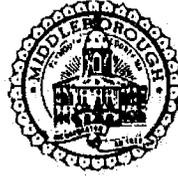


HEARINGS, MEETINGS, LICENSES

4-14-14



ANNUAL TOWN MEETING WARRANT

Middleborough, Massachusetts

To Bruce Gates, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School**, on **Tuesday, May 27, 2014, at 7:30 P.M.**, to act on the following articles:

ARTICLE 1. To hear the report of any committee or officer of the Town, to appoint any committee, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum of money by taxation or from available funds in the treasury to defray expenses of the Town for the fiscal year beginning on July 1, 2014, relating to all or any of its officers, boards or departments and for purposes authorized by law, or act anything thereon.

ARTICLE 3. To see if the Town will vote to transfer from the income from the sales of gas and electricity a sum of money to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2015, or act anything thereon.

ARTICLE 4. To see if the Town will vote pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, to authorize and/or reauthorize establishment of one or more revolving funds for the purpose of funding certain activities and operations of certain departments and programs of the Town during Fiscal Year 2015 as set forth below, or act anything thereon.

PROGRAM	EXPENDING AUTHORITY	SOURCE	AMOUNT TO BE EXPENDED
Municipal Fire Alarm System	Fire Chief	Fees	Not to exceed \$15,000
Hazardous Materials Incident Training & Materials	Fire Chief	Fees	Not to exceed \$50,000
Recycling Program	Public Works Sup.	Fees	Not to exceed \$2,500
Composting Bin Program	Public Works Sup.	Fees	Not to exceed \$2,500
Herring Fishery Program	Herring Fishery Com	Fees	Not to exceed \$10,000
Recreation and Sports Program	Park Commission	Fees	Not to exceed \$100,000
Zoning Map, Bylaws and Subdivision Rules & Regulations	Town Clerk	Fees	Not to exceed \$2,500

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund one or more collective bargaining agreements, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of \$400,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to

General Laws Chapter 29C, or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and /or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for the purpose of reimbursing Town employees and retired Town employees and other persons enrolled in the Town's non-Medicare health insurance plans for some of the increases in health insurance HMO and PPO co-payments paid by said employees and retirees and other persons in excess of the amounts of such co-payments applicable during Fiscal Year 2012, and to pay any related costs, or act anything thereon.

ARTICLE 8. To see if the Town will vote to 1) rename the Police Station Building Study Committee to the Police Station Building Committee, 2) empower and authorize said committee to do everything necessary and desirable to construct additions and renovations to the Police Station including, but not limited to, the employment of professionals and equipping and furnishing said building, 3) appropriate a sum of money for such purposes, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under General Laws, Chapter 44 or any other enabling authority and issue bonds or notes of the Town upon such terms as the Treasurer and the Board of Selectmen shall determine; provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of principal and interest on the borrowing authorized hereunder from the limitations on taxes imposed by M.G.L. Ch.59, section 21C (Proposition 2 ½), or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase new police cruisers, new portable radios, and new ATV's for the Police Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a new command vehicle, a support/tow vehicle, personnel protective equipment, and portable radios for the Fire Department, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a new mower, a new dump truck and a pick-up truck for the Public Works Department, and a new mower for the Park Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace the roof at the Council on Aging building, replace carpeting in the Town Hall, to replace voting booths, to replace the roof membrane for the Public Library and replace vehicles for the Health Department and Animal Control Department, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for various building improvements at the Elementary Schools Complex, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other

available source, or by borrowing for various building improvements at Middleborough High School, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for various building improvements at Nichols Middle School, or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase staff/classroom computers, printers, and fileservers, LCD projectors and instructional technology, computer network infrastructure, servers and related hardware and software for Town and School Departments, or act anything thereon.

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the design and construction of a water treatment plant and associated improvements for the East Main Street wells for the Water Department, or act anything thereon.

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the design and construction of a well, well pumping station and associated improvements at the Mizaras Well Site for the Water Department, or act anything thereon.

ARTICLE 19. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a two mechanized trash trucks, trash and recycling containers, equipment to modify existing vehicles and any related equipment for the Public Works Department, or act anything thereon.

ARTICLE 20. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2015, with each item to be considered a separate appropriation:

Appropriations:

From FY 2015 estimated revenues for Committee Administrative Expenses	\$13,000
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Reserves:

From FY 2015 estimated revenues for Historic Resources Reserve	\$26,000
From FY 2015 estimated revenues for Community Housing Reserve	\$26,000
From FY 2015 estimated revenues for Open Space Reserve	\$26,000
From FY 2015 estimated revenues for Budgeted Reserve	\$151,000

, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 21. To see if the Town will vote to appropriate \$20,000 from the Community Housing Resources Reserve of the Community Preservation Fund to fund a portion of the Middleborough Housing Authority's

Nemasket Apartments Window Project for the purpose of improving housing conditions for ten elderly housing units in two buildings; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 22. To see if the Town will vote to appropriate \$48,900 from the FY15 Historic Resources Reserve of the Community Preservation Fund to restore the exterior of the Barn, Woodshed and Farmhouse at the Soule Homestead property; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 23. To see if the Town will vote to appropriate \$77,184 from the FY15 Historic Resources Reserve of the Community Preservation Fund for construction of handicapped ramp and interior improvements at the Green School located at 251 East Main Street; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 24. To see if the Town will vote to amend the existing Zoning Map by deleting the existing Zoning Map in its entirety and replacing it with a new Zoning Map revised through April , 2014 on file with the Town Clerk, which new Zoning Map causes the following substantive changes:

1. Remove the former potential well site off of Tinkham Lane/Taunton Street and its 1000' Interim Wellhead Protection Area radius;
2. Remove the 1000' radius Interim Wellhead Protection Area around the "Mizaras" Well off of Plymouth Street in North Middleborough and replace it with WRPD Z1, Z2 and Z3 Zones as shown;
3. Add the Cross Street 2 Well and its WRPD Z1, Z2 and Z3 Zones as shown;

or act anything thereon.

ARTICLE 25. To see if the Town will vote to amend its Zoning By-Law as follows:

Amend Section 8.2.9 (3) WRPD Z4 – Special Permit Uses - by adding a new Subsection "a":

- a. Enlargement or alteration of existing uses and structures that do not conform to the Water Resource Protection District are prohibited, but may be allowed by Special Permit provided the enlargement or alteration does not increase the existing non-conformity or create a new non-conformity with the exception of single and two-family uses and structures. Enlargement of existing structures shall not be permitted by Special Permit if a variance from Title 5 of the State of Sanitary Code is necessary;

and designating the existing subsections, formerly "a" through "j", as "b" through "k".

or act anything thereon.

ARTICLE 26. To see if the Town will vote to accept Sheffield Road as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift the fee in the way as shown on the road layout plan, on file with the Town Clerk entitled “ .” which plan is dated , and any related easements, or act anything thereon.

ARTICLE 27. To see if the Town will vote to transfer the care, custody, management and control of the Green School property located on the southerly side of East Main Street shown as Lot 4814 on Assessors Map 042 and a parcel of land on East Main Street abutting the westerly line of the Green School property, containing 9,700 square feet more or less, being a part of Lot 4844 on Assessors Map 042 and bounded and described as follows:

Beginning at a point in the southerly sideline of East Main Street at the northwesterly corner of the Green School property; thence southerly 93.00 feet more or less in the westerly line of the Green School property to the southwest corner of the Green School property; thence turning at a right angle westerly 104.22 feet more or less to a westerly line of lot 4844; thence northerly in said westerly line of Lot 4844 a distance of 93.00 feet more or less to the southerly sideline of East Main Street; thence easterly on the southerly side line of East Main Street 104.22 feet more or less to the point of beginning, to the Board of Selectmen for general municipal uses and purposes, or act anything thereon.

