2017

To the Board of Selectmen
 Middleborough, Massachusetts

I/We hereby petition your Board for a public hearing for a Special Permit which is subject to Board of Selectmen approval under the Water Resource Protection Districts By-law.

A. (Give location of property in question.)

To allow FILLING & CONSTRUCTION OF A DRIVEWAY + UTILITIES WITHIN 25' OF A WETLANDS AS ALLOWED WITH A "LIMITED PROJECT" PER SEC 3, d, I OF THE WRPD OVERLAY DISTRICT
 As shown on the attached plan.

B. State full names and addresses of last known abutting property owners, and the owners of land within 350 feet of the land which is the subject of this petition. Also state the owners of the land immediately across the street from the subject property. Please attach a certified list of these property owners to this petition.

C. Respectfully submitted,

Signature: *Andy Cimbron*

Printed Name: ANDY CIMBRON

Address: 45 PROVINCETOWN VIEW RD
PLYMOUTH, MA. 02360

Telephone Number: 508-509-9152

**TOWN OF MIDDLEBOROUGH
WATER RESOURCE PROTECTION DISTRICT
PETITION SUBMITTAL CHECKOFF SHEET**

Applicant must initial each item or the application/petition will not be accepted.

No.	Description	Initial	N/A
1.	The plan has a cover page showing the location of the water supply Zone 2 and 3, with the proposed project site identified.	___	<u>SJK</u>
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	<u>SJK</u>	___
3.	The plan shows existing waterways adjacent, on or near the property.	<u>SJK</u>	___
4.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.		
	Note: If the site has no approval required other than a home lot then a Land Surveyor stamp will be accepted.	<u>SJK</u>	___
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>SJK</u>	___
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	<u>SJK</u>	___
7.	The submittal contains the abutters list.	<u>SJK</u>	___
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	<u>SJK</u>	___
9.	The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover.	<u>SJK</u>	___
10.	The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods.	<u>SJK</u>	___

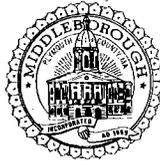
No. Description Initial N/A

11. The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage.

SSK

12. The submittal contains a statement that outside stored material will have no impact to the groundwater.

SSK



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

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

February 1, 2013

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

RE: W.R.P.D. Application for a special permit for Katrina Road (vacant land),
Assessor's Map: 034 Lot: 5028.

Honorable Board,

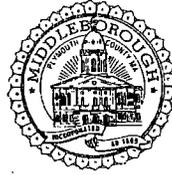
I have reviewed the plan submitted by Andy Cimbron for a special permit under the Water Resource Protection District By-law, to allow filling & construction of a driveway & utilities within 25' of a wetland as allowed with a "Limited Project" per Sec. 3, d., I, of the WRPD Overlay District. The referenced property above is vacant land which is located on Katrina Road.

I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d



Town of Middleborough

CONSERVATION COMMISSION

MEMORANDUM

TO: Board of Selectmen

CC: Ruth Geoffroy, Town Planner
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Patricia Cassady, Conservation Agent 

DATE: February 4, 2013

RE: W.R.P.D. Application: 37 Katrina Road (Map 34, Lot 5028)

The above-mentioned W.R.P.D application was reviewed by the Conservation Commission through a Notice of Intent recently and was issued an Order of Conditions under DEP file # SE220-1167 on November 15, 2012.

The project was filed as a limited project and therefore falls under one of the exemptions for work in a zone 4 special permit uses: (d)(i): There shall be no building, structure or land disturbing activity within twenty five (25) feet of a "fresh water wetland" as defined by MGL Ch. 131, Section 40 – Massachusetts Wetlands Protection Act or a "wetland" as defined by 33 CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this By-law *except that necessary for: (i) limited projects as defined by 310 CMR 10.53 (3), in which case this project qualifies as such.*

Under the Order of Conditions there will be replication/replacement of bordering vegetated wetland. 1,900 s.f. of wetland is being impacted for the wetland crossing to access the upland portion of the lot and 2,050 s.f. will be replicated to compensate for the impact.

The only difference in the plan of record the Conservation Commission has and the W.R.P.D. plan is that the 25-foot no disturb zone was added to the W.R.P.D. plan.

If you have any questions regarding this application don't hesitate to contact the Conservation Department at 508-946-2406.

pjc

Jacqueline Shanley

From: Patricia Cassady
Sent: Friday, January 18, 2013 1:45 PM
To: Charles Cristello
Cc: Jacqueline Shanley
Subject: Order of Conditions for 37 Katrina Road
Attachments: 20130118134348789.pdf

Hi Charlie,

Attached you will find the Order of Conditions for 37 Katrina Road

If you need anything else concerning the property just let me know.

Thanks,

Tricia



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE220-1167

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

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



1. From: Middleborough
 Conservation Commission

2. This issuance is for
 (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
Andy Cimbron
 a. First Name b. Last Name

45 Provincetown View Road
 c. Organization d. Mailing Address

Plymouth MA 02360
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
Thordis Lovestad
 a. First Name b. Last Name

37 Katrina Road
 c. Organization d. Mailing Address

Middleborough MA 02346
 e. City/Town f. State g. Zip Code

5. Project Location:
Katrina Road Middleborough
 a. Street Address b. City/Town
Map 37 Lot 5028
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s
 d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1167
MassDEP File #
eDEP Transaction #
Middleborough
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Plymouth

a. County

10575

c. Book

b. Certificate Number (if registered land)

229

d. Page

7. Dates:
- | | | |
|--------------------------------|-------------------------------|--------------------------|
| <u>March 7, 2012</u> | <u>November 1, 2012</u> | <u>November 15, 2012</u> |
| a. Date Notice of Intent Filed | b. Date Public Hearing Closed | c. Date of Issuance |

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

"Site" Plan of Land in Middleboro, Mass Prepared for Andy Cimbron

a. Plan Title

Webby Engineering Associates, Inc.

b. Prepared By

September 27, 2012

d. Final Revision Date

See attached Sheet

f. Additional Plan or Document Title

Joseph E. Webby Jr., P.L.S.

John C. Veracka Jr., P.E.

1" = 30'

e. Scale

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- | | | |
|---|--|--|
| a. <input type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input type="checkbox"/> Flood Control |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1167
 MassDEP File #

eDEP Transaction #
 Middleborough
 City/Town

B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	1900 a. square feet _____	1900 b. square feet _____	2050 c. square feet _____	2050 d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. c/y dredged _____	b. square feet _____ f. c/y dredged _____	c. square feet _____	d. square feet _____
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input checked="" type="checkbox"/> Riverfront Area	2900 a. total sq. feet _____	2900 b. total sq. feet _____		
Sq ft within 100 ft	0 c. square feet _____	0 d. square feet _____	0 e. square feet _____	0 f. square feet _____
Sq ft between 100-200 ft	2900 g. square feet _____	2900 h. square feet _____	i. square feet _____	j. square feet _____



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1167
 MassDEP File #
 eDEP Transaction #
 Middleborough
 City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment cu yd	<u> </u> d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE220-1167

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

23. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE220-1167

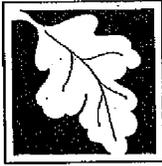
MassDEP File #

eDEP Transaction #
Middleborough
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE220-1167 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE220-1167

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE220-1167

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

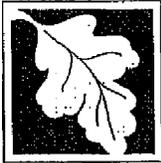
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE220-1167

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Attached Standard Conditions

Standard Conditions

DEP File #: SE220-1167

Applicant: Andy Cimbron

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.
2. The term "applicant" as used in this OOC shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this OOC. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the COC.
3. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this OOC, and that are created or modified after the issuance date of this OOC, along with a statement that this OOC shall supersede any conflicting contractual arrangements, plans or specifications.
4. The applicant shall provide a copy of this OOC to the person or persons supervising the activity that is the subject of this OOC, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this OOC.
5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.
6. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this OOC, and to procure all required permits or approvals before any work commences. These reviews, permits and approvals may include but are not limited to the following:
 - a. Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit activity, and procurement of any permits or approvals identified by the Corps;
 - b. Review by the Department of Environmental Protection (DEP) and procurement of any permits or approvals identified by DEP;

