

NEW BUSINESS

3-7-11



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

March 7, 2011

United States Environmental Protection Agency
New England Region 1
5 Post Office Square Suite 100
Boston, MA 02100
Attn: Thelma Murphy

Re: Comments on Draft Stormwater Permit-NPDES Permit

Dear Regional Administrator Spaulding,

The Middleborough Board of Selectmen hereby submits the following comments on the Draft South Coastal Watershed Small Municipal Separate Storm Sewer System (MS4) General Permits.

Strict stormwater standards are placing a financial burden on cities and towns at a time when local budgets are already stretched to the limit. The MS4 program is certainly one of the most burdensome unfunded mandates imposed by the federal government on localities. The EPA's estimate is that MS4 communities can expect to spend up to \$60 per capita each year to implement stormwater programs in their communities. In Middleborough that cost would be over \$1 million. The federal government must provide funding opportunities to assist local governments as they struggle to implement the requirements associated with this program. The new draft of the South Coastal Watersheds Small Municipal Separate Storm Sewer System (MS4) General Permit would require communities to institute more advanced stormwater testing, monitoring and management programs, yet is completely silent on the additional costs to communities.

The proposed permit is clearly written in a one-size-fits-all format and provides little or no flexibility. It does not reflect the diversity among the MS4 communities. Each of these communities has taken various steps to successfully comply with the original five-year permit. The steps implemented during the original permit period differ from community to community and with varying intensities. The proposed MS4 permit takes none of this into account and leaves no flexibility in its level of compliance.

One of the provisions in the 2003 general permit was the ability for cities and town to tailor the BMPs to achieve the maximum benefit utilizing available financial resources and manpower. In this draft permit, there is considerably less flexibility. For instance, the requirements to sweep all streets and sidewalks twice a year would force communities to more than double their street-sweeping budgets. Urban communities may sweep many times a year, while suburban communities with swales, no sidewalks and no box storm drains may not sweep at all. Few communities currently have the financial resources or equipment to sweep their sidewalks even once a year.

The requirement to maintain catch basins at no more than 50 percent full means that communities will end up significantly reducing the existing storage capacity in every catch basin. Limited staff will be required to document the amount in each catch basin when their time could be better spent cleaning catch basins, thus the paperwork and documentation requirements will likely decrease the catch basin cleaning frequency. Again, the new regulatory approach would result in a higher cost to perform this function.

The requirement to perform dry weather and wet weather sampling of all outfalls is especially burdensome. Timing the grab samples during wet weather will be difficult, costly and nearly impossible to schedule to obtain proper samples that are representative of the first flush of runoff. The EPA must streamline the requirements by allowing communities to prioritize catchment samplings or substitute end-of-pipe sampling with strategic in-stream sampling, which is more effective and efficient. The cost to monitor and sample all outfalls is extraordinary and would place a severe financial burden on our cities and towns.

Another concern is the aggressive schedule that the EPA proposes for implementation of the program. Giving permittees only 90 days to file their Notice of Intent after their permit is finalized, and dictating that within 120 days from the NOI the formal Stormwater Management Program must be complete, is unrealistic. Communities would be forced to hire expensive environmental consultants for assistance to complete numerous elements of the program because of lack of staff and technical expertise from years of both state and federal cutbacks in grant funding and local aid. Hiring these consultants would require compliance with statutory procurement requirements and can be extremely time consuming. The initial five-year permit requirements were accomplished in-house. This is no longer possible, and communities will now be forced to cut other services or raise taxes to pay for these new requirements.

These are just a few examples of the significant problems with the proposed MS4 permits. As noted above, the requirements under the proposed permit are well beyond the normal operating budgets of our cities and towns. In short, we express our deep and serious concerns regarding these costly new permit requirements and can testify that these requirements would certainly divert scarce resources away from core essential services

United States Environmental Protection Agency

March 4, 2011

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necessary for the protection of public health and safety and the education of our schoolchildren. The costs of the operational, structural and staffing changes necessary to monitor and meet the requirements of the permit would have a severe financial impact on communities across the Commonwealth.

For these reasons, we ask you to defer action on the submission of NOIs until municipalities have had an opportunity to engage the regulatory agencies in an open dialogue regarding permit requirements. We urge the EPA to amend your approach to incorporate goals that are more realistically attainable and within the financial constraints of the current economic climate, or to wait until adequate federal funding is available to ensure that these requirements do not translate into a harmful unfunded mandate on cities, towns and taxpayers.

Sincerely,

TOWN OF MIDDLEBOROUGH
BOARD OF SELECTMEN

Marsha L. Brunelle, Chairman

Alfred P. Rullo, Jr., Vice Chairman

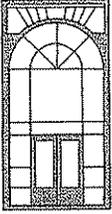
Muriel C. Duphily

Stephen J. McKinnon

Steven P. Spataro

c: Senator John Kerry
Senator Scott Brown
Congressman Barney Frank
Andrew Bagas, DPW Director
Conservation Commission

Window
to the World



Middleborough Public Library
102 North Main St., Middleborough, MA 02346

Danielle M. Bowker
Director

February 28, 2011

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

Dear Honorable Board,

This letter is a request by the Library Board of Trustees to reappoint James Okolita and William Petrillo to the Board for another three year term. Each of their terms will expire at the end of March 2011.