ARTICLE 28. To see if the Town will vote to approve the establishment of a Stabilization Fund according to Massachusetts General Law c.71, Sec. 16 G1/2 for the Bristol-Plymouth Regional Technical School District, or act anything thereon.

ARTICLE 29. To see if the Town will vote to extend the term of the intermunicipal agreement for regional cooperation in the provision of solid waste and recycling services for the South Shore Recycling Cooperative for an additional term through June 30, 2018 and, further, to see if the Town will vote to authorize the Board of Selectmen to execute and deliver an amended intermunicipal agreement, a copy of which is on file in the office of the Town Clerk, to effect the extension of the term and other changes set forth therein; or act anything thereon.

ARTICLE 30. To see if the Town will adopt the following non-zoning wetlands bylaw:

Wetlands Administration Bylaw

Section 1. Purpose

The purpose of this bylaw is to maintain the quality of surface water, the quality and level of the groundwater table and water recharge areas for existing, or potential water supplies; to protect the public health and safety; to protect persons and property against the hazards of flood water inundation; to protect the community against the costs which may be incurred when unsuitable development occurs in wetland resource areas; and to provide for the reasonable protection and conservation of certain irreplaceable natural features, resources and amenities for the benefit and welfare of the present and future inhabitants of the Town of Middleborough.

Accordingly, this bylaw protects the wetlands, related water resources, and certain adjoining land areas in the Town by providing for prior review and control of activities deemed to have a significant or cumulative adverse effect upon wetlands values. Collectively, the wetlands values protected by this bylaw, include but are not limited to the following: protection of public and private water supply; protection of groundwater supply; flood control; erosion and sedimentation control; storm damage prevention; avoidance of water and soil pollution; protection of fisheries, wildlife habitat, rare species habitat including rare plant species; protection of agriculture and aquaculture; and recreation values, deemed important to the community. This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures to augment those of the Wetlands Protection Act, G.L. Ch. 131, §40 and Regulations thereunder, 310 CMR 10.00.

Section 2. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- (a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (b) Changing of preexisting drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Drainage, or lowering of water level or water table;
- (d) Dumping, discharging, or filing with any material which may degrade water quality;
- (e) Placing of fill, or removal of material, which would alter elevation
- (f) Driving of piles, erection, or expansion of buildings or structures of any kind;
- (g) Placing of obstructions or objects in water;
- (h) Destruction of plant life including cutting of trees;
- (i) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- (j) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or ground water;
- (k) Incremental activities that have or may have a cumulative adverse impact on the resource areas protected by this bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "existing" as used in this bylaw shall mean existing as of May 27, 2014.

"Intermittent stream": a stream shall be considered intermittent if it is observed not flowing for four consecutive days in a 12-month period and the absence of flow is not due to a period of extended drought, withdrawals, impoundments, or other man-made flow reductions or diversions.

The term "isolated land subject to flooding" shall include an area, depression, or basin that holds at minimum one-quarter acre-foot of water and at least six inches of standing water once a year. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons. The buffer zone for isolated land subject to flooding shall be 25 feet.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "pond" shall include any open body of fresh water with a surface area observed or recorded within the last ten years of at least 5,000 square feet. Ponds shall contain standing water except for periods of

extended drought. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and plant species listed as endangered, threatened or of special concern by the Massachusetts Division of Fisheries and Wildlife regardless of whether the site in which they occur has been previously identified by the Division.

The term "200-foot riverfront area" shall mean that area of land situated between a river or perennial stream's mean annual high-water line and a parallel line located two-hundred feet away, measured horizontally from the river's mean annual high-water line.

The term "river" or "perennial stream" shall mean a naturally flowing body of water that empties to any ocean, lake, or other river and which flows throughout the year. The Conservation Commission may by regulations set criteria for determining whether a particular stream or section of stream flows throughout the year.

The term "stream" shall mean any body of running water which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert or beneath a bridge. Streams may be perennial (see river) or intermittent (see intermittent stream).

The term "vernal pool" shall be defined under the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations thereunder, 310 CMR 10.00.

Except as otherwise provided in this bylaw or in regulations of the Conservation Commission the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00.

Section 3. Jurisdiction

In accordance with this purpose no person shall remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas:

Vegetated wetlands (including marshes, wet meadows, bogs, and swamps); vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; lands under water bodies; lands subject to flooding; and lands within 100 feet of any of the aforesaid resource areas;

Isolated lands subject to flooding and lands within 25 feet of isolated lands subject to flooding; or

Riverfront areas without a permit from the Conservation Commission or as is provided by this bylaw. No permit application shall be required for the maintenance of legally existing structures or landscapes within the jurisdiction defined above.

Section 4. Conditional Exceptions

The application and permit required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Conservation Commission.

The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been

ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Conservation Commission prior to commencement of work or within 24 hours after commencement; provided that the Conservation Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place approved by the Conservation Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Conservation Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Conservation Commission, the Conservation Commission may, after notice and public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

As an Agriculture Community, the Middleborough Conservation Commission accepts the Agriculture Exemptions as set forth in the Wetlands Protection Act and Regulations.

Exceptions provided in the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00, shall apply under this bylaw, unless specifically excluded by any new or revised Regulations promulgated as outlined under Section 9.

Section 5. Applications for Permits and Requests for Determination

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas and buffer zones protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Conservation Commission as specified in the bylaw regulations to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

Where this bylaw and the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00 have concurrent jurisdiction the Conservation Commission shall accept the Notice of Intent and plans filed under the Wetlands Protection Act as the permit application and plans under this bylaw for those parts of the project where precise overlap exists, provided all pertinent areas and activities subject to the jurisdiction of this bylaw and all information required by bylaw regulations are addressed.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Conservation Commission.

This fee is not refundable. The fee is in addition to that required by the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00. Town, county, state, and federal projects are exempt from the filing fee.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Conservation Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Conservation Commission.

Upon receipt of a permit application or RFD, or at any point in its deliberations, the Conservation Commission may deem it necessary to obtain expert engineering or other outside consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law. The Conservation Commission adopted the G.L. Ch 44 Section 53G for project review by outside consultants, adopted April 18, 2013.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment except when there is a pending

appeal shall be cause for the Conservation Commission to declare the application administratively incomplete and deny the permit without prejudice. The Conservation Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

Section 6. Notice and Hearings

Any person filing a permit application with the Commission shall within seven (7) days after such person is informed of the date and time of the hearing thereon, give written notice by certified mail (return receipt requested), certificate of mailing or hand delivered, to all abutters, of the project locus, at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite the property on any public or private street or way, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the application, the notice of the hearing, and the determination itself shall be sent by the person requesting a determination to the owner and will be sent registered mail (return receipt requested).

The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, not less than five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant.

The Commission shall issue its Determination of Applicability in writing within 7 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00 in instances of concurrent jurisdiction.

With the consent of the applicant the Commission shall have authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in §7. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

Section 7. Coordination with Other Boards

As appropriate, the Conservation Commission may choose to solicit the advice and opinions of other Town boards and officials in the course of its deliberations. Town boards and officials shall be entitled to file written comments and recommendations with the Commission at or before the public hearing. The Conservation Commission shall take any such comments and recommendations into account but shall not be bound by them. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

Section 8. Permits and Conditions

The Commission, after a public hearing, shall issue or deny a permit for the activities requested within 21 days of the close of the hearing. If it issues a permit, the Commission shall impose such conditions as it deems necessary or desirable to protect wetland values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values.

Lands within 100 feet of wetlands resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resource areas have a high likelihood of adverse impact upon the wetland or other resources, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and harm to wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover in part or all of the 100-foot area and set other conditions on this area, unless the applicant provides evidence deemed sufficient by the Commission that the area or part of it may be disturbed without harm to the values protected by the law.

