

Incorporated 1669
344 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

CHARLES J. CRISTELLO
Town Manager

508-947-0928
FAX 508-946-2320

TOWN MANAGER'S REPORT
FEBRUARY 24, 2014

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

Charles J. Cristello
Town Manager



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 10, 2014

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

RE: Site Inspection of 4 Lovell Street, Assessor's Map: 49L Lot: 4893

Honorable Board,

On Friday January 31, 2014 I conducted a site inspection inside the house located at 4 Lovell Street. Also in attendance were Attorney Norman Sherman, Fire Chief Lance Benjamino, and Captain Carl Reed.

The basement contains an empty 375 gallon oil tank, an old roller type washing machine, along with miscellaneous household debris none of which are of a combustible nature. *1 The foundation is fieldstone base with the top 2.5 feet consisting of a double wide brick wall. The exterior face of the brick foundation has loose bricks and spots where the brick are falling outward, but the interior side as seen from the basement is fine.*2 All first floor joist show no signs of structural damage.*3

The first floor has two sets of stairs front and rear that lead to the second floor, both of which are in good condition. All the walls on the first floor still have the original plaster attached. *4, 5, 6 The only structural damage noted on the first floor is the bay window bump out on the west side of the building. Here the wall about 6 feet long has water damage from a previous roof leak.*7 The first floor is clear of any debris.

The second floor has all of the original plaster still attached to the walls with the exception of a 6 foot section of wall that has water damage.*8 This wall is located on the west side above the one on the first floor. There is a section of the second floor in front of this wall that has structural damage approximately 6 square feet*9. New plywood

was secured on the floor in this area. The owner will install a wall on the first floor to support this section, when they remove the bay window. The plaster on the ceiling has fallen of in several places through which you can view the roof structure. A portion of the roof structure was replaced, this was the cause for the damage in the areas of the house noted above. The roof framing and sheathing show no signs of any structural damage.*10

The exterior has two (2) small holes that will be closed.*11, 12 The siding and trim is in overall good condition. All windows and doors are secured.* 13, 14, 15,16,17,18 The bay window on the west side of the building will be removed. * 19 In conclusion this house is secure and presents no danger to the passing public, and is in compliance with MGL chapter 143. There were no signs of any wildlife present this day.

I spoke with Attorney Sherman today and discussed the concerns of the neighbors. When the weather permits he will have the brush cleared and all leaves and debris removed. He will have the trees checked and will be performing the repairs as listed above.

Respectfully submitted,



Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

Cc: Chief Lance Benjamino
Charles Cristello, Town Manager ✓
Attorney Norman Sherman

*See attached

COPY

DECAS, MURRAY & DECAS

ATTORNEYS AT LAW

132 NORTH MAIN STREET • MIDDLEBORO • MASSACHUSETTS 02346 • (508) 947-4433

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

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

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

HAND DELIVER

January 28, 2014

Robert S. Creedon, Jr., Clerk
Plymouth Superior Court
72 Belmont Street
Brockton, MA 02301

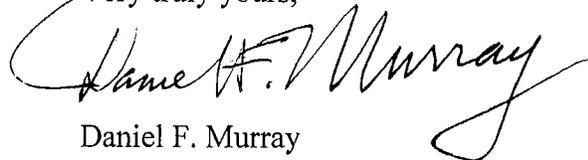
RE: Whalen et al v. Tracey et al, Docket No. 2012-01426

Dear Mr. Creedon:

I enclose a complaint for contempt with respect to a preliminary injunction which was entered in the referenced case.

Please file and present to the court for issuance of a summons.