Standard Conditions

DEP File #: SE220-1167

Applicant: Andy Cimbron

- c. Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program;
 - d. Review by local planning boards, boards of health, zoning boards, and building inspectors, and procurement of any permits or approvals required by these boards or agencies.
7. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones (unless authorized to do so) under cover and surrounded by a double-staked row of hay bales to prevent contact with rain water.
 8. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this OOC, except as are expressly permitted by this OOC or the plans approved herein.
 9. There shall be no pumping of water from wetland resource areas.
 10. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas unless specified in this OOC.
 11. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this OOC or expressly authorized by the Commission or their agent.
 12. Any material placed in wetland resource areas by the applicant without express authorization under this OOC shall be removed by the applicant upon demand by the Conservation Commission or its agent.
 13. There shall be no underground storage of fuel or other hazardous substance in areas within the jurisdiction of the Conservation Commission.
 14. Removal and storage of hazardous waste, if in an area subject to protection under the Wetlands Protection Act shall be as follows:
 - a. Removal and storage shall be conducted only when approved and directed by DEP, the U.S. Environmental Protection Agency (EPA) or other applicable state or federal agency under which remedial activities are

Standard Conditions

DEP File #: SE220-1167

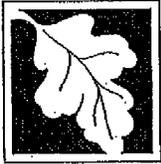
Applicant: Andy Cimbron

- b. directed and shall be conducted in the manner specified in the Notice of Intent and appropriate agency directives.
 - c. All hazardous materials, products and waste produced, stored or removed must be handled, treated and disposed of in accordance with local, state and federal law regulating such materials and must be located outside of the buffer zone to wetland resource areas, unless specifically authorized by the OOC and appropriate state and federal licensing and permitting agencies.
 - d. No hazardous waste shall be introduced or discharged into or toward wetland resource areas.
 - e. No hazardous waste shall be introduced or discharged into the sanitary or sewage systems in such a manner which will result in an impact to wetland resource areas unless approved by the Conservation Commission, board of health, DEP and/or EPA.
 - f. Identification of all types of hazardous materials used, produced or stored shall be submitted to the Conservation Commission in writing.
15. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Wetlands Protection Act unless authorized by the OOC.
16. This OOC shall pertain to the roadways, utilities within the roadway layout, and associated drainage facilities. Individual lot construction, including driveways, lot utilities, sewage and water, if under the Commission's jurisdiction, shall require individual Notices of Intent and/or Requests for Determination.
17. This OOC authorizes only the activity described on the approved plans(s) and approved documents referenced in this OOC. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

Strict compliance with these Standard Conditions may be waived when in the judgment of the Conservation Commission such action is in the public interest and not inconsistent with the Wetlands Protection Act.

Additional Document List for Katrina Road (Map 37, Lot 5028)
Middleborough, MA 02346
Applicant: Andy Cimbron
DEP File #: SE220-1167

- 1.) "Wetland Delineation Report – Katrina Road, Middleboro, Massachusetts" by Brad Holmes, PWS #1464 of Environmental Consulting & Restoration, LLC dated March 9, 2012
- 2.) "Wetland Replication Plan – Katrina Road, Middleboro" by Brad Holmes, PWS #1464 of Environmental Consulting & Restoration, LLC dated March 9, 2012
- 3.) "Katrina Road Alternative Analysis" Letter dated April 2, 2012 from Stephen J. Kotowski of Webby Engineering Associates, Inc.
- 4.) "Drainage Calculation for Lot 5028 Katrina Road Middleboro, Mass" dated October 4, 2012 by John C. Veracka Jr., P.E. for Webby Engineering Associates, Inc.
- 5.) "Katrina Road Riverfront Alternative Analysis" Letter dated October 29, 2012 from Stephen J. Kotowski of Webby Engineering Associates, Inc.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE220-1167

MassDEP File #

eDEP Transaction #

Middleborough

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):
Conservation Commission
- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



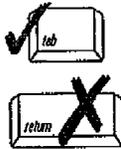
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1167
 MassDEP File #

 eDEP Transaction #
 Middleborough
 City/Town

E. Signatures

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



This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

November 15 2012
 1. Date of Issuance

Five
 2. Number of Signers

Signatures:

Tom Burzen
Steven Ventresca
James Miller

John J. Medeiros
La. Bull

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE220-1167
 MassDEP File #
 eDEP Transaction #
 Middleborough
 City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Middleborough
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Middleborough
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Katrina Road
 Project Location

SE220-1167
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth
 County

10575
 Book

229
 Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

November 15, 2012
 Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN
MEMORANDUM

TO: Planning Board
Conservation Commission
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Jackie Shanley
Confidential Secretary to the Board of Selectmen

DATE: January 28, 2013

SUBJECT: **W.R.P.D. Application – 37 Katrina Road**
Map 034, L 5028

Attached is a W.R.P.D. application filed by Andy Cimbron for a Special Permit under the Water Resource Protection District By-law.

The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, February 11, 2013 at 7:30 PM, for the purpose of discussing an application filed by Andy Cimbron for a Special Permit under the Water Resource Protection District By-law, to allow filling & construction of a driveway & utilities within 25' of a wetland as allowed with a "Limited Project" per Sec. 3, d., I, of the WRPD Overlay District. This project is located as Map 34 Lot 5028, 37 Katrina Road. Anyone wishing to be heard on this matter should appear at the time and place designated.

Alfred P. Rullo, Jr.
Allin Frawley
Steven P. Spataro
Ben Quelle
Stephen J. McKinnon
BOARD OF SELECTMEN

Publish: January 31 and February 7

Please submit all remarks or concerns regarding the request to the Selectmen's Office no later than **Wednesday, February 6th by 12 Noon.**

Thank you.

Jacqueline Shanley

From: Decas, Murray & Decas <decasmurraydecas@yahoo.com>
Sent: Thursday, January 03, 2013 2:13 PM
To: Jacqueline Shanley
Cc: Charles Cristello
Subject: MCCAM

January 3, 2013

Jackie Shanley, Secretary to Board of Selectmen (*via email*)

Re: Cable Committee – MCCAM Policies & Operating Procedures

Dear Jackie:

I reviewed the referenced and have no objection to the form of the document.

Very truly yours,

Daniel F. Murray
Town Counsel
DFM/s
12-103
cc: Charles J. Cristello, Town Manager (*via email*)

MCCAM

Middleborough Community Cable Access Media

PEG ACCESS PROGRAMMING (channel 9 Comcast & channel 34 Verizon)

POLICIES & OPERATING PROCEDURES

Introduction.....	page 2
Definition of Terms.....	page 3-5
Municipal & Public Access Programming	page 6-7
Program Scheduling & Cablecasting Procedures.....	page 7-9
Technical Standards.....	page 10
Credits/Disclaimers/Labeling of Sensitive Material	page 10
Grants, Underwriting and Sponsorship.....	page 10-11
Personal Profit/Commercial Use.....	page 11
Bicycled Programs	page 11
Use of Facilities and Equipment.....	page 11-12
Volunteer Standards of Conduct.....	page 13
General Rules for Equipment Use	page 14
Portable/Field equipment.....	page 14-15
Editing and Post Production.....	page 15
Program Planning Proposal.....	page 15
Use of MCCAM During Emergencies.....	page 15
Program Content.....	page 16
Prohibitions.....	page 16
MCCAM Program Rights.....	page 17
Political & Issue-Oriented Programs.....	page 17-18
Grievances/Public Record.....	page 18-19
Bulletin Board Announcements.....	page 19

FORMS

Access User Agreement.....	page 20
Producer/Endorser Information	page 21
Organizational Access User Agreement.....	page 22
Volunteer Information	page 23
Bulletin Board Request.....	page 24
DVD Request (non-Public Record).....	page 25
DVD Request (Boards & Committees for Municipal Meetings).....	page 26
Portable Equipment Request.....	page 27
Program Proposal.....	page 28
Coverage Commitment/Reimbursement	page 29
Media Submission for Meetings	page 30
Talent Release for Minors	page 31

I. INTRODUCTION

MCCAM (Middleborough Community Cable Access Media) is the town's government and public access television station and is overseen by the PCC (Permanent Cable Committee) as authorized by the BOS (Board of Selectmen). It can be found on channel 9 (Comcast) and Channel 34 (Verizon). The PCC was formed in 1985 and authorized to establish and oversee MCCAM in 2011.