A permit shall expire three years from the date of issuance. Any permit shall be renewed for additional one year periods if a request for renewal is received in writing by the Commission at least thirty (30) days prior to expiration of the permit, and providing the Commission finds that (1) good cause has been shown for such extension and (2) such extension will not have significant adverse effects, immediate or cumulative, upon any of the wetland values protected by this bylaw. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

The Commission shall, after receiving a written request for a Certificate of Compliance, inspect the resource area and buffer zone where any activity governed by a permit issued under this bylaw was carried out. If such activity has been completed in accordance with said permit, the Commission shall within twenty-one (21) days after such a request issue a Certificate of Compliance evidencing such determination, which may in an appropriate case be combined with a Certificate of Compliance issued under the Wetlands Protection Act. A Certificate of Compliance may specify conditions in the permit, which will continue to apply for a fixed number of years or permanently and shall apply to all owners of the land.

Violations of this bylaw, submission of false or erroneous information, or new information that substantially alters the likely impact of the project on wetlands resources or values may cause the Commission to revoke or modify a permit or determination issued under this bylaw after notice to the public, abutters, and town boards, pursuant to §5 and §6, and a public hearing.

The Commission in an appropriate case may combine the permit or determination issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00.

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds, or, if the land affected is registered land

(in the registry section of the land court for the district wherein the land lies) and until the holder of the permit certifies in writing to the Commission that the permit has been recorded. Such certification shall include the book and page or instrument number and date.

Section 9. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw, and procedures governing the amount and filing of fees.

Section 10. Security

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.

Section 11. Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas and buffer zones protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

Where the Commission deems it necessary to carry out its duties under this bylaw by entering privately owned land it shall do so with the authority of the property owner and shall be subject to the limitations imposed by the applicable federal and state laws. With the authority of the property owner or his/her designee the Commission may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary. Any person who violates a provision of this by-law shall be subject to a fine/penalty of Three Hundred Dollars (\$300.00) for each violation.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Section 12. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of credible evidence that the work proposed in the permit application will not have significant or cumulative negative effect upon the resource areas protected by this bylaw. Failure to provide evidence that in the judgment of the Commission is adequate to support this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

Section 13. Appeals

A decision of the Conservation Commission made under or pursuant to this by-law, shall be reviewable in the Superior Court in accordance with G.L. Ch. 249, §4.

Section 14. Relation to the Wetlands Protection Act

This bylaw is adopted under G.L. CH. 43B Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00, thereunder.

Section 15. Severability

The invalidity of any section or provision or phase of this bylaw shall not invalidate any other section or provision or phrase thereof, nor shall it invalidate any permit or determination which previously has been issued.

ARTICLE 31. To see if the Town will vote pursuant to Paragraph 3 of the Town of Middleborough Wastewater Policy and Plan of Sewer Service Area as adopted by the Middleborough Board of Selectmen, acting as the Water & Sewer Commissioners, by vote on March 8, 2004 to approve an extension of the sewer service area and/or a connection of a private sewer located outside of the sewer service area as requested by Cumberland Farms, Inc. which said connection is not considered a public health emergency by the Board of Selectmen. The land to be included in and serviced by the extended sewer service area is that land shown on the Town of Middleborough Assessor Map 58J, Lot 4371 and Map 58I, Lot 4265 as more particularly described in a deed recorded with the Plymouth County Registry of Deeds in Book 4831 at Page 163 and a deed recorded with said Registry in Book 26704 at Page 016. The connection to be approved is for that private sewer more particularly described in an Easement Agreement dated January 15, 1990 recorded with the Registry in Book 10127, Page 076 and shown on a plan entitled "Easements of Land in Middleboro, Mass." Dated February 22, 1988 by Storch Engineers and recorded with the Registry in Book 10127, Page 083.

By Petition

ARTICLE 32. To see if the Town will vote to authorize the Board of Selectmen to accept conveyance for the Town from the Plymouth County Commissioners of a portion of the Taunton Avenue County highway layout which is to be discontinued or altered and which contains a cross located in an island part of the layout and to accept conveyance for the Town from the Commonwealth of Massachusetts of a portion of the State highway layout for Route 28 (West Grove Street) which is to be discontinued or altered, such portion being located adjacent to the aforesaid portion of the County highway layout, to discontinue as a Town way the said portion of the State highway layout to be effective when the Commonwealth discontinues that portion as a State highway, to transfer the care, custody, management and control of said portions of the County and State highway layouts to the Board of Selectmen for the purpose of sale, and to authorize the Board of Selectmen to sell and convey the said portions of the County and State highway layouts on such terms and conditions determined by the Board, or act anything thereon.

Given, under our hands at Middleborough, this 5th day of May, 2013.

Allin Frawley, Chairman

Leilani Dalpe, Vice Chairman

John M. Knowlton

Diane Stewart

Stephen J. McKinnon
BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the **8th day of May, 2014**, that date being more than seven days before the time specified for said meeting.

BRUCE GATES
Police Chief

ARTICLE 6

Middleborough's	CSMP	Title 5	Loans
Middleborough	T5-97-1077	200,000	10/29/97
Middleborough 2nd	97-1077-A	200,000	09/08/99
Middleboro 3	97-1077-B	200,000	05/01/01
Middleboro R4	97-1077-C	200,000	06/27/02
Middleboro R5 \$1M	97-1077-D	200,000	01/21/05
Middleboro R6	T5-97-1077-E	300,000	11/16/05
Middleboro R7	T5-97-1077-F	300,000	07/11/07
Middleboro R7			
Middleboro R8	T5-97-1077-G	300,000	07/01/09
Middleboro R9 \$2.2M	T5-97-1077-H	300,000	01/06/10
Middleboro R10	T5-97-1077-I	200,000	08/10/11
Middleboro R11	T5-97-1077-J	220,000	09/05/12
Middleboro R12	T5-97-1077-K	200,000	05/01/13

\$2.8 million since 1997

ARTICLE 7

THE TOWN OF MIDDLEBOROUGH

AND

THE MIDDLEBOROUGH PUBLIC EMPLOYEE COMMITTEE

MEMORANDUM OF AGREEMENT [801 CMR 52.04(4)] TO PROVIDE HEALTH
INSURANCE THROUGH THE GROUP INSURANCE COMMISSION JULY 1, 2014.

WHEREAS, the Board of Selectmen ("Board") of the Town of Middleborough ("Town") voted to change group health insurance under the process authorized by M.G.L. c. 32B, §§ 21-23; and

WHEREAS, the Town provided its Insurance Advisory Committee with notice of its intention to change group health insurance under the process authorized by M.G.L. c. 32B, §§ 21-23; and

WHEREAS, the Town thereafter requested the formation of a Public Employee Committee ("PEC") pursuant to 801 CMR 52.02; and

WHEREAS, a PEC was formed and the Town, delivered its 801 CMR 52.03 Implementation Notice to the PEC representatives. It is attached and incorporated into this Agreement; and

WHEREAS, the negotiations period with the PEC commenced on September 17, 2013 and is set to expire on October 17, 2013; and

WHEREAS, both the Town and the PEC have engaged in negotiations in good faith and desire to enter into a mutually acceptable agreement relative to this subject matter;

NOW THEREFORE, pursuant to 801 CMR 52.04(4), the Town and the PEC agree as follows with respect to changes to the Town's group health insurance plan.