Very truly yours,



Daniel F. Murray

DFM/k
Encl.

cc: Robert J. Whalen, Building Commissioner
Charles J. Cristello, Town Manager

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS:

SUPERIOR COURT
No. 2012-01426

_____)
ROBERT J. WHALEN, Town of)
Middleborough Building Commissioner,)
and the TOWN OF MIDDLEBOROUGH,)
Plaintiffs)
)
v.)
)
SHAWN M. TRACEY and)
JUDI-ANN M. TRACEY,)
Defendants)
_____)

CIVIL CONTEMPT PROCEEDING
COMPLAINT

1. Plaintiff Robert J. Whalen is an individual person, resides in Middleborough, Plymouth County, Massachusetts and is the Building Commissioner for plaintiff Town of Middleborough, a Massachusetts municipal corporation with a regular place of business in Plymouth County, Massachusetts.

2. Defendant Shawn M. Tracey is an individual residing in Middleborough, Massachusetts.

3. Defendant Judi-Ann M. Tracey is an individual residing in Middleborough, Massachusetts.

4. This court (Christopher J. Muse) issued a preliminary injunction (the "preliminary injunction") pursuant to an order dated January 15, 2013. A copy of the preliminary injunction is attached hereto as Exhibit A. The preliminary injunction entered on January 15, 2013. The preliminary injunction inter alia ordered the defendant Shawn M. Tracey to remove forthwith from the property at 84 River Street and from Auburn Street all partially dissembled (sic) motor

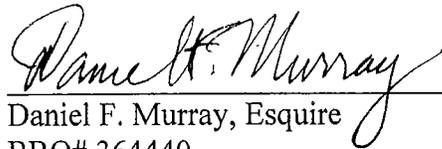
vehicles and trailers and all motor vehicle parts and trailer parts including tires and wheels and any other motor vehicle parts and/or trailer parts and components.

5. Defendant Shawn M. Tracey violated and is in violation of the preliminary injunction in that he has failed to remove from the property at 84 River Street and from Auburn Street all partially dissembled (sic) motor vehicles and trailers and all motor vehicle parts and trailers parts including tires and wheels and other motor vehicle parts and/or trailer parts and components.

6. Attached is the affidavit of plaintiff Robert J. Whalen marked Exhibit B. The facts stated in the affidavit are incorporated herein and are the facts on which this contempt complaint is based.

WHEREFORE plaintiffs demand that a summons issue directing the parties to appear before the Court, that the Court schedule a trial on the merits and that the Court take such further action and grant such further relief as is reasonable and proper.

PLAINTIFFS
By their Attorney,



Daniel F. Murray, Esquire
BBO# 364440
P.O. Box 201
Middleboro, MA 02346
(508) 947-4433

Email: decasmurraydecas@yahoo.com

DATED: January 28, 2014

Exhibit "A" 9

Commonwealth of Massachusetts
County of Plymouth
The Superior Court

(SEAL)

CIVIL DOCKET# PLCV2012-01426

RE: Whalen, Building Commissioner of the Town of Middleborough et al v Tracey et al

TO: Daniel F Murray, Esquire
Decas Murray & Decas
132 North Main Street
PO Box 201
Middleboro, MA 02346

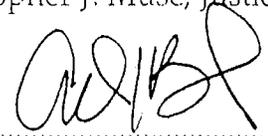
PRELIMINARY INJUNCTION

This action came on to be heard before the Court upon the return of an Order of Notice to show cause why the application for a preliminary injunction should not be granted, and was argued by counsel; and upon consideration thereof,

It is ORDERED and ADJUDGED that until further order of the Court, the application under prayers A, B, C and D of the complaint is hereby granted; and the defendants, Shawn M. Tracey and Judi-Ann M. Tracey its agents, servants, attorneys and deputies are ENJOINED AND RESTRAINED: Defendant Shawn M. Tracey to cease forthwith taking apart motor vehicles and trailers at the property at 84 River Street and at Auburn Street. Order defendant Shawn M. Tracey to remove forthwith from the property at 84 River Street and from Auburn Street all partially dissembled motor vehicles and trailers and all motor vehicle parts and trailer parts including tires and wheels and any other motor vehicle parts and/or trailer parts and components. Order that defendants Shawn M. Tracey and Judi-Ann Tracey not allow or permit anyone to take apart motor vehicles and/or trailers at the 84 River Street property and/or Auburn Street. Order the defendants Shawn M. Tracey and Judi-Ann Tracey to cease operation of a kennel at the 84 River Street property for more than five (5) dogs which are three (3) months old or older and to remove from the property all dogs in excess of five (5) which are three (3) months old or older. The defendants are granted 90 days to comply with said injunction

Dated at Plymouth, Massachusetts this 15th day of January, 2013.