We do not select nor do we censor local programs or editorial content. Our Policies and Procedures are designed to ensure that our resources are used only for their intended purposes and that all who wish to participate will have an equal opportunity.

Mission Statement

MCCAM was established to provide quality local programming for the residents of Middleborough including municipal meeting coverage, community events and other non-commercial programs of local interest or importance.

MCCAM reserves the right to review all definitions and policies contained in this Access User Policy Manual and has the discretion to make changes as it deems necessary.

II. DEFINITION OF TERMS

Access Channels -- Channels set aside by the cable operator for use by the public, educational institutions, municipal government, or for lease on a nondiscriminatory basis.

Access User -- Any qualified Middleborough resident or employee of a non-profit organization that serves Middleborough. To be able to produce programming for broadcast, the user must qualify by successfully completing training and sign the Access User Manual indicating agreement to the terms and conditions contained in it. The user can then schedule equipment and facilities through the Cable Access Administrator.

Advertising -- Announcements broadcast to promote a commercial product or service. MCCAM does not accept commercial or paid political advertising on access channels.

Bicycled Program -- A program that has not been produced at the MCCAM facility but is produced elsewhere and is delivered to MCCAM for possible broadcast. (as determined by the Cable Access Administrator)

Cable Access Administrator -- This term refers to the MCCAM employee who trains volunteers and provides supervision and coordination of the programming on the Government/Public Access Channel.

Candidate, legally qualified for office -- Any person who has publicly announced candidacy by formal declaration and meets the legal qualifications for office.

No cable television system is required to permit the use of its facilities by any legally qualified candidate for public office, but if any system shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other candidates for that office to use such facilities. Such system shall have no power of censorship over the material broadcast by any such candidate. Appearance by a legally qualified candidate on any:

(1) Bona fide newscast;

(2) Bona fide news interview;

(3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

(4) On-the-spot coverage of bona fide news events (including, but not limited to political conventions and activities incidental thereto) shall not be deemed to be use of a system. (section 315(a) of the Communications Act.)

CG or Character Generator -- A device which electronically displays letters and numbers on the television screen.

Copyright -- Is a form of intellectual property law, which protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies or songs.

Crew -- Volunteers working with the Producer to assist in the production of programming. At times it may not be possible to find enough Middleborough residents to act as crew for a Producer, so the resident requirements may be waived on a case-by-case basis. However, only a resident of Middleborough may be a Producer.

Educational Access -- Channel time and resources reserved for non-commercial educational access programming.

Endorser -- a resident of Middleborough or organization in Middleborough that agrees to hold the Town of Middleborough or MCCAM harmless from any and all liabilities arising from airing of the specific program that they are endorsing to air on MCCAM.

Federal Communications Commission (FCC) -- The governmental agency which regulates electronic communication in the US.

Franchise -- The contractual agreement between a cable operator and a government entity which defines the right and responsibilities of each in the construction and operation of a cable system within a specific community or geographical area.

Government Cablecasting -- Access for federal, state and local officials to disseminate information to their constituents via cable television. This can be accomplished by submitting the appropriate electronic media for broadcast or text data for inclusion on an alphanumeric bulletin board or by participating in an interview program on the access channel.

Hardware -- Equipment involved in the production, storage, distribution or reception of electronic signals. Examples are, but are not limited to, television production equipment like cameras and microphones.

Interconnect -- Connection of two or more cable systems by contemporary technical means, so that programming may be exchanged, shared or simultaneously viewed.

Issuing Authority -- The governmental body responsible for specifying the terms of a proposed cable television franchise and to eventually grant an operating license to a cable operator.

Leased Access -- Any cable television channels which can be leased from a cable operator for a fee.

Local Origination Programming -- Cable programming entirely planned, produced or obtained by MCCAM for broadcast on the local cable system

MCCAM -- Middleborough Community Cable Access Media

Obscene Material -- The FCC has defined broadcast indecency as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities." Indecent programming contains patently offensive sexual or excretory material that does not rise to the level of obscenity.

The FCC uses a three-pronged definition for obscenity:

- An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest;
- The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and

The material, taken as a whole, must lack serious literary, artistic, political or scientific value.

Obscene Material -- According to a Supreme Court decision, material is obscene, and hence not protected by the free-speech provision of the First Amendment if it has three elements: It must have prurient appeal, as decided by the average person applying the standards of the community; it must portray sexual conduct in an offensive way; and it must be lacking in serious artistic, literary, scientific, or political value.

PEG -- Refers to the Public, Educational and Governmental access channels.

Producer/Endorser -- The access or organizational user that is responsible for the production of a specific program to be aired on a PEG channel. The producer/endorser must be a resident of Middleborough. The producer/endorser must agree to be personally and financially responsible, and hold the Town of Middleborough or MCCAM harmless from any and all liabilities arising from the production of the specific program. In the case of a minor acting as a producer/endorser, his or her guardian agrees to assume the responsibility outlined above.

Public Access Programming -- The channel time available on a first-come, first served nondiscriminatory basis specifically for noncommercial access programming by Middleborough residents or non-profit organizations serving Middleborough.

Regular Access User --An Access User that has used the equipment or facilities and has broadcast a program on a channel for two or more occasions in a four-week period. A Regular Access User will have the first opportunity, with the approval of the Cable Access Administrator, to "reserve" a specific time to broadcast a program.

Training -- Is the successful completion of exercises and a thorough knowledge of the techniques to produce a professional quality television program for broadcast as defined by the Cable Access Administrator.

Volunteer -- Access Users who volunteer their services for assisting in the production of programming. Under the discretion of the Cable Access Administrator, a trained Access User may be eligible for a stipend for the recording of a specific event or meeting for eventual broadcast.

III. MUNICIPAL & PUBLIC ACCESS PROGRAMMING

MCCAM municipal & public access objectives:

1. LIVE and recorded coverage of municipal meetings in order to increase community awareness.
2. Coverage of special events in the community.
3. Supply residents and organizations of Middleborough with the forum for non-commercial ideas and information.
4. Supplement public safety and disaster preparedness activities/information pertaining to the Town of Middleborough and surrounding communities.
4. Document and archive Town meetings and events.

A. MUNICIPAL PROGRAMMING FORMATS

Municipal programming shall be established to provide direct, non-editorialized information to the citizens of Middleborough. Programming formats will consist of the following:

1. Board of Selectmen coverage - All public meetings of the Middleborough Board of Selectmen may be broadcast LIVE on MCCAM according to the following editorial guidelines:
 - Coverage of the Board of Selectmen shall be gavel-to-gavel excluding executive session items.
 - Public meeting coverage shall not be edited or subject to editorial comment. Editing of technical difficulties is permitted.
 - A title graphic may indicate the name of the speaker and their title.
 - Public meetings taped for broadcast are to be re-broadcast at least once.
 - Digital media to be presented at any Board of Selectmen's meeting must be submitted to MCCAM no later than 2 business days prior to the scheduled meeting in order to be available for audience viewing at the time of the meeting.
 - a. The following media formats are acceptable for presentation:
PDF, Quicktime, JPEG, MPEG2, Word Documents, Excel Documents and Power Point presentations.
2. Other Public Meetings & Hearings of Middleborough Boards and Committees - Meetings of Town Boards & Committees, special or ad-hoc committees, task forces, other events scheduled by Town elected officials, Town Manager and Town Boards may be covered and broadcast on MCCAM according to the following guidelines:
 - Coverage will generally conform to all of the provisions Middleborough Board of Selectmen's meetings except they may or may not be aired LIVE.
 - Meetings not held in the Middleborough Board of Selectmen's Room, the Small Conference Room at Town Hall or the Town Hall Ballroom may require special equipment and staffing/volunteers and will be limited to staffing capabilities at hand. Requests for video coverage of Town Boards & Committees, special or ad-hoc committees, task forces, other events scheduled by Town elected

require a prior written request for coverage to MCCAM at least 14 days in advance. Acceptance of coverage will be subject to the approval of MCCAM.