1. Purpose of Agreement: The purpose of Agreement is to implement changes in health insurance benefits by transferring subscribers to the GIC pursuant to M.G.L. c. 32B, § 23. Accordingly, the PEC agrees that the Town may transfer subscribers to the GIC pursuant to M.G.L. c. 32B, § 23. The Town will take all necessary and reasonable actions to effectuate the transfer of subscribers to the GIC effective July 1, 2014 and to maintain coverage thereafter for at least the three year period expiring June 30, 2017.
2. Implementation. As set forth in 801 CMR 52.07(1), effective July 1, 2014, the Town shall implement the transfer to the GIC as follows:
 - a. Active employees and non-Medicare eligible retirees ("subscribers to the active employee plans") will be eligible to subscribe to the active employee plans offered by the GIC. The premium splits between the Town and the employee will be those that are currently in place for the active employee plans (HMO and PPO/INDEMNITY) offered by the Town.
 - b. Medicare eligible retirees ("Medicare eligible subscribers") will be eligible to subscribe to the Medicare-eligible plans offered by the GIC. The premium splits between the Town and the employee will be those that are currently in place for the Medicare eligible plans offered by the Town.
3. Mitigation. The Town and the PEC agree that the Town will appropriate to a New Mitigation Fund the amount of \$230,299, which is 25% of the estimated savings to the Town based on a comparison of the FY 14 cost of the Town plans with the FY 14 cost of the GIC plans based on which GIC plans it is expected that most subscribers will select. The parties further agree that the actual savings will be determined by the actual enrollments in the various plans offered by the GIC after open enrollment for FY 15, but using FY 14 GIC rates, attached, to calculate the actual savings. The parties agree that there are no savings from the Medicare plans and therefore there will be no savings from the New Mitigation Fund shared with the Medicare subscribers.

Any amounts remaining in the Mitigation Fund established under the 2012 PEC Agreement will be transferred, effective July 1, 2014, into the New Mitigation Fund.

Funds from the New Mitigation Fund shall be distributed under a program established by the Town Treasurer/Collectors office in accordance with Appendix A, attached and incorporated into this Agreement. Funds will be disbursed on a quarterly basis. Reimbursement requests shall be submitted within 15 days of the end of the quarter, which shall be January 1, April 1, July 1, and October 1. However, any reimbursement request of \$300 or above shall be processed upon receipt. Reimbursement requests shall be submitted on a form developed by the Treasurer/Collector's office and shall be accompanied by an original receipt, which will be edited by the employee to prevent the disclosure of any personal information. All obligations on behalf of the Town related to the mitigation funds shall expire after the amount of savings referenced above has been expended. The final quarterly reimbursement distribution will be pro-rated according to the total amount of funds remaining and the total amount of funds submitted

for reimbursement.

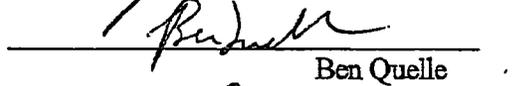
By agreement of the parties, Appendix A can be changed to reflect changes in the GIC plans.

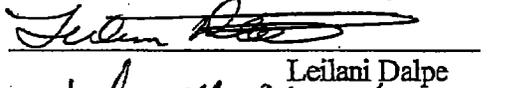
In consideration of the 2012 PEC Agreement, a Medicare Mitigation fund of \$36,100 will be established effective July 1, 2014 and will be distributed to Medicare eligible subscribers in accordance with Appendix B or as otherwise determined by agreement between the Town and the Middleborough Retirees Association.

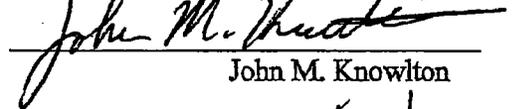
4. Notice to Subscribers. Eligible subscribers to the active employee plans shall be notified of the implementation of the new plan pursuant to 801 CMR 52.04(5) on or before April 1, 2014. The open enrollment period for the new plans shall be from April 9-May 7, 2014.
5. Compliance with c.32B. The parties acknowledge that with the completion of this Agreement, all the requirements of §§ 21-23 of G.L. c. 32B have been met with respect to plan design changes.
6. Binding Effect. Pursuant to 801 CMR 52.04(6), this Agreement is binding on all subscribers and their representatives.
7. Entire Agreement. This Agreement constitutes the entire agreement reached by the parties pertaining to this matter. No other agreement, oral or otherwise, will be considered to exist or to bind any of the parties. No representative of any party to this Agreement had, or has, any authority to make any representation or promise not contained in this Agreement, and each of the parties to this Agreement acknowledges that such party has not executed this Agreement in reliance upon any such representation or promise. This Agreement cannot be modified, except by a written instrument signed by all parties. The parties acknowledge that they have thoroughly read this Agreement, that they understand it, and that they are entering into it of their own free will.
8. Severability Clause. If any provision or portion of this Agreement is found to be unenforceable or unlawful, the remaining provisions or portions shall remain binding.
9. Authorization to Sign Agreement. Each signatory to this Agreement is authorized to bind the entity he/she represents. The PEC represents that it has the authorization and approval of a majority of the weighted votes of the PEC and that this Agreement is binding on all subscribers and their representatives. The Town's agreement hereto is subject to ratification by the Middleborough Board of Selectmen. Pending such ratification this agreement shall remain off-the-record.
10. Nothing in this agreement shall prevent the Town, following the date that this Agreement is signed, from instituting the processes authorized by M.G.L. c. 32B, §§ 21-23 for a plan year after Fiscal Year 2017 or from making changes to health insurance plans, including premium contribution percentages between the Town and subscribers, subject to the Town meeting any bargaining obligation under M.G.L. c. 150E.


Stephen J. McKinnon


Allin Frawley


Ben Quelle


Leilani Dalpe

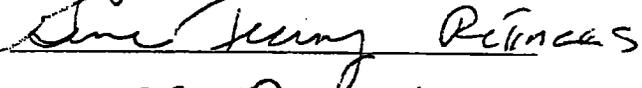

John M. Knowlton

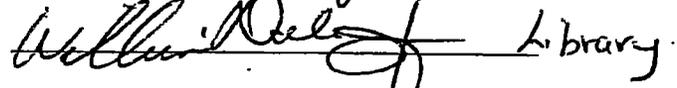
10/20/13

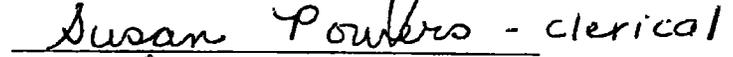

David A. Tapp, Pres. Car. Liner/Truck


Nathan J. F. Smith, Police Patrol Union

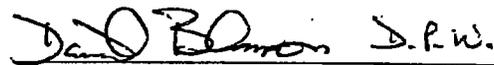

Virginia M. Maccione - AMCA

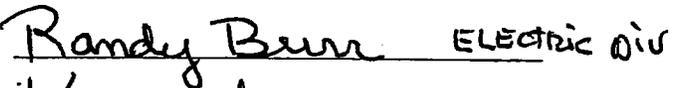

Sue Young, Retiree

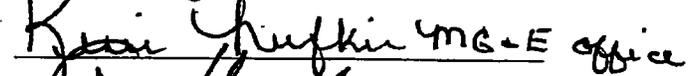

William D. Kelly, Library

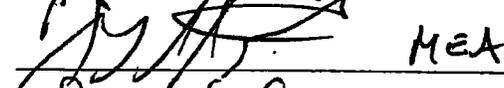

Susan Powers - clerical

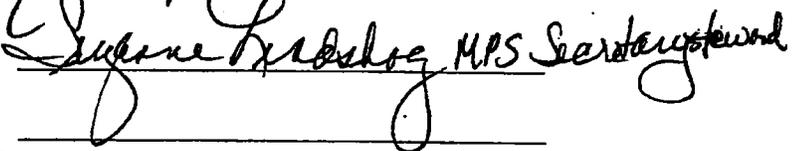

Paul Shaw CAS DIV


Dan Blum D.P.W.