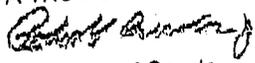
Christopher J. Muse, Justice



BY:.....

Assistant Clerk

A TRUE COPY ATTEST



Clerk of Courts

4/5cc.DM

EXHIBIT B

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS:

SUPERIOR COURT

No. 2012-01426

_____)
ROBERT J. WHALEN, Town of)
Middleborough Building Commissioner,)
and the TOWN OF MIDDLEBOROUGH,)
Plaintiffs)
)
v.)
)
SHAWN M. TRACEY and)
JUDI-ANN M. TRACEY,)
Defendants)
_____)

AFFIDAVIT OF
ROBERT J. WHALEN

I, Robert J. Whalen, being duly sworn, depose and say:

1. I am a plaintiff in the within action. I reside in Middleborough, Plymouth County, Massachusetts, and I am Building Commissioner of the Town of Middleborough and its zoning enforcement officer.

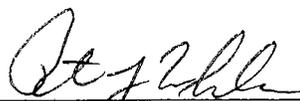
2. I am familiar with the property formerly owned and/or occupied by defendant Shawn M. Tracey and Judy-Ann M. Tracey located at 84 River Street in Middleborough, Massachusetts and the way known as Auburn Street located adjacent to the said property at 84 River Street.

3. I am aware that this Court on January 15, 2013 entered a preliminary injunction against defendants Shawn M. Tracey and Judi-Ann M. Tracey ordering and enjoining defendants to do and not to do certain things regarding the property at 84 River Street and Auburn Street. I am familiar with the terms of the preliminary injunction.

4. On Wednesday, June 26, 2013 I had occasion to visit Auburn Street. At that time I made observations of conditions on Auburn Street and on the property adjoining Auburn Street known as 84 River Street. I observed on the property at 84 River Street and on Auburn Street partially disassembled motor vehicles and trailers and various motor vehicle and trailer parts and components including tires and wheels.

5. The facts stated in this affidavit are true and correct and are based on my personal knowledge.

Signed under the penalties of perjury this 28th day of January, 2014.

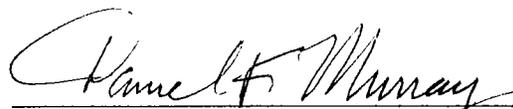


Robert J. Whalen

COMMONWEALTH OF MASSACHUSETTS

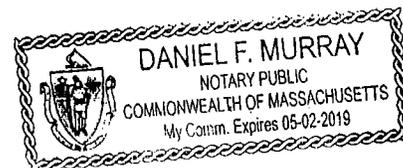
PLYMOUTH, SS:

On this 28th day of January, 2014, before me, the undersigned notary public, personally appeared Robert J. Whalen proved to me through satisfactory evidence of identification, which was personal knowledge of his identity, to be the person whose name is signed on the preceding document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



Notary Public: Daniel F. Murray

My Commission Expires: May 2, 2019



Charles Cristello

From: Christopher Peck
Sent: Tuesday, February 11, 2014 3:48 PM
To: Charles Cristello
Subject: RE: Snow Budget

Charlie,
Here is the current snow and ice deficit as of today. This includes all invoices received to date for materials, plowing of streets labor, plowing of schools labor, and DPW personnel.