- Video coverage of Town Boards & Committees, special or ad-hoc committees, task forces, other events scheduled by Town elected officials may not conflict with the broadcasting of the Middleborough Selectmen's meetings.
3. Public Meetings of Other Government Jurisdictions - Public meetings held in the Selectmen's Room, the Small Conference Room or Town Hall Ballroom by other governmental jurisdictions such as State or Federal government may be covered LIVE, or videotaped and aired if approved by MCCAM.
 4. Informational Programs - Any Town department or agency may produce, suggest or assist in the production of programming for MCCAM. Town agencies may submit program proposals or requests for production or broadcast of programs which are appropriate. All programming is subject to approval by MCCAM.
 5. Outside Programming - Outside municipal programming may be broadcast on the municipal channel. Outside programming must be acquired or sponsored by a Town department or committee. All outside programming is subject to approval by MCCAM. Outside programming must be in a format acceptable to MCCAM and meet the minimal technical specifications identified in these policies and procedures. Outside programming shall adhere to the copyright requirements contained in these policies.
 - Any programming prepared or provided by a Town department, board or committee may be modified or edited as appropriate for broadcast.
 6. Programming For Elected Officials - In the interest of fairness, it shall be the policy of MCCAM to not provide production services for an elected official to host their own series programming. Elected officials may produce and provide their own individually hosted programming to be broadcast on MCCAM upon approval by MCCAM

B. PUBLIC ACCESS PROGRAMMING FORMATS

MCCAM's staff will provide training, technical assistance, production equipment and channel time, free of charge to residents and organizations of Middleborough who wish to produce local non-commercial programming. MCCAM's staff will not be available to serve as production or post production crew but may provide contact information of trained, certified volunteers to assist local producers.

IV. PROGRAM SCHEDULING & CABLECASTING

Channel and facility times are provided on a first-come, first-served, nondiscriminatory basis to any resident Access User filing a request, in accordance with the operating rules. It should be understood, however, that since this is a shared resource, specific channel time and equipment use requests cannot always be guaranteed.

A. Scheduling Channel Time

1. Requests for channel time shall be processed on a fair and equitable, nondiscriminatory basis, subject to the availability of cablecasting equipment and channel time.
2. Channel time scheduling requests must be submitted at least eight (8) weeks prior to the desired cablecast date. At the discretion of staff, and if the desired time slot is available, the eight-week submission rule may be waived to allow the timely cablecasting of newsworthy events.
3. Access Users must sign an Access User agreement on a yearly basis and channel request form before any program is cablecast. Approval by the Cable Access Administrator is required.
4. If scheduling and equipment allows, a program may be repeated any time during any weekly period. First-run programs have priority over reruns in slot scheduling.
5. MCCAM reserves the right to use designated access channels for other purposes, where time on the designated channels has not been scheduled for designated access purposes in accordance with MCCAM's PEG access programming operating procedures.
6. Requests for consistent time slots: Program series will be allocated at the discretion of MCCAM's Cable Access Administrator, provided ample time remains available for other programming requests and if the following conditions are met:
 - a. PEG Access User(s) produce the material.
 - b. Titles and descriptions of programs are submitted to the Cable Access Administrator at least six (6) weeks in advance of the scheduled time.
 - c. Access User has new material on a consistent basis.
 - d. A crew has been trained and certified.
 - e. If a series access user regularly fails to have the program ready for scheduled cablecast, the staff may, at its discretion, assign the time slot to other Access Users.
 - f. A series will receive priority scheduling over programs airing one time.
 - g. A series time slot will be allocated for new series only if:
 1. Access User has completed two programs prior to application.

7. Except for live and series programming, channel time will generally not be scheduled until a program is complete and all the information pertaining to the program is supplied to the staff for scheduling.

B. Scheduling Conflicts

1. Facility use for media dubbing, training or any other personal purposes shall have the lowest priority and may be bumped from a requested time slot if facilities are needed for programming or recording.
2. If none of the above applies MCCAM Cable Access Administrator may resolve the conflict at its discretion.

C. Cablecasting Procedures

1. Access Users must obtain in writing, and produce upon request, all the necessary approvals, clearances, licenses, etc. in order to cablecast any program material that includes, but is not limited to, broadcast stations, networks, music licensing organizations, performer's representatives, and any and all other persons as may be necessary for authorization to cablecast the program material. Failure to provide proof of the necessary clearances, rights, licenses, etc. will result in the suspension of the particular program, series, or episode in question until such proof is produced.
2. Labels – Before cablecast, all media must be clearly labeled with the following information:
 - a. Title of program
 - b. Cablecast date
 - c. Producer's name
 - d. Length of Program
 - e. Pre-roll length
3. Leader and Trailer -- The beginning of all cablecast programs must include the following, in this order:
 - a. Minimum of 5 seconds of black pre-roll
 - b. Title graphics
4. The end of a cablecast program must include the following, in this order:
 - a. Appropriate production credits
 - b. MCCAM credit – (i.e., “Produced at MCCAM”) if applicable
 - c. Minimum of 30 seconds of standard black
5. Media owned by the Access User must be picked up within ten days of the last cablecast. After sixty (60) days, MCCAM assumes no responsibility.

6. Programs scheduled for cablecasting must be brought to the staff at least (3) three business days prior to the scheduled cablecast, unless otherwise arranged with the MCCAM Cable Access Administrator.

D. Technical Standards

1. Programming must meet minimum quality standards for cablecast. MCCAM reserves the right to pre-screen programs. If programming does not meet minimum technical standards and/or does not comply with MCCAM Policies & Procedures, MCCAM will refuse the request for playback.
2. All media supplied for cablecast must be submitted in one of the following formats: MPEG2 or .mov, unless other arrangements have been made.
3. Media must be of such quality that a processing amplifier used by the channel will accept the signal. If the amplifier will not accept the signal and the resulting picture is unstable, the media may be rejected.
4. Audio quality of all media will be constant and of sufficient level to permit adequate reproduction on MCCAM transmission equipment.
5. If staff notices an abnormal number of production problems with submitted media (i.e. poor audio or video), an Access User may be asked to re-train.

E. Credits/Disclaimers/Labeling of Sensitive Material

1. MCCAM reserves the right to include the following notice before and/or after a program: **“The views expressed on the following [or “preceding”] program are those of the individual producer and do not necessarily reflect those of MCCAM. MCCAM is not responsible for the production or quality of the tape being cablecast.”**
2. If requested by MCCAM the following credit shall be added: **“The preceding program was made possible by MCCAM.”**
3. If MCCAM makes a good-faith determination that the subject material in a program may offend some viewers and/or may not be appropriate for children, MCCAM may require that the following announcement be added to the beginning of the program: **“The following program may contain sensitive material. Viewer discretion is advised.”** MCCAM reserves the right to run potentially offensive programming at later time periods. Failure to notify MCCAM of potentially offensive material prior to a program or episode airing may result in loss of privileges.

F. Grants, Underwriting and Sponsorship

1. Underwriting for programs must be for goods and services or in-kind contributions that aid in developing and improving the program. Credit for underwriting will be similar to the following: **“Goods and services used in the production of this program were contributed by [company name].”** Credits will be shown before and after the program and can be displayed at periodic intervals during the program. Such programs must still include MCCAM’s credit (See above).

2. MCCAM must be notified that a program will be underwritten at the time the program proposal is submitted.
3. Any individual or group submitting a proposal for grant funding for a project which involves the use of MCCAM's equipment must have obtained prior written approval from MCCAM's Cable Access Administrator.

G. Personal Profit/Commercial Use

Individuals, non-profit organizations, or any other Access Users may not use all or any part of the program for personal profit. Access Users found to be using the facilities or equipment for personal profit will be subject to loss of privileges.

H. Bicycled Programs

Video media that is not produced in the town, rather, it is pre-produced and prerecorded material that is shipped or brought to operators for PEG Access use. Bicycled media must be strictly non-commercial in nature and technical and production quality must be high. Locally produced programs will receive priority scheduling.