Randy Burr ELECTRIC DIV


Kevin Griffin MGA-E office


J. H. H. MEA


Eugene L. ... MPS Secretary

**APPENDIX A
MITIGATION REIMBURSEMENTS FOR ACTIVE EMPLOYEE PLANS**

	Day Surgery	MRI CT PET Scans	High Cost Hospitals	Lower Cost Hospitals	Specialists	Emergency Room	Tier 3 Drugs
Co-pay effective 7/1/14	\$110.00- 150.00	\$100.00	\$500.00- 750.00	\$200.00- 300.00	\$25/35/45	\$100.00	\$110.00
Reimbursement	\$60.00- 100.00	\$75.00	\$200.00- 450.00	\$0.00- 100.00	\$5.00- 25.00	\$50.00	\$40.00
Cost to Employee	\$50.00	\$25.00	\$300.00	\$200.00-	\$20.00	\$50.00	\$70.00

**APPENDIX B
MITIGATION REIMBURSEMENTS
FOR MEDICARE PLANS**

	Tier 3 Retail Prescription	Tier 3 Mail Order Prescriptions
Co-pay effective 7/1/14	\$50.00	\$110.00
Reimbursement	\$15.00	\$40.00
Cost to Employee	\$35.00	\$70.00

MONTHLY GROUP INSURANCE COMMISSION (GIC) FULL COST RATES

Effective July 1, 2013
Full Cost Rates Including the 0.50% Administrative Fee

! For the rate you will pay as a municipal employee or retiree/survivor, see separate rate chart from your municipality.

Employee and Non-Medicare Retiree/Survivor Health Plans

HEALTH PLAN	PLAN TYPE	INDIVIDUAL	FAMILY
Fallon Community Health Plan Direct Care	HMO	\$471.78	\$1,132.26
Fallon Community Health Plan Select Care	HMO	593.45	1,424.28
Harvard Pilgrim Independence Plan	PPO	680.75	1,661.01
Harvard Pilgrim Primary Choice Plan	HMO	544.59	1,328.81
Health New England	HMO	459.40	1,138.95
NHP Care (<i>Neighborhood Health Plan</i>)	HMO	457.91	1,213.45
Tufts Health Plan Navigator	PPO	627.17	1,521.18
Tufts Health Plan Spirit	HMO-type	505.07	1,223.25
UniCare State Indemnity Plan/Basic with CIC (Comprehensive)	Indemnity	920.94	2,149.50
UniCare State Indemnity Plan/Basic without CIC (Non-Comprehensive)	Indemnity	879.28	2,052.87
UniCare State Indemnity Plan/Community Choice	PPO-type	428.78	1,029.06
UniCare State Indemnity Plan/PLUS	PPO-type	624.55	1,490.51

Medicare Plans

Health Plan	PLAN TYPE	PER PERSON
Fallon Senior Plan*	Medicare (HMO)	\$274.86
Harvard Pilgrim Medicare Enhance	Medicare (Indemnity)	395.19
Health New England MedPlus	Medicare (HMO)	363.49
Tufts Health Plan Medicare Complement	Medicare (HMO)	385.92
Tufts Health Plan Medicare Preferred*	Medicare (HMO)	254.27
UniCare State Indemnity Plan/Medicare Extension (OME) with CIC (Comprehensive)	Medicare (Indemnity)	381.22
UniCare State Indemnity Plan/Medicare Extension (OME) without CIC (Non-Comprehensive)	Medicare (Indemnity)	370.28

**Benefits and rates of Fallon Senior Plan and Tufts Health Plan Medicare Preferred are subject to federal approval and*

AMORY ENGINEERS, P.C.

WATER WORKS • WATER RESOURCES • CIVIL WORKS

ARTICLE 17

25 DEPOT STREET, P.O. BOX 1768
DUXBURY, MASSACHUSETTS 02331-1768

TEL.: 781-934-0178 • FAX: 781-934-6499
WWW.AMORYENGINEERS.COM

MEMORANDUM

TO: Mr. Joseph M. Silva, Superintendent
Water Department

FROM: Richard S. Johnson, P.E.
Amory Engineers, P.C.

RE: Probable Cost Estimate – Water Treatment Plant East Main Street Wells No. 1 and No. 2

DATE: February 26, 2014

SUMMARY:

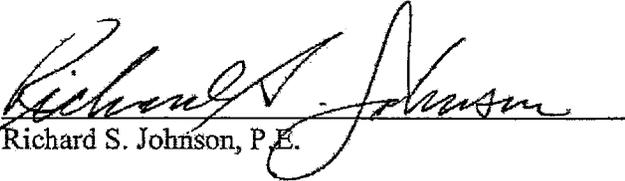
As you requested we have estimated the probable cost to construct a Water Treatment Plant to treat water from East Main Street Wells No. 1 and No. 2. Due to high levels of iron and manganese and the existing Vyredox/Vyregard treatment reaching the end of its useful life; a water treatment plant to remove iron and manganese is required. The town has piloted various treatment methods and is currently re-piloting one of the treatment methods. In addition to the Water Treatment Plant, two satellite wells, as described in past Water Department studies, will be installed to increase yield from the site.

We have based our estimate on the following general design parameters:

- Water Treatment Plant- approximately 66-ft x 52-ft; pre-engineered metal building with typical building amenities
 - Multiple rooms – water treatment/pumping equipment room, electric / controls room, laboratory and chemical feed room
 - Water treatment system for iron and manganese removal (either biological or pressure filtration)
 - Chemical feed systems (corrosion control (KOH) and disinfection (NaOCl)); SCADA equipment
 - Site improvements
 - Stand-by generator (exterior weather tight enclosure)
- Satellite Wells
 - Two gravel-pack wells, submersible pumps and interconnecting piping to Water Treatment Building

Memorandum
Mr. Joseph M. Silva
February 26, 2014
Page 2 of 2

We estimate the probable cost to be \$4,250,000 including engineering (final design and construction) and a 15% contingency. Please call me if you have any question.


Richard S. Johnson, P.E.

RSJ:rsj
cc: Mr. Charles Cristello

AMORY ENGINEERS, P.C.

WATER WORKS • WATER RESOURCES • CIVIL WORKS

25 DEPOT STREET, P.O. BOX 1768
DUXBURY, MASSACHUSETTS 02331-1768

TEL.: 781-934-0178 • FAX: 781-934-6499
WWW.AMORYENGINEERS.COM

ARTICLE 18

MEMORANDUM

TO: Mr. Joseph M. Silva, Superintendent
Water Department

FROM: Richard S. Johnson, P.E.
Amory Engineers, P.C.

RE: Probable Cost Estimate – Mizaras Well and Pumping Station

DATE: February 26, 2014

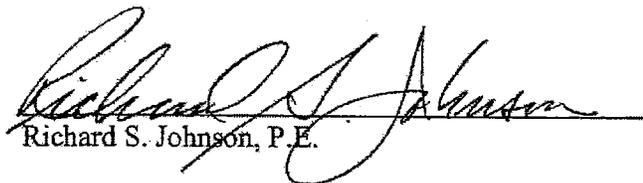
SUMMARY:

As you requested we have estimated the probable cost to construct a well supply and well pumping station at the Mizaras site. By letter of April 26, 2011 MassDEP approved the site for development of a municipal well with a pumping capacity of 457 gpm (0.658 mgd). Recently the Town purchased land to complete their ownership of Zone I (400-ft. radius around the well).

We have based our estimate on the following general design parameters:

- Gravel Pack Well - 24-in x 36-in.; 55-ft. in depth
- Well Pumping Station - 24-ft x 40-ft; brick and block construction
 - 2 rooms – pump/electric and controls and chemical feed room; concrete panel roof with membrane, typical building amenities
 - chemical feed systems -corrosion control (KOH) and disinfection (NaOCl);
 - Vertical turbine pump with VFD, SCADA
 - Stand-by generator (exterior weather tight enclosure),
- Access Road - 2,700 l.f.
 - 16-ft. access roadway (paved) with two 2-ft. gravel shoulders
 - 2,700 l.f. of 8-in watermain to Plymouth Street
 - Extension of electrical power to the site

We estimate the probable cost to be \$1,750,000, including engineering (design and construction) and a 15% contingency. Please call me if you have any question.


Richard S. Johnson, P.E.

