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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**  
**MARCH 18, 2013**

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

Charles J. Cristello  
Town Manager

RECEIVED  
JAN 22 2013  
ATTORNEYS AT LAW  
MIDDLEBORO, MA

DECAS, MURRAY & DECAS

132 NORTH MAIN STREET • MIDDLEBORO • MASSACHUSETTS 02346 • (508) 947-7147

GEORGE C. DECAS (RETIRED)  
DANIEL F. MURRAY, ESQUIRE  
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PHONE: (508) 947-4433  
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REPLY TO POST OFFICE BOX 201  
MIDDLEBORO, MA 02346-0201  
DECASMURRAYDECAS@YAHOO.COM

January 18, 2013

Robert J. Whalen, Building Commissioner  
Middleboro Town Offices  
20 Center Street  
Middleboro, MA 02346

RE: Tracey zoning enforcement – River Street/Auburn Street

Dear Bob:

I enclose copies of a Clerk's Notice and Preliminary Injunction which the court entered in the Tracey case on 1/15/13.

The Traceys have 90 days to comply with the injunction. I think this requires compliance by April 15, 2013. Please mark to 4/15/13 to discuss with me verification that the Traceys complied with the injunction.

Very truly yours,



Daniel F. Murray  
Town Counsel

DFM/s  
12-121  
Enclosures

cc: Jayson Tracy, Animal Control Officer  
Charles J. Cristello, Town Manager

Commonwealth of Massachusetts  
County of Plymouth  
The Superior Court

Civil Docket PLCV2012-01426A

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

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on **01/15/2013**:

*RE: Complaint & civil action cover sheet filed (check in the amt. of \$275.00 rec'd. Track and 2 Summons and Order of Notices given in hand,)*

is as follows:

**Complaint (P#1) After hearing, all parties present, the court orders and issues the preliminary injunction prayed for in A, B, C and D. The defendants are granted 90 days to comply with said injunction (Christopher J. Muse, Justice). Dated 1/10/2013. Notices mailed 1/15/2013**

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

Robert S. Creedon, Jr.,  
Clerk of the Courts

BY:

David M. Biggs  
Assistant Clerk

Telephone: (508) 583-8250 ext. 305

Copies mailed 01/15/2013

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

u/scc:DM

A TRUE COPY ATTEST  
*[Signature]*  
Clerk of Courts

BY: *[Signature]*  
Assistant Clerk

MEMORANDUM

To: Board of Selectmen  
From: Caroline R. LaCroix, Ast. to the Town Manager  
Re: Town Hall Approvals  
Date: March 14, 2013

Please be advised of the following approval:

Town Hall Parking Lot -  
South Shore Recycling Cooperative for Household Hazardous Waste Collection Day- June 22  
from 9 a.m. – 1 p.m. in the town hall parking lot.