1. A resident must sponsor the bicycled program by signing the producer/sponsor form and providing proof of residency.
2. Any public, non-profit organization or state agency can bicycle media with only one representative as the sponsor. The non-profit organization does not have to be based in the town but the representative must be able to furnish proof of its non-profit status and that it does serve that town, i.e. one representative must be a resident of the town who will sign an Access User Agreement.

V. USE OF FACILITIES AND EQUIPMENT

MCCAM's channel and facilities are a medium for expression and free speech. No individual will be denied the use of the facilities on the basis of race, sex, age, physical disability, religion, or political belief. It is hoped that PEG Access residents, non-profit organizations, and institutions will utilize this resource as a means to produce a wide variety of programs.

A. Eligibility to Use Production Equipment and Facilities

1. Availability -- Equipment and facilities are available to residents of the town and representatives or employees of non-profit organizations and agencies that serve the town on a first-come, first-served, and nondiscriminatory basis.
2. Access Users must make an appointment with MCCAM staff to schedule equipment pick up and equipment returns. Appointments are necessary for all training sessions.
3. Minors -- Eligible persons who are minors must have written permission from their parent or guardian to use MCCAM facilities and equipment. The parent or guardian must sign the Access User Agreement, accepting responsibility for

scheduled production equipment and/or program material if the minor is the producer of a program. A responsible adult shall execute the necessary assurances that authorization has been obtained concerning the use of any equipment by a minor and/or appearance of any minors on a cablecast program. Such adults shall be responsible for liability resulting from the use of equipment or an appearance by a minor. It is our policy that any minor must be accompanied by at least one non-student adult, in addition to the Cable Access Administrator. Similarly there will be no field trips or other excursions with minors outside the MCCAM facility at 10 Nickerson Avenue in Middleborough.

4. Access User must have successfully completed the applicable MCCAM workshop or demonstrate, on a standardized equipment use test, the basic operation of the requested video equipment. If the Access User has not used the equipment or facilities for more than one year, re-certification may be required.
5. Access Users must sign an Access User Agreement before using the facilities. This document certifies that the Access User has read, understands, and will abide by the operating rules, and agrees to be solely responsible for the content of any programs produced or scheduled for cablecast if they are the producer of record.

B. General Facility Policies -- MCCAM is pleased to provide facilities, equipment, and channel time for television productions. In return, we ask that Access Users obey all of the franchise requirements and MCCAM's PEG access programming operating procedures regarding channel and facility use.

1. No smoking, food, or beverages are allowed in the control room or near portable equipment, at any time.
2. Anyone found to be under the influence of alcohol or drugs will be removed from the premises. This will result in the loss of privileges.
3. Abide by safety guidelines. See Section C below.
4. There will be no use of phones or other office equipment, unless granted permission by MCCAM Cable Access Administrator.
5. Access Users are responsible for loss or damage to facilities and equipment due to negligence or abuse.
6. Access Users of MCCAM equipment and post-production facilities, will not change wiring, patch bays, or components. No attempt should be made to work on or repair equipment. Any damage caused in this manner will be charged to the Access User. A loss of privileges will result from such equipment abuse. Access Users of MCCAM equipment should report any defects or problems to the staff.
7. Access Users that are found to be misusing or abusing the equipment may be asked to repeat training, testing and/or be subject to loss of privileges.

8. MCCAM Cable Access Administrator may waive certain equipment and facility rules at their discretion.
9. All Access Users will be put on an active list of volunteers to be distributed when local event coverage is requested.
10. When MCCAM requests coverage of a particular event, the Access User who is assigned to cover the event will receive a stipend of \$50 for the full coverage of that event. MCCAM requested events will be determined and assigned by the Cable Access Administrator. The Access User must sign the Coverage Commitment/Reimbursement form prior to coverage in order to be paid.

C. Volunteer Standards of Conduct for Non-MCCAM Employees

1. Safety First. Keep yourself safe, keep others safe, and keep company property and equipment safe at all times. Endangering the safety of oneself, others, or company property will not be tolerated.
2. Appropriate, professional, and respectful behavior is expected at all times. Violent behavior will not be tolerated. This includes threatening or intimidating language, any form of physical assault such as striking or manhandling another person, or fighting. Weapons, or any objects resembling weapons, are prohibited while at MCCAM facilities.
3. Respect. Behavior that could be construed as threatening or harassing (including sexual harassment) toward fellow volunteers, customers, vendors, or employees will not be tolerated.
4. Honesty and accuracy. Dishonesty with employees or falsifying records or any other access-related documents will not be tolerated.
5. Be courteous and polite to others, including employees, other volunteers, and guests of the facility.
6. Drug-free environment. Carrying and/or being under the influence of drugs or alcohol at any time while on MCCAM property, or while using MCCAM Access equipment, is prohibited.
7. Smoking is not permitted near any MCCAM equipment (including in the field and at home).
8. MCCAM facilities are accessible only with proper authorization. This includes, but is not limited to, company e-mail, production and editing equipment.
9. Respect for, and appropriate use of, MCCAM property and equipment is required.
10. Privileges may be lost for engaging in any other conduct that MCCAM deems unacceptable.

D. General Rules for Equipment Use

Public, educational, government access programming is created by volunteers and depends on the participation of many active, trained volunteers who use video communication tools in order to independently reflect their ideas. MCCAM staff will assist residents in assembling production crews from among trained and qualified volunteers. Non-profit organizations and municipal agencies planning to do programs on a regular basis are encouraged to form a television production committee, which MCCAM will then train. Training for the production of programming will be provided on a first-come, first-served, nondiscriminatory basis in accordance with the MCCAM's PEG access programming operating procedures.

1. Access Users must be properly certified and have completed all required planning and equipment forms approved by the staff before the equipment, or facilities will be scheduled.
2. Access Users should only identify themselves as Access Users, not as employees or staff of MCCAM.
3. Reservations for equipment or facility use may be made up to one month in advance and should be made at least two (2) week in advance. Confirmation of facility and equipment reservations, forty-eight (48) hours in advance, is strongly recommended. Reservations can be made with MCCAM Cable Access Administrator in person, by phone or by email. Access user must obtain a confirmation if reservation is made by email.
4. Additional materials for productions, beyond those supplied by MCCAM (i.e. graphics, media, other materials, etc.), must be supplied by the Access User and must be removed from facility when not in use.
5. The Access User will be loaned the media storage for program coverage which must be returned with equipment when done shooting.
6. All media supplied by Access Users, Sponsors and/or Producers will be permanently removed from the MCCAM facility after sixty (60) working days unless arrangements have been made with the Cable Access Administrator.
7. Cancellation of equipment or facility reservations should be made at least twenty-four (24) hours in advance, except in the case of emergencies. Repeated last minute cancellations may result in loss of privileges.

E. Portable/Field Equipment

1. Access Users holding equipment reservations must follow these check-out and check-in procedures:

Check-out:

- a. Sign all required forms and equipment checklists.
- b. Determine if equipment is in working order.

Check-in:

- a. Equipment must be returned on time.
 - b. Any problems with equipment or damage must be noted on the equipment checklist and brought to staff attention.
2. Equipment must be picked up and returned by making an appointment with the Cable Access Administrator.
 3. Failure to return MCCAM equipment when due may result in suspension of Access User privileges.
 4. Equipment may be borrowed for a maximum of forty-eight (48) hours (2 days) during the week and seventy-two (72) hours over the weekend. Longer loan periods must be requested at the time the reservation is made and will be honored at the discretion of staff.
 5. Access Users with portable equipment already checked out will not be allowed to check out additional equipment, unless special arrangements are made with staff.
 6. Only in special cases, and with staff permission, can Access Users take equipment outside of the towns being served by MCCAM.

F. Editing and Post Production

Requests to use the editing equipment for titles, special effects, etc. shall be made at least twenty-four (24) hours in advance and will be subject to the discretion of staff.

G. Program Planning Proposal

A planning proposal describes the program idea, lists the target audience, outlines production needs, and selects the appropriate production format, facilities and equipment needed to complete a program. A Program Planning Proposal also determines the production responsibilities and copyright ownership. These and other forms are available for planning productions, including a Crew Sign-up Sheet, Pre-Production Planning Form and Post-Production Planning Form. These optional forms are recommended for additional guidance.