RSJ:rsj
cc: Mr. Charles Cristello



Roseli S. Weiss, Ed.D
Superintendent of Schools

MIDDLEBOROUGH PUBLIC SCHOOLS
FLORA M. CLARK ADMINISTRATION BUILDING
30 FOREST STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346
Telephone 508-946-2000

Article 27

Kathleen C. Piatelli
Director of Business and Finance

February 6, 2014

Middleborough Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

Re: Green School

On October 3, 2013, the Middleborough School Committee voted unanimously to turn control of the Green School, located on the corner of Plympton and Wood Streets, over to the Middleborough Board of Selectmen. The School Committee regrets its inability to utilize the building and the Committee respectfully requests the Board of Selectmen accept control so that this historic building may be restored for municipal use.

Sincerely,

Handwritten signature of Richard C. Gillis in cursive.

Richard C. Gillis
School Committee Chairman

Steps to Establishing and Maintaining a Stabilization Fund pursuant to MGL Chapter 71, Section 16G1/2 (MGL attached):

- 1) A majority vote of the school committee and subsequently a majority vote of the member municipalities are required in order to establish the stabilization fund.
- 2) The stabilization fund is used to set aside money for future capital projects or for any purpose for which regional school district may borrow money.
- 3) The regional school committee may include a line item in the budget for transfers into a stabilization fund established pursuant to the limits in MGL Chapter 71, Section 16 G1/2.
- 4) The fund is limited to five percent of the aggregate amount apportioned to the member municipalities for the preceding fiscal year.
- 5) After the stabilization fund is voted and approved, the amount in the line item budget is transferred to a "Stabilization Fund" in which the treasurer of the regional school district is the custodian. Any interest earned shall be added and become part of the fund.
- 6) The stabilization fund may be appropriated by vote of two-thirds of all of the members of the regional school district school committee.
- 7) An annual report submitted to the member municipalities pursuant to clause (k) of section sixteen shall include a statement of the balance in the stabilization fund and all additions to and withdrawals from the fund during the period covered by such report.



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE XII EDUCATION

CHAPTER 71 PUBLIC SCHOOLS

Section 16G1/2 Stabilization fund

Section 16G1/2. A regional school district may, upon a majority vote of all the members of the regional district school committee and, with the approval of a majority of the local appropriating authorities of the member municipalities, establish a stabilization fund and may, in any year, include in its annual budget for deposit in the stabilization fund an amount not exceeding five per cent of the aggregate amount apportioned to the member municipalities for the preceding fiscal year or such larger amount as may be approved by the director of accounts. The aggregate amount in the fund at any time shall not exceed five per cent of the combined equalized valuations of the member municipalities. Any interest shall be added to and become a part of the fund. The annual report submitted to the member municipalities pursuant to clause (k) of section sixteen shall include a statement of the balance in the stabilization fund and all additions to and withdrawals from the fund during the period covered by such report.

The treasurer of the regional school district shall be the custodian of such fund and may deposit or invest the fund in such deposits or investments as are legal for the deposit or investment of revenue funds of the district or in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth.

The stabilization fund may be appropriated by vote of two-thirds of all of the members of the regional district school committee for any purpose for which regional school districts may borrow money or for such other district purpose as the director of accounts may approve.

This section shall also apply to any regional school district established under the provisions of a special law.

Stabilization Article Language:

To see if the Town will vote to approve the establishment of a Stabilization Fund according to Massachusetts General Law c.71, Sec. 16 G1/2 for the Bristol-Plymouth Regional Technical School District or take any other action in relation thereto.

ARTICLE 29

**SOUTH SHORE
RECYCLING
COOPERATIVE**
<http://ssrcoop.info>



320 Dover Rd.
Westwood, MA 02090
781.329-8318
fax 781.329-2097
ssrecyclingcoop@verizon.net

TO: Selectmen, Town Managers and Solid Waste Managers of all SSRC Towns
FROM: Claire Sullivan Galkowski, Executive Director
DATE: December 5, 2013
RE: Reauthorization of Intermunicipal Agreement

The second 5-year extension of the IMA for the SSRC expired June 30, 2013. Section 7 of the IMA provides that "The term hereof may be extended for an additional five year period by the affirmative vote, within the last year of the then-current term, of the town meetings or city councils of each member town which desires to extend the term hereof." To continue the SSRC, the term of the IMA must be extended.

If your member town wishes to consider this extension, then an article should be placed on the next Town Meeting warrant or Town Council agenda which reads as follows:

" Article (). To see if the Town will vote to extend the term of the intermunicipal agreement for regional cooperation in the provision of solid waste and recycling services for the South Shore Recycling Cooperative for an additional term through June 30, 2018 and, further, to see if the Town will vote to authorize the Board of Selectmen to execute and deliver an amended intermunicipal agreement, a copy of which is on file in the office of the Town Clerk, to effect the extension of the term and other changes set forth therein; or act on anything relating thereto. "

A copy of the IMA extension, and the Benefits of Membership are attached for your convenience. Detailed Annual Reports for 2002-2012 may be found here: ssrcoop.info/index.php/board-information/board-information-annual-reports.

Thank you.

Sincerely,

Claire L. Sullivan, Executive Director

EXTENSION OF INTERMUNICIPAL AGREEMENT FOR COOPERATIVE RECYCLING ON THE SOUTH SHORE

This agreement is made among the Towns of Abington, Cohasset, Duxbury, Hanover, Hanson, Hingham, Kingston, Middleboro, Norwell, Plymouth, Rockland, Scituate, Weymouth and Whitman (hereinafter the "members") under Massachusetts General Laws, Chapter 40, Section 4A, and other applicable laws.

RECITALS

Whereas the members acknowledge that there is a critical need to eliminate, mitigate and prevent the adverse environmental and public health effects associated with the collection, processing and disposal of solid waste from whatever source derived, including municipal, industrial, domestic, commercial and other sources or activities;

Whereas the members desire to maintain full local authority and control over their solid waste management and recycling activities;

Whereas the members recognize that waste reduction and recycling conserve natural resources, reduces greenhouse gas emissions from the manufacture and disposal of consumer products, reduces our reliance on landfilling and incineration of waste; and is cost-effective; and support the Commonwealth of Massachusetts' goal to minimize the disposal of material waste and maximize the diversion of recyclable materials from the waste stream;

Whereas the members desire to reduce the costs to local taxpayers for solid waste management and to conduct their local recycling programs in the most cost effective manner; therefore the members desire to work cooperatively to reduce the costs to manage solid waste in an environmentally safe manner;

Whereas the members wish to maximize their purchasing power by joining together for regional procurements relating to solid waste disposal and recycling;

Whereas the members each have the power to enter into this Agreement under applicable Massachusetts law and Town Meeting or City Council votes duly adopted;

Now therefore the members wish to work together in a cooperative effort to increase their recycling and decrease the amount of waste generated by members, mutually acknowledge the receipt of good and valuable consideration for this Agreement, consisting of the mutual promises and covenants set forth herein, and enter into this agreement to evidence that they have agreed as follows:

ARTICLES OF AGREEMENT

Article 1 South Shore Recycling Cooperative.

There is hereby established the South Shore Recycling Cooperative (hereinafter referred to as the "Cooperative"), which shall include those cities and towns as named above which have adopted this Agreement by vote of Town Meeting, Town or City Council.

Article 2. Purpose and Functions of the Cooperative.

The South Shore Recycling Cooperative is established to provide a forum of cooperative management of solid waste by members, to assist each member Town to improve the cost-effectiveness of their recycling efforts by providing economy of scale while maintaining full control over solid waste management; to assist members to improve programs to divert waste materials from the waste stream and to reduce the amount and toxicity of wastes; and to provide such assistance on an individual basis to each member Town and cooperatively in joint programs with other Towns.

Notwithstanding any provision herein, no member town shall be obligated to participate in any particular Cooperative contract, program, or procurement and each member town shall be free to establish its own contracts, programs or procurements independently of the Cooperative.