Total expended- \$402,760.26
FY2014 Budget- \$205,000
Total Deficit- \$197,760.26

In case you need the number. The cost for plowing the school parking lots is \$ 15,377.80. It is included in the above figure.

Thanks,
Chris

Christopher Peck
Director of Public Works
Middleborough, MA 02346

PH: 508-946-2481
FX: 508-946-2484
cpeck@middleborough.com



From: Charles Cristello
Sent: Tuesday, February 11, 2014 10:38 AM
To: Christopher Peck
Subject: RE: Snow Budget

Thanks

From: Christopher Peck
Sent: Tuesday, February 11, 2014 10:34 AM
To: Charles Cristello
Subject: RE: Snow Budget

We are processing the contractor bills from last week's storm today. I will have an up to date number for you this afternoon.

Christopher Peck



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

FOR IMMEDIATE RELEASE
2/6/2014

CONTACT: Meghan Kelly (ANF)
(617) 727 2040 ext. 35488

**PATRICK ADMINISTRATION ANNOUNCES \$4 MILLION IN COMMUNITY
INNOVATION CHALLENGE GRANTS FOR MUNICIPALITIES, REGIONAL
SCHOOL DISTRICTS AND PLANNING AGENCIES ACROSS MASSACHUSETTS**

BOSTON – Thursday, February 6, 2014 –Secretary of Administration and Finance Glen Shor today announced the 37 projects slated to receive funding from the \$4 million Community Innovation Challenge (CIC) grant program. Now in its third year, the Patrick Administration originally authorized the establishment of the CIC program in the Fiscal Year 2012 budget. The program incentivizes and supports regionalization and other cost saving initiatives that will change the way local governments do business to maintain service delivery and stretch every tax payer dollar as far as possible.

“The CIC program is a major component of the Patrick Administration’s commitment to provide cities and towns with the tools to effectively manage resources and provide services to their residents,” said Secretary Shor. “This program provides an opportunity for neighboring communities to build partnerships, share services and use their resources wisely.”

The project recipients represent a range of geographic and economic diversity across the Commonwealth, and include 16 Gateway Cities. This year, 206 cities and towns, representing 59 percent of all municipalities in the Commonwealth, will participate in CIC projects. In the three year history of the program, 242 cities and towns, or 69 percent of all cities and towns, have participated in at least one CIC project.

“Investing in the relationships between local governments, school districts, and regional organizations is fundamental for growth and innovation in our state,” said State Senator Stephen Brewer. “The Community Innovation Challenge grant program has provided millions of dollars to unique projects around the Commonwealth, and I look forward to seeing the positive effects that it will have on the towns and organizations in my district.”

The CIC grant program exemplifies the types of reforms the Patrick Administration has made in challenging fiscal times to make government more effective and efficient. CIC grants provide incentives, such as technical assistance, training, and other one-time or transition costs for municipal leaders to work together to pursue innovative ways to deliver critical services to taxpayers more efficiently. Ideal projects for the grant program include those with the potential for greatest impact, high levels of innovation and substantial potential cost savings for municipalities.

“We were seeking a solution that would allow us to provide a quality education to all our students while not overburdening taxpayers,” said Pam Beaudoin, Superintendent of the Machester-Essex Regional School District. “The CIC program allowed us to develop an in house program for students, realizing a savings of \$342,000 in two years while proving a quality education for our students.”

As the most rural county in Massachusetts, the member towns of the Franklin Regional Council of Governments have long recognized the value of sharing services and expenses.

“CIC grants have been a great and invaluable resource for the expansion of regionalization efforts in Franklin County,” said Linda Dunlavy, the Executive Director of the Franklin Regional Council of Governments (FRCOG). “CIC funds have enabled us to open a regional dog shelter that serves 14 towns and has housed more than 200 dogs and adopted out 40% since its opening in late 2012. CIC funds have also created a regional health district that brings efficiency, accessibility and professionalism to ten small rural towns. “

In Fiscal Year 2012, the Patrick Administration invested \$4 million into 27 unique projects. The Administration provided an additional \$2.25 million in Fiscal Year 2013 to 30 projects. Including the 37 projects receiving funding this year, the Patrick Administration has invested \$10.25 million in 95 projects over a three year period.