H. Use of MCCAM During Emergencies

Government use of MCCAM during emergencies and disasters declared by the Emergency Management Director or Middleborough Selectmen has absolute priority over other programming. During such emergencies or disasters, MCCAM shall be permitted to accept live, taped, character-generated and audio information from other governmental or non-governmental entities when such announcements are deemed by Emergency Management Director or Middleborough Selectmen to provide important public information pertaining to the emergency or disaster or other conditions requiring protection of the public health, safety and welfare.

VI. PROGRAM CONTENT

A. Access Users of television channels and program producers are fully responsible for the content of all program material and have the following **program rights and privileges:**

1. Ownership of rights to all original material.
2. To request that program media held by MCCAM be discontinued from cablecast or erased in the event that program information becomes outdated or obsolete.
3. To play or distribute the media, for nonprofit purposes only, provided MCCAM is given graphic credit within the videotape at each cablecast date or play.
4. DVDs for making duplicates (dubs) must be provided by the individual or group making the dub.
5. Duplication services may be purchased from MCCAM. Access Users are permitted one free DVD of their completed, ready-for-telecast program provided they furnish a DVD. This policy does not apply to raw, unedited or work print footage. Access Users may also create up to 5 DVD dubs at no charge (but they must provide the DVDs) for the purpose of using their program as a bicycled program.

B. The following material is prohibited:

1. Obscene material is not permitted on MCCAM. (see legal definition on page 4)
2. Material which constitutes libel, slander, invasion of privacy, or which might violate any other local, state or federal law.
3. Programs containing material that violates copyright or trademarks. Use of such material generally requires obtaining appropriate rights from music licensing organizations, publishers, representatives, copyright holders, broadcast stations, networks and any other persons as may be necessary for cablecast. Access Users may be asked to furnish written authorization for use of such materials.
4. Program material that creates the immediate danger of damage to property or injury to persons; the substantial obstruction of law enforcement or functions or services; the deprivation of any person by threat, threat of force or physical action through the exercise of a legal right, or the disturbance of any person in the enjoyment of a legal right; or the creation of a public nuisance.
5. The direct or indirect presentation of lotteries or lottery information, including raffles & drawings.

6. By law, MCCAM may not exercise any editorial control over Public, Educational, or Governmental uses of access channels with the exception that the cable operator may refuse to transmit a public access program, or a portion of the program, which the cable operator reasonably believes contains obscenity.

C. MCCAM Program Rights

As MCCAM has provided materials, facilities, and staff support for the production of programs, MCCAM has the following rights:

1. To retain the edited master of the program for its digital archive.
2. To make duplications of the program for noncommercial distribution, except where permission has expressly been denied in advance. Producers will always be given graphic credit in the videotape for such use.
3. To cablecast the program as often as is deemed appropriate.
4. To exercise the option of erasing an obsolete or unusable program after it has been cablecast.
5. MCCAM should be notified of any subsequent use of any program produced and cablecast at MCCAM facilities or with MCCAM equipment if the producer received any profit or remuneration.
6. MCCAM will own programs produced by MCCAM's staff. When MCCAM staff produces a program, with the assistance of volunteer or staff crew, it is considered to be Local Origination Programming and copyright ownership is held entirely by MCCAM.

D. Political Programming

MCCAM supports the airing of programs from individuals running for public office and spokespersons from political parties or ballot/warrant issues. Since FCC regulations concerning equal time do not apply to public access programming, MCCAM places no restrictions on the use of the Public Access channel and facility by political candidates or spokespersons from political parties or ballot/warrant issues, other than those applying to normal and equitable use of the Public Access equipment, facility, and channel scheduling as outlined in these rules and regulations. In that vein,

1. Regarding political programs, the following material is ENCOURAGED:

- a. Political presentations which are informative in nature, such that they state who a candidate or ballot/warrant issue is and what it represents in terms of specific ideas, issues, and policies.
- b. Candidate and ballot/warrant issue forums and debates.

c. Presentations which describe a person's or organizations' point of view on a given issue.

2. Regarding political programs, the following material is PROHIBITED:

- Any advertising by, or on behalf of, candidates for public office, political parties or ballot issues; or advertising promoting (or opposing) candidates or ballot issues by supporting groups or lobbying organizations. Announcements of political fund raisers will not be allowed on the Community Bulletin Board.

3. All political programming will be aired on MCCAM up to 24 hours before the opening of polls in Middleborough. For example, if polls open Tuesday at 10am, political programming will cease effective 10am Monday. The scheduling of political programs fall under the same guidelines as other Public Access programs as outlined in these rules and regulations.

4. Candidates for office and those involved in political parties and ballot/warrant issues will follow these guidelines effective the day a candidate officially declares his or her candidacy or the day a ballot/warrant issue meets the requirements for being placed on the ballot. These guidelines also include any individual who is declared a write-in candidate whose name may not appear on the official Middleborough election ballot.

5. For more information regarding political programs please refer to MCCAM's Cable Access Administrator.

VII. GRIEVANCES/PUBLIC RECORD

A. **Grievances** -- Any grievance regarding the assignment of workshop space, channel time allocation, equipment and studio use, or any other matter regarding MCCAM facilities should first be discussed with the Cable Access Administrator. If that does not provide an acceptable solution, a grievance may be filed in writing with the Middleborough Permanent Cable Committee.

B. **Public Record** -- MCCAM maintains a complete public record of all persons, groups, or organizations requesting use of the political, EEO, and children's files. The file shall be made available to the public for inspection during staff hours. All records will be kept a minimum of two years. Copies of all public file documents are available for copying upon request. However, the requesting party must pay the copying costs and the copying may be done at the location specified by MCCAM within seven (7) days of the request. Persons requesting inspection of the public file shall identify themselves by name and address, in writing. Persons inspecting the public file may not remove any records from the premises. Although all documents pertaining to use must be kept on file, Access User identity can be kept anonymous upon written request.

1. **Political Files** -- MCCAM keeps a political file containing a record of:
 - a. All requests for cablecast time by candidates for public office.
 - b. The disposition of the request.

2. **Individual Sponsorship File**
FCC rules require sponsorship identification of cablecast material paid or bartered for by any business enterprise. The rule is waived for individual "want ads" or classified ads. Whenever this exemption is used, a list of the names, addresses,

and telephone numbers of sponsors of want ads or classified advertising must be retained.

3. Children's Programming File

Cable operators should obtain quarterly certifications of compliance of the Children's Television Act from cable networks. Cable operators will not be responsible for compliance on either the broadcast signals they passively carry or on PEG Access channels; however, cable operators engaged in the local origination of children's programs must follow the requirements applicable to broadcasters. Records verifying compliance will be retained for a period of one year.

VIII. BULLETIN BOARD ANNOUNCEMENTS

A. Eligibility

A text information service is available, free of charge, to non-profit organizations providing public service announcements and/or event information to the town. No commercial announcements, political fund raisers, advertising, direct appeals for funds, or personal messages will be accepted. However, fund raising events may be announced. Messages announcing fund raisers should not contain ticket or admission prices. A "call for more info" phone number is permitted.

B. Procedures

1. To place a message on the on air bulletin board. (note: on air bulletin board or CBB runs on Comcast channel 9/Verizon channel 34 when programming is not scheduled to air):
 - a. fill out CBB form or clearly present only important information on a single page document
 - b. return by mail, or
 - c. email, or
 - d. bring in person (drop box available in town hall parking lot, 10 Nickerson Ave. Middleborough, MA 02346)
1. Message request should be submitted two (2) weeks prior to the desired start date.
2. General messages that do not pertain to a specific event will be shown, as long as possible, for up to one (1) year. In order for the message to be renewed, a request must be re-filed every year.
4. All other rules regarding limitations on content for programming apply to bulletin board announcements.
5. Images can be submitted to be used on your bulletin board announcement either as the background or as an image on the announcement itself. Only jpeg files are accepted and must be a minimum of 420x680 pixels.