Article 3. Board of Directors.

The executive power of the Cooperative shall be vested in a Board of Directors consisting of two representatives from each member appointed for a three year term as provided by law, or by local charter or bylaw. These Board members shall serve until their successors are appointed and qualified. The bylaws of the Cooperative shall provide for how a member town's vote should be cast if the two representatives from the town cast opposite votes on the same motion.

Article 4. Authority and Functions of Board of Directors.

The Board of Directors is hereby authorized and directed to:

- a) Adopt and amend bylaws for the conduct of Board meetings and the regulation of its affairs, provided that such bylaws are consistent with this Agreement and any applicable special or general laws;
- b) Annually, no later than June 30 each year, elect from among its members a Chairman, Vice-Chairman, Secretary, and Treasurer;
- c) Submit a written report each year to each of the members detailing the services provided, funds received, and providing full financial disclosure;
- d) Conduct regional procurements for members;
- e) Prepare, advertise, and award regional contracts for recycling services on behalf of members;
- f) Develop and implement regional public education programs;
- g) Develop grant proposals to assist members to obtain state grants to help improve their solid waste management and recycling programs;
- h) Make recommendations and provide technical assistance to members concerning solid waste management and recycling;
- i) Recommend policies to members governing solid waste management and recycling; and

- j) Assist members to establish, where appropriate, facilities such as transfer stations, materials recycling facilities, collection centers, permanent household hazardous waste collection centers, organics management or other solid waste facilities which provide necessary solid waste or recycling services for the host municipality and for other members.

Article 5. Effective Date.

- a) This Agreement shall take effect as of July 1, 2013.
- b) Before this Agreement becomes effective or binding on a city or town, it must be approved by vote of the respective Town Meeting or City Council in accordance with G.L. c. 40, §4A.

Article 6. Annual Membership Fees

Each member Town shall pay an annual Membership Fee to the Cooperative in an amount to be determined by the Board of Directors. Failure of any member Town to make such required payment or otherwise fund the required Membership Fee to the Cooperative at the time required shall be deemed a notice of termination in accordance with Article 9(a) hereof.

Article 7. Term.

This Agreement shall be in effect for a fourth five year term through June 30, 2018. The term hereof may be extended for additional five year periods by the affirmative vote, within the last year of the then-current term, of the town meeting, town or city council of each member municipality which desires to extend the term hereof. The failure of any one or more members to vote to extend the term hereof shall not prevent the other members from extending the term and continuing the Cooperative.

Article 8. Membership.

- a) A member municipality may join the Cooperative by vote in accordance with G.L. c. 40, §4a to approve this Agreement.
- b) A non-member municipality may become a member of the Cooperative upon:
 - (i) A vote by the non-member in accordance with G.L. c. 40, §4A to approve this Agreement; and
 - (ii) An affirmative vote by a majority of the Board of Directors to accept the non-member as provided in the bylaws of the Cooperative and subject to such conditions as the Board of Directors may impose.

Article 9. Termination.

- a) Any municipality may terminate its membership as of the end of a fiscal year by vote of town meeting or city council, as the case may be, without cause provided the Board of Selectmen or City Council, as the case may be, gives notice to the other members of the intent to terminate this Agreement no later than six months prior to the date of termination.
- b) In the event of termination, the municipality terminating the Agreement shall still be obliged to provide its required membership Fee, as provided in Article 6, for the entire fiscal year during which the notice of the termination was given. Any municipality giving notice of termination later than December 31 shall be obliged to provide the required membership fee to the Cooperative for the following fiscal year. Upon such termination, a former member shall have no further rights nor claims with respect to the property, assets, or other rights of the

Cooperative but shall be responsible for liabilities and claims with respect to the period of its membership prior to such termination.

- c) Termination of this agreement by one member shall not have the effect of terminating the agreement as to the remaining members.

Article 10. Amendment

The provisions, terms and conditions of this Agreement may be modified only by written amendments to this Agreement approved by all members by vote of their respective Town Meeting, Town or City Council.

Article 11. Severability

If any clause or provision of this Agreement or its application shall be held unlawful or invalid, no other clause or provision of this Agreement shall be affected, and this Agreement shall be construed and enforced as if such unlawful or invalid clause or provision had not been contained herein.

Article 12. Assignment.

No member shall have the right to assign or otherwise transfer its rights or obligations as a member under this agreement.

Article 13. Waiver.

Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of such party's right and shall not affect the right of such party to exercise at some future time said right or rights or any other right it may have hereunder.

Article 14. Interpretations.

For purposes of this Agreement, except where the context clearly indicates otherwise, the use of the singular shall include the plural and pronouns shall include both singular and plural and shall include all genders.

Article 15. Authority to create entity

If the Board of directors shall hereafter determine, it may create an independent legal entity by creating a not-for-profit corporation or through the adoption of special legislation.

Article 16. Liability

The individual member communities of the Cooperative shall not be liable for any actions or decisions of the Cooperative, and the Cooperative shall indemnify, defend and hold harmless each member from any claim, demand, action or cause of action arising from or caused by any action or decision made by or on behalf of the Cooperative.

APPROVED AND AGREED TO:

MAYOR or CHAIRMAN, BOARD OF SELECTMEN

TOWN OF _____ DATE: _____

**SOUTH SHORE
RECYCLING
COOPERATIVE**
ssrcoop.info



320 Dover Rd.
Westwood, MA 02090
781.329.8318
ssrecyclingcoop@
verizon.net

BENEFITS OF MEMBERSHIP

2013

The South Shore Recycling Cooperative (SSRC) is a voluntary association of fourteen South Shore towns. It was established in 1998 to help member towns improve their recycling programs, and reduce the amount, toxicity and cost of disposal. Members of the SSRC are listed in the footer.

The SSRC brings working knowledge of the most efficient state-of-the-art systems available for managing municipal solid waste, access to regional vendor information and economy of scale to further reduce costs. As a cohesive regional entity with dedicated staff, the SSRC influences policy and legislation that affects its members' programs at the State level.

MATERIALS MANAGEMENT

- **Less trash:** Disposed trash tonnage in Member towns has dropped by 25 % per household since 1998, saving **\$2 million/year** in disposal and hauling costs at current rates.
- **Lower tip fees:** Working cooperatively has resulted in significantly lower disposal rates, saving our Members an additional **\$250,000/year** beginning in 2015.
- **Higher returns for recyclables:** Textiles, books, paper, metals all have value. SSRC helps its Members get the most for these commodities.
- **Household Hazardous Waste Collections :** aggressive regional pricing, administrative and on site assistance, publicity, and the ability to send residents to all twelve of our collections/year provides cost and staff time savings and convenience to member towns and their residents.
- **Compost site management:** Members have easy access to regional contracts for brush grinding, compost screening, material removal and information on best management practices.
- **Difficult to manage waste:** The Staff provides assistance with everything from medical sharps and mercury to propane tanks and paint, electronic waste, mattresses, tires, batteries, ...

TECHNICAL ASSISTANCE AND NETWORKING:

- **An on-call expert:** The Executive Director advises members on vendor and program options, contracts, pricing, grant opportunities, etc. She gathers tonnage, fee and pricing data for program and year to year comparisons. She attends most regional conferences, and shares what she learns with our members at meetings and in our monthly newsletter.
- **Networking opportunities:** Our well-attended monthly meetings feature area vendors, and provide the opportunity to discuss program details with our other solid waste managers.
- **Tours:** The SSRC arranges and hosts facility tours at outlets for many of our materials.