In addition, the Trustees offer the name of Mr. John Knowlton of 84 Pearl St. for appointment to the Board of Trustees for the three year term to end in March of 2014. He will fill the seat that had been held by Ms Susan Callan who chose not to seek re-appointment.

It would be appreciated if you would take action on this matter at your March 7 meeting.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Bowker".

Danielle Bowker
Library Director

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION February 18, 2011

ORGANIZATION/INDIVIDUAL Miss Massachusetts Scholarship Pageant

ADDRESS 170 No Washington St, No. Attleboro, MA 02760

TEL # 508-345-5848

CO-APPLICANT (BARTENDING SERVICE) _____

OWNER NAME _____

ADDRESS _____

CITY, STATE, ZIP _____ TEL. # _____

DATE(S) OF EVENT April 17, 2011 APPROXIMATE NUMBER OF PARTICIPANTS 100

(ATTACH SEPARATE SHEET IF NECESSARY)

TIME OF DAY(S) REQUIRED 10 Am-TO_ 7:00 PM

Be sure to include any set-up or dismantling day(s)/time requirements.

BRIEFLY DESCRIBE TYPE OF ACTIVITY Scholarship Pageant

ASSIGNED SPACE _____ MEETING ROOM GRAND BALLROOM GROUNDS If using grounds, will building access be required for sanitary facilities? _____

*Note -- There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? NO . Licensing fee of \$ _____ plus \$100.00 required at time of application. This will be refunded if license denied prior to event or activity.

Food will be served _____ Name of Caterer _____ Telephone # _____

***If food is to be served, please contact the Health Department for the appropriate permits.**

We expect to bring in the following additional equipment/furnishings _____

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$500.00 Check # _____ (must be tendered with application and will be returned within two-weeks if no damage to building, grounds or equipment has been reported).

Rental Cost _____ One-day alcoholic beverage license fee _____ Personnel Cost _____ Total Cost _____

Name of Designated Town Official volunteering to perform security service _____

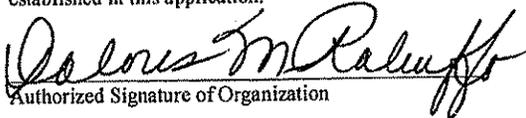
Signature of Volunteer _____

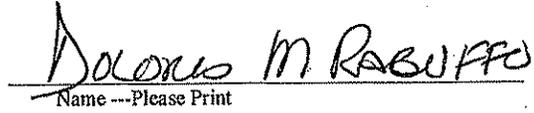
Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____

I/we _____ hereby acknowledge return of our \$500.00 bond payment.

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL

By signing below I/we acknowledge receipt of a copy of the rules and regulations and agree to abide by them and any other conditions established in this application.

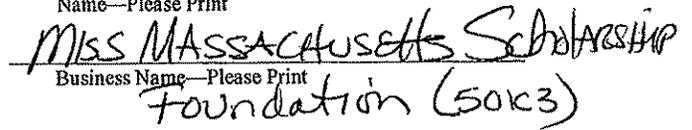

Authorized Signature of Organization


Name ---Please Print

Individual Signature

Name---Please Print

Signature of Owner -- Co-Applicant (Bartending Service)


Business Name---Please Print

Original to be kept with security bond/deposit in the Selectmen's office. Two copies given to applicant (one for your records and the other given to the custodian/security personnel in charge of the event/activity.)



CERTIFICATE OF LIABILITY INSURANCE

OP ID: MM

DATE (MM/DD/YYYY)

03/01/11

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Gallaher Insurance Group P.O. Box 798 Mexico, MO 65265-0798 John A. Gallaher		573-581-8330 573-581-8372	CONTACT NAME: PHONE (A/C, No. Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: MISSA-1	FAX (A/C, No): INSURER(S) AFFORDING COVERAGE NAIC #
INSURED Miss America State & Local Pag c/o Robert Arnhyrn 5173 Waring Road San Diego, CA 92120	INSURER A: Philadelphia Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:		18058	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

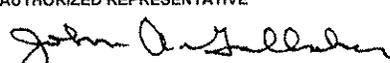
INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	X		PHPK663594	01/15/11	01/15/12	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	\$ 1,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE	\$ 3,000,000
	AUTOMOBILE LIABILITY						PRODUCTS - COMP/OP AGG	\$ 3,000,000
	<input type="checkbox"/> ANY AUTO						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> NON-OWNED AUTOS							\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	<input type="checkbox"/> EXCESS LIAB						AGGREGATE	\$
	<input type="checkbox"/> CLAIMS-MADE							\$
	DEDUCTIBLE							\$
	RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATU-TORY LIMITS	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Equipment Floater			PHPK663594	01/15/11	01/15/12	Limits	100,000
							Deductible	1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, If more space is required)

Miss Baystate Pageant

The landlord and/or lessee is included as an additional insured with respect to occurrences taking place at the pageant site for the dates: April 17, 2011.

CERTIFICATE HOLDER**CANCELLATION**

MIDDLE-2 Middleborrow Town Hall 10 Nickerson Ave Middleborrow, MA 02346	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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