Violation of any one of these standards can result in loss of privileges to MCCAM facilities. MCCAM has full authority and discretion to deny access privileges as and when it deems appropriate.

MCCAM | Access User Agreement

1. I have read and am thoroughly familiar with the contents of the MCCAM operating rules.
2. If the program producer, I will be responsible for the content of program material to be recorded and/or cablecast by me and agree that such program material will not include:
 - a. any obscene or profane material;
 - b. any lottery or lottery information;
 - c. any advertising
 - d. any direct or indirect solicitation of money, except where exempted under these rules;
 - e. any material which constitutes libel, slander, invasion of privacy or publicity rights, violation of trademark or copyright, or which might violate any local, state or federal law.
3. I acknowledge that the producer is responsible for obtaining all approvals, clearances, licenses, etc. for the use of those program materials; including, but not limited to, approvals by broadcast stations, networks, sponsors, music licensing organizations, copyright owners, performer's representatives, persons appearing in the program material and any other approvals that might be necessary in order to cablecast the program on MCCAM.
4. I indemnify and hold MCCAM harmless against any claims arising out of any use of the program material that I cablecast or any breach of this Access User Agreement; including, but not limited to, any claims in the nature of libel, slander, invasion of privacy or publicity rights, noncompliance with applicable laws and unauthorized use of copyrighted material.
5. I agree that I shall not represent myself or any other person involved in programming as an employee, representative, or agent of MCCAM, unless specifically authorized by MCCAM to do so.
6. I understand that I may be liable for the costs of any repair or replacement of equipment or materials resulting from damage beyond reasonable wear and tear through normal use, misuse, or theft while such equipment or materials are in my possession or control. I understand the penalties that apply if equipment or materials are not returned on time. I also indemnify MCCAM against any damage or liability incurred while using the equipment.
7. I shall not use MCCAM equipment, or facilities for any financial gain or other commercial purposes. I understand that programming produced with MCCAM's equipment or facilities shall be for the benefit of the community.
8. I understand that violation of the terms of this statement is grounds for forfeiture of the right to use MCCAM equipment, facilities or channel time.
9. I have been instructed on how the access equipment I am borrowing is to be safely handled, including the storage and lifting of it in and out of my vehicle and/or dwelling.

Access User (Please print, sign and return with proof of address)	
Print Full Name:	
Full Address: Street, Town & Zip	
Proof of Address Provided	Circle One ... ID / Driver's License / Utility Bill / Other: _____
Email:	
Home Phone:	
Work Phone:	
Cell Phone/other:	
SIGNED (if under 18 must be signed by a parent or legal guardian)	Date:
Staff Use Only	
Circle One to verify (Access User's address verified by ID / DL / Utility Bill / Other)	
Approved by:	Date:

MCCAM | Producer/Endorser Information

The **Producer/Endorser** is the access or organizational user that is responsible for the production of a specific program to be aired on MCCAM. The producer/endorser must be a resident of Middleborough. The producer/endorser must agree to be personally and financially responsible, and hold the Town of Middleborough or MCCAM harmless from any and all liabilities arising from the production and/or airing of the specific program. In the case of a minor acting as a producer/endorser, his or her guardian agrees to assume the responsibility outlined above.

The **Endorser** is a resident of Middleborough or organization in Middleborough that agrees to hold the Town of Middleborough or MCCAM harmless from any and all liabilities arising from airing of the specific program.
(Please print, sign and return with proof of address)

Program Title:		
Program Description:		
Program Length:		
Circle One	<i>Special</i>	<i>Weekly Series</i> <i>Biweekly</i> <i>Monthly</i>
Producer/Endorser Print Full Name:		
Organization (if non-profit):		
Non-Profit Tax ID (501c3) #:		
Full Address Street, Town & Zip:		
Email:		
Home Phone:		
Work Phone:		
Cell Phone/Other:		
SIGNED (if under 18, must be signed by a parent or legal guardian)		Date:
Endorser (if not Producer) Print Full Name:		
Full Address Street, Town & Zip:		
Email:		
Home Phone:		
Work Phone:		
Cell Phone/Other:		
SIGNED (if under 18, must be signed by a parent or legal guardian)		Date:
Staff Use Only		
Circle One to verify Access User's address verified by <i>ID / Driver's License / Utility Bill / Other</i>		
Approved by:		Date:

MCCAM | Organizational Access User Agreement

1. I have read and am thoroughly familiar with the contents of the MCCAM operating rules.
2. If the program producer, I will be responsible for the content of program material to be recorded and/or cablecast by me and agree that such program material will not include:
 - a. any obscene or profane material;
 - b. any lottery or lottery information;
 - c. any advertising
 - d. any direct or indirect solicitation of money, except where exempted under these rules;
 - e. any material which constitutes libel, slander, invasion of privacy or publicity rights, violation of trademark or copyright, or which might violate any local, state or federal law.
3. I acknowledge that the producer is responsible for obtaining all approvals, clearances, licenses, etc. for the use of those program materials; including, but not limited to, approvals by broadcast stations, networks, sponsors, music licensing organizations, copyright owners, performer's representatives, persons appearing in the program material and any other approvals that might be necessary in order to cablecast the program on MCCAM.
4. I indemnify and hold MCCAM harmless against any claims arising out of any use of the program material that I cablecast or any breach of this Access User Agreement; including, but not limited to, any claims in the nature of libel, slander, invasion of privacy or publicity rights, noncompliance with applicable laws and unauthorized use of copyrighted material.
5. I agree that I shall not represent myself or any other person involved in programming as an employee, representative, or agent of MCCAM, unless specifically authorized by MCCAM to do so.
6. I understand that I may be liable for the costs of any repair or replacement of equipment or materials resulting from damage beyond reasonable wear and tear through normal use, misuse, or theft while such equipment or materials are in my possession or control. I understand the penalties that apply if equipment or materials are not returned on time. I also indemnify MCCAM against any damage or liability incurred while using the equipment.
7. I shall not use MCCAM equipment, or facilities for any financial gain or other commercial purposes. I understand that programming produced with MCCAM's equipment or facilities shall be for the benefit of the community.
8. I understand that violation of the terms of this statement is grounds for forfeiture of the right to use MCCAM equipment, facilities or channel time.
9. I have been instructed on how the access equipment I am borrowing is to be safely handled, including the storage and lifting of it in and out of my vehicle and/or dwelling.

Access User (Please print, sign and return with proof of address)	
Organization Contact Person, Full Name	
Name of Organization	
501 (c) 3 number	
Organization Address: Street, Town & Zip	
Contact Person Address: Street, Town & Zip	
Proof of Address Provided	Circle One ... ID / Driver's License / Utility Bill / Other:
Email	
Home Phone	
Work Phone	
Cell Phone/other	
SIGNED (if under 18, must be signed by a parent or legal guardian)	Date:

Staff Use Only	
Circle One to verify Access User's address verified by ID / Driver's License / Utility Bill / Other	
Approved by:	Date:

MCCAM | Volunteer Information

All users of MCCAM equipment & facilities must fill out this form completely.
Training is mandatory in order to use equipment & facilities.

Name: _____

Address: _____

Email: _____

Home Phone: _____

Work Phone: _____

Over 16 years of age? Y N

Emergency Contact: Name _____

Phone _____

Days Available: M T W TH F S Su mornings afternoons evenings

Type of volunteer work desired:

Field Production Municipal Meeting Coverage Event Coverage Editing

Signed by: _____

Date: _____

(if under 18 Parent/Guardian must also sign)

Parent/Guardian Signature: _____

Date: _____

***** OFFICE USE ONLY (below) *****

Training Completed: _____ Field equipment (camera, lighting, mics)

_____ Portable edit suite (Apple laptop, edit software, card reader, extnl.HD)

_____ Broadcast Pix Control Room _____ Tightrope System (Cablecast & Carousel)

_____ Municipal Meeting Coverage (using BPIx) _____ MG&E (special set up)

Approved by: _____

Date: _____

Assigned ID# _____

MCCAM | DVD Request

Date of Request: _____

Requestor Information:

Name: _____

Name of Organization (if applicable): _____

Phone: _____ Email: _____

Mailing Address:

Attention (name): _____

Name of Organization: _____

Street Address: _____ Apt/Ste #: _____

City, State, Zip Code: _____

Fee is **\$25.00** per hour (1 hour minimum) to create DVD dubs.