2014 Community Innovation Challenge Projects

EDUCATION

A Collaborative Technology Enhancement Initiative (\$158,200)

Tantasqua Regional School District (Lead); Towns of Brimfield, Brookfield, Holland, Sturbridge, and Wales

Creating an Agriculturally Based Curriculum at Hawlemont (\$130,000)

Hawlemont Regional School District

School StatNet Continuation and Expansion (\$90,000)

Cities of Somerville (Lead), Everett, Fitchburg, Lowell, Revere, and Springfield; Town of Westborough

Establishment of a Regional Technology Infrastructure for the New Essex North Shore Agricultural and Technical School District (\$125,000)

North Shore Vocational Technical School District (Lead); Essex Agricultural School District
Expanding Model Program for Students with Dyslexia (\$44,000)
Manchester-Essex Regional School District

ENVIRONMENTAL PROTECTION/ PUBLIC WORKS

Central Massachusetts Regional Stormwater Coalition (\$80,000)

Towns of Spencer (Lead), Auburn, Boylston, Charlton, Dudley, Grafton, Hardwick, Holden, Hopkinton, Leicester, Millbury, Monson, Northbridge, Northborough, North Brookfield, Oxford, Palmer, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sterling, Sturbridge, Upton, Uxbridge, Ware, Webster, West Boylston, Westborough, Wilbraham

Gateway City LED Streetlight Retrofits (\$237,000)

Metropolitan Area Planning Council (Lead); Cities of Brockton, Chicopee, Fall River, Lawrence, Lowell, Malden, and Westfield

Hamilton-Wenham Regional Department of Public Facilities and Infrastructure (\$90,000)

Towns of Wenham (Lead) and Hamilton; Hamilton-Wenham Regional School District

Regional Forestry Equipment Cooperative (\$193,675)

Central Massachusetts Regional Planning Commission (Lead); Towns of Auburn, Barre, Hubbardston, Oakham, Paxton, and Rutland

Regional Recycling of Agricultural Plastics and Fuel Pellet Bags (\$60,950)

Franklin County Solid Waste District

Merrimack Valley Stormwater Collaborative (\$145,000)

Merrimack Valley Regional Planning Commission (Lead); Cities of Amesbury, Haverhill, Lawrence, Methuen, and Newburyport; Towns of Andover, Boxford, Georgetown, Groveland, Merrimac, Newbury, North Andover, Rowley, Salisbury, and West Newbury

Multi-Board Purchasing Program/ Shared Articulation List (\$56,400)

Blackstone Valley Regional School District (Lead); Mendon-Upton Regional School District; Town of Upton

Neponset Valley Regional Stormwater Collaborative (\$130,366)

Metropolitan Area Planning Council (Lead); Towns of Canton, Dedham, Medfield, Milton, Norwood, Randolph, Sharon, Stoughton, Walpole, and Westwood

Natick- Natick Soldier Services Joint Services Project (\$11,000)

Town of Natick

Northern Middlesex Stormwater Collaborative Expansion (\$81,000)

Northern Middlesex Council of Governments (Lead); City of Lowell; Towns of Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Pepperell, Tewksbury, Tyngsborough, Westford, and Wilmington

Regionalizing Municipal Stormwater Management in Southeastern Massachusetts (\$80,000)

Towns of Mansfield (Lead), Abington, Bridgewater, Canton, East Bridgewater, Easton, Foxboro, Middleborough, North Attleboro, Norton, Plainville, Raynham, Sharon, Stoughton, West Bridgewater, and Wrentham; Cities of Brockton and Taunton

INFORMATION TECHNOLOGY

Co-Location of Appraisal System with Amherst and Pelham (\$25,000)