NOTE: programs prior to May 1, 2011 may need to be converted in real time from VHS to DVD.

VHS copies of events prior to May 1, 2011 is limited

Program requested: _____

Date/location of program: _____

Payments (**Non-Refundable**) must be by check or money order and payable at the time of the request to:

MCCAM
10 Nickerson Avenue
Middleborough, MA 02346

Pick up at MCCAM office
(additional charge for shipping and handling if not picked up at the MCCAM office)

Duplication Time _____ hrs + Conversion Time (VHS to DVD) _____ hrs x # of copies ____ x \$25/hr

= Amount Due: _____

You will be notified when your DVD is ready.

MCCAM is not responsible for DVDs left over 30 days.

Public Record requests need to be submitted through the Middleborough Town Clerks office.

"This Box for Staff Use Only"

Request No. _____ Date Rec'd _____ Date Processed _____ Initials _____ Check No. _____ Amount: _____

MCCAM | Municipal DVD Request

This form must be completed by requestor prior to DVD being created.

MCCAM will make available one DVD copy (per meeting) of each respective municipal meeting that has been recorded by MCCAM to the Chairperson of the Town Board and/or Committee for said meeting. Additionally, Department Heads and Chairpersons of a Town Board and/or Committee are also eligible to request one DVD copy (per meeting) of municipal meetings, recorded by MCCAM. Requests must be submitted by the respective Chairperson or Department Head, any additional copies will be charged the public rate.

Date of Request: _____

Requestor Information:

Name: _____

Department, Board or Committee: _____

Title: _____

Phone: _____ Email: _____

Meeting requested: _____

Date of Meeting: _____

You will be notified when your DVD is ready to be picked up at the MCCAM office (Town Hall basement). Please allow a minimum of 3 business days for service.

Request Completed by: _____ date: _____

Request Received by: _____ date: _____

MCCAM | 10 Nickerson Ave. Middleborough, MA | 774.766.6350 | info@MCCAM02346.com

MCCAM | Portable Equipment Request

SUBMITTED AT LEAST Five (5) DAYS PRIOR TO PICK-UP DATE

Today's Date _____

Name _____

Project/Loc. _____

Home Phone _____

Work Phone _____

Pick-up Date/Time _____

Return Date/Time _____

Staff Approval _____

Staff Return-Check _____

THE EQUIPMENT CHECK OUT LIST

PLEASE NOTE, SUBSTITUTIONS MAYBE MADE AT THE STAFF'S DISCRETION UP UNTIL PICK UP

Camera Packages

Camera/Portapack type Sony Ref# _____ JVC Ref# _____

SONY PMW-EX1R USERS : indicate the receipt of the camera's AC Unit/Battery charger, DC Input Cable, USB cable, AV connecting cable, Component video cable, Remote Control, lens hood w/lens cap (attached to camera), and that you accept full financial responsibility for the equipment, if lost or stolen, by initialing here _____

JVC GY-HM100U USERS: indicate the receipt of the camera's AC/Battery charger Unit, Component cable, AV Cable, Power cord, USB cable, Remote Control, audio unit (attached to camera), microphone (attached to camera), and that you accept full financial responsibility for the equipment, if lost or stolen, by initialing here _____

Monitor _____ Ref# _____ Batteries _____ Ref# _____

Tripod _____ Ref# _____ Media disk(s) _____ QTY _____

Lighting

Light Kit _____ Ref# _____ Other _____ Ref# _____

Microphones

Wireless _____ Ref# _____ Hand-Held _____ Ref# _____

Boundary _____ Ref# _____ Mic stand _____ Ref# _____

Other Audio

Mixer _____ Ref# _____ Headset _____ Ref# _____

Miscellaneous:

DVD's _____ QTY _____ Extension _____ Ref# _____

Cables:

XLR to XLR _____ XLR to Mini _____ RCA to RCA _____

XLR to 1/4" _____ BNC to BNC _____ Other _____

Adapters:

XLR to 1/4" _____ XLR to Mini _____ XLR to RCA _____

BNC to RCA _____ Other _____ Other _____

Portable Edit Suite

Apple MacPro Kit _____ Ref# _____

Apple MacPro edit kit USERS : indicate the receipt of 15" Apple MacPro laptop computer # _____, USB Mouse, Apple power cord, 2TB portable hard drive # _____, hard drive power cord, SXS card reader & power cord, case for equipment (case # _____) and that you accept full financial responsibility for the equipment, if lost or stolen, by initialing here _____

The undersigned has checked the equipment and agrees that it is in working order. The undersigned assumes full responsibility for any damage to the equipment while in his/her possession. The undersigned also agrees to reimburse the Access Studio for loss of or damage to such equipment by paying for the full market value replacement cost. Negligent handling of the equipment will result in the forfeiture of future studio rights.

Signature: _____ Date: _____

MCCAM | Program Proposal

Name: _____ Date: _____

Address: _____

Home Phone: _____ Email: _____

Organization: _____

Production will be shot:

Live _____ or Taped _____

Single Program _____ or Series _____ weekly/monthly/other

Program format:

News Discussion _____ Public Service Announcement _____

Educational _____ Special Event _____

Entertainment _____ Personality Profile _____

Other (please specify) _____

Program Title: _____

Program Objectives: _____

Intended Audience: _____ Program Length: _____

Please detail production assistance required:

Have you been certified on this facility's equipment?

Yes _____ No _____ When _____

Please detail other related experience: _____

Have you received any funding for this project? If yes, please explain.

MCCAM | Coverage Commitment/Reimbursement

Please submit one form per event prior to coverage.

Submission Date: _____ ID# _____

Name: _____

Address: _____

Email: _____

Home Phone: _____ Work Phone: _____

Date of event coverage: _____

Production will be shot:

BPix ____ LIVE Y or N Field ____

Event Details: _____ Final Record Time: _____

Municipal meeting : _____

Other: _____

I understand that I will be reimbursed a \$50 stipend for the coverage of this entire event regardless of length of time required to record said event.

Signed by: _____ Date: _____

Authorized by: _____ Date: _____

Approved by: _____ Date: _____

MCCAM | Media Submission for Meetings

This form must be filled out and submitted to MCCAM with the required media in the proper format at least 2-business days prior to meeting.

Submission Date: _____ Meeting Date/Time: _____

For use at what board or committee meeting?

Name &
Business/Group: _____

Address: _____

Email: _____

Phone: _____ Work Phone: _____

Media (circle one): CD/DVD THUMBDRIVE YOUR OWN LAPTOP

(accepted file formats: JPEG, PDF, QuickTime, Microsoft Office 2010 files)

Name of file(s) to be uploaded for presentation:

Submitted DVD and/or thumb drive can be picked up after the meeting by contacting Karen Foye at MCCAM after the meeting 774-766-6350 or kfoye@MCCAM02346.com

MCCAM | Talent Release for Minors

I hereby assign to _____, the producer of _____, and to MCCAM the right to use my child's likeness, voice, name, and the titles of works performed by me during my appearance on the program _____. I hereby authorize the editing, reproduction, copyright, exhibition, broadcast, distribution, and promotion of said program by MCCAM without limitation.

I understand that neither I nor my child will receive payment for my participation in this production, and I hereby release the above-named producer and MCCAM from any claims for remuneration for any subsequent use of this program.

I indemnify and hold harmless the above-named producer and MCCAM against any and all claims arising out of any actions or statements my child makes or program material that I provide for the media, including, but not limited to, any claims in the nature of libel, slander, copyright infringement, invasion of privacy or publicity right, and errors of omission. I expressly release the producer and MCCAM from any privacy, defamation, or other claims I may have arising out of broadcast, exhibition, publication, or promotion of this program.

Name of minor (please print): _____ **Date:** _____

Signature of parent or guardian: _____

Address: _____

Phone: _____

Email: _____

I further agree that the representations and agreements contained in this release are extended to my child's ongoing participation in this program.

Signature: _____