City of West Springfield (Lead); Towns of Amherst and Pelham

Co-Location of Financial Management Software (\$180,000)

Town of Amherst (Lead); City of Northampton

Connecting the Dots: Public Access, Cloud Accounting, and Security (\$128,000)

Town of Washington (Lead); Members of the Community Software Consortium (CSC)

Enhancement and Expansion of Commonwealth Connect (\$80,000)

Metropolitan Area Planning Council (Lead); City of Boston

Hampshire Cloud (\$105,000)

Hampshire Council of Governments (Lead); Towns of Hadley, Chesterfield, Amherst, Rowe, and Westhampton

Municipal Open Checkbook System (\$180,000)

Cities of Woburn (Lead), Chelsea, Chicopee, and Revere; Town of Brookline

Open Checkbook (\$4,800)

City of West Springfield

4-town GIS Mapping Project (\$20,000)

Towns of Franklin (Lead), Norfolk, Plainville, and Wrentham

PUBLIC HEALTH

Hampden County Shared Public Health Nurse Assistance Program (\$110,000)

Pioneer Valley Planning Commission (Lead); City of West Springfield; Towns of Blandford, East Longmeadow, Granville, Southwick, Montgomery, Palmer, and Tolland

Massachusetts Tick-Borne Disease Network (\$111,300)

Towns of Bedford (Lead), Buckland, Charlemont, Conway, Deerfield, Gill, Hawley, Heath, Leyden, Monroe, Shelburne, Acton, Bedford, Carlisle, Concord, Lincoln, Winchester, Barnstable, Brewster, Bourne, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, Sandwich, Truro, Wellfleet, Yarmouth, Nantucket

Public Health Nursing Program, Year 3 Expansion (\$47,042)

Berkshire Regional Planning Commission (Lead); City of North Adams; Towns of Adams, Alford, Becket, Clarksburg, Dalton, Egremont, Florida, Great Barrington, Hancock, Lanesborough, Mount Washington, New Marlborough, Peru, Richmond, Sandisfield, Savoy, Sheffield, Washington, West Stockbridge, Williamstown, Windsor

PUBLIC SAFETY

Cloud Based Visual Access for First Responders (\$13,604)

Pathfinder Regional Vocational Technical School District (Lead); Town of Palmer

Eastern Hampshire District Criminal Intelligence Equipment Sharing (\$18,000)

Towns of Amherst (Lead), Belchertown, and Pelham

Ensuring Quality Police Data (\$80,000)

Cities of Chelsea (Lead), Everett, and Revere

FIRE Response (\$79,557)

Franklin Regional Council of Governments (Lead); Towns of Ashfield, Charlemont, Colrain, Conway, Gill, Heath, Leverett, Leyden, New Salem, Northfield, Shutesbury, Sunderland, Warwick, and Wendell

North Quabbin Regional Animal Control Program (\$91,257)

Franklin Regional Council of Governments; Towns of Athol, Orange, Petersham, and Royalston
Northwestern District Anti-Crime Task Force Expansion (\$71,954)

Franklin Regional Council of Governments (Lead); Cities of Easthampton, Greenfield and Northampton; Towns of Athol, Amherst, Montague, Belchertown, Orange, Ware, Erving, Deerfield, and Southampton

South County Emergency Management Services (\$160,620)

Towns of Deerfield (Lead), Sunderland, and Whatley

TRANSPORTATION

Expansion of Partners and Services Provided by CrossTown Connect (\$40,000)

Towns of Acton (Lead), Boxborough, Concord, Littleton, Maynard, Stow, and Westford

MetroWest Moves Regional Complete Streets Prioritization (\$75,500)

Towns of Hudson (Lead) and Framingham; City of Marlborough

Middlesex 3 Coalition- Transportation Coordination (\$147,800)

Towns of Billerica (Lead), Burlington, Bedford, and Chelmsford; City of Lowell