PUBLIC OUTREACH:

- **Website** - ssrcoop.info provides town-and material-specific recycling and hazardous waste collection information, press releases, a monthly newsletter, and links to other sites.
- **Resident Contacts** – SSRC Staff fields dozens of calls from residents each month. Distribution of 24,000 informational palm cards has increased phone and web traffic.
- **Community presentations:** SSRC Staff and its exhibit provide waste prevention information at events and in local media

ADVOCACY

- **MasDEP:** The Executive Director attends policy meetings hosted by MassDEP, provides testimony on regulations, and acts as a liaison between our Members and State organizations.
- **The State House:** The SSRC is a strong and consistent voice, working with other organizations to move cost- and resource-saving legislation forward. In addition to testifying and corresponding in support of the Updated Bottle bill and other Producer Responsibility legislation, the SSRC is actively promoting passage of its own Universal Recycling Bill, H765.



SOUTH SHORE RECYCLING COOPERATIVE

Helping our towns save money and do what's best with their waste:
Reduce, Reuse, Recycle, Compost

Keep us OUT of the Trash!

We're too GOOD for the Trash

Trashing these items costs our towns \$3 million/year!

<p>Paper and Cardboard</p>  <p>"We go in your recycling bin"</p>	<p>Containers</p>  <p>"We go in your recycling bin"</p>
<p>Leaves/Grass</p>  <p>"We can be composted in your backyard or at your town's yard waste collection"</p>	<p>Food Waste</p>  <p>"We can be composted in your backyard or through a private composting hauler"</p>
<p>Textiles</p>  <p>"We go in separate Textile-only recycling bins"</p>	<p>Plastic Bags</p>  <p>"We can go to local grocery stores for recycling"</p>

Find more information at www.ssrcoop.info 781.329.8318

Abington Cohasset Duxbury
 Hanson Mattapan Needham Heights Norwell
 Middleborough Norwell Plymouth Rockland
 Scituate Westborough Whitman



SOUTH SHORE RECYCLING COOPERATIVE

Keep us OUT of the Trash!

We're too BAD for the Trash

Find out how to safely dispose of these in your town at www.ssrcoop.info

<p>Mercury Products</p> 	<p>Toxic/Hazardous</p> <p><small>Tip: Buy the least amount of the least toxic material you need for the job. Don't use it all.</small></p> 	
<p>Electronics</p> 	<p>Medical Syringes/Lancets</p> 	
<p>Automotive Fluids</p> 	<p>Tires</p> 	
<p>Propane Tanks</p> 	<p>Automotive Batteries</p> 	<p>Re-chargeable Industrial Batteries</p> 

Get the details at www.ssrcoop.info or call 781.329.8318

Funded by grants from MassDEP and Covanta SEMASS
 Artwork donated by David White - davidwhitestoryboards.net

Article 31

**MARCUS, ERRICO,
EMMER & BROOKS, P.C.**
Attorneys At Law



Douglas A. Troyer
781.843.5000 ext. 140
dtroyer@meeb.com
admitted in: MA & ME

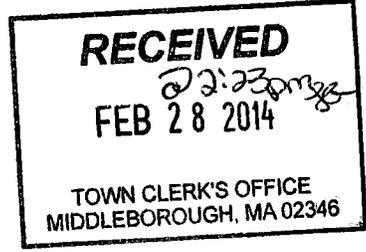
February 28, 2013

VIA HAND-DELIVERY

Board of Selectmen
Town of Middleborough
10 Nickerson Avenue
Middleborough, MA 02346

RECEIVED

FEB 28 2014
BOARD OF SELECTMEN
MIDDLEBOROUGH, MA



Re: Petition for Extension and/or Connection to Private Sewer Outside the Town of Middleborough Existing Sewer Service Area

Dear: Sir/Madam:

Please be advised that this firm represents Cumberland Farms, Inc. ("CFI") in connection with the above-referenced matter. Pursuant to M.G.L. c. 39, § 10, enclosed for filing in order to be placed on the 2014 Town Warrant please find CFI's Petition for Extension and/or Connection to Private Sewer Outside the Town of Middleborough Existing Sewer Service Area.

Should you have any questions or require any additional information, please do not hesitate to contact me directly.

Thank you for your attention to this matter.

Sincerely,

MARCUS, ERRICO, EMMER
& BROOKS, P.C.

Douglas A. Troyer

Enclosure:

cc: Cumberland Farms, Inc. (via email only)



TOWN OF MIDDLEBOROUGH

Town Clerk's Office

Bank Building, 20 Centre Street

Middleborough, Massachusetts 02346-2250

508-946-2415 phone

508-946-2308 fax

Allison J. Ferreira
Town Clerk

MEMORANDUM

TO: Board of Selectmen
Jackie Shanley, Executive Assistant to Board of Selectmen
Charles J. Cristello, Town Manager

FROM: Allison J. Ferreira, Town Clerk 

DATE: February 28, 2014

RE: *Petitioned Article for May 27, 2014 Annual Town Meeting Warrant*

I hereby certify the attached petition requesting to place an article on the Annual Town Meeting warrant, having received the required number of certified signatures to qualify.

Pursuant to Massachusetts General Laws Chapter 39, Section 10, a petitioned article to be placed on an Annual Town Meeting warrant requires only the signatures of 10 or more registered voters of the Town. (*see attached*).

Should you have any questions or concerns, please do not hesitate to contact me.

rec. Feb. 28, 2014 2:26pm
8

**PETITION FOR EXTENSION AND/OR CONNECTION TO PRIVATE SEWER
OUTSIDE THE TOWN OF MIDDLEBOROUGH EXISTING SEWER SERVICE AREA**

We, the undersigned registered voters of the Town of Middleborough herewith petition the Honorable Board of Selectmen to place the following article for extension and/or connection for private sewer outside the Town of Middleborough existing sewer service area on the warrant for the 2014 Annual Town Meeting.

To see if the Town will vote pursuant to Paragraph 3 of the Town of Middleborough Wastewater Policy and Plan of Sewer Service Area as adopted by the Middleborough Board of Selectmen, acting as the Water & Sewer Commissioners, by vote on March 8, 2004 to approve an extension of the sewer service area and/or a connection of a private sewer located outside of the sewer service area as requested by Cumberland Farms, Inc. which said connection is not considered a public health emergency by the Board of Selectmen. The land to be included in and serviced by the extended sewer service area is that land shown on the Town of Middleborough Assessor Map 58J, Lot 4371 and Map 58I, Lot 4265 as more particularly described in a deed recorded with the Plymouth County Registry of Deeds in Book 4831 at Page 163 and a deed recorded with said Registry in Book 26704 at Page 016. The connection to be approved is for that private sewer more particularly described in an Easement Agreement dated January 15, 1990 recorded with the Registry in Book 10127, Page 076 and shown on a plan entitled "Easements of Land in Middleboro, Mass." Dated February 22, 1988 by Storch Engineers and recorded with the Registry in Book 10127, Page 083.

	<u>PRINT NAME AND SIGN</u>	<u>FULL ADDRESS</u>
1.	✓ EARY McNAUGHTON <i>[Signature]</i>	30 MILLSTONE LANE
2.	✓ Andy Larson <i>[Signature]</i>	16 Homestead Road
3.	✓ Jason Tullish <i>[Signature]</i>	9 Keith St
4.	✓ JAMES MATHER	12 PARROUS ST
5.	✓ Priscilla Pooler <i>[Signature]</i>	12 Homestead Rd
6.	✓ Sandra McNaughton <i>[Signature]</i>	30 Millstone Lane
7.		
8.		
9.		

[Handwritten signatures]
Allison J. Ferraro
Virginia H. Landis
Steve M. Hines
Paula Ann P.

rec. Feb. 28, 2014 2:26pm
js

**PETITION FOR EXTENSION AND/OR CONNECTION TO PRIVATE SEWER
OUTSIDE THE TOWN OF MIDDLEBOROUGH EXISTING SEWER SERVICE AREA**

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allison f. Ferrera
Patricia H. Landis
Patricia H. Landis
Patricia H. Landis

- | | <u>PRINT NAME AND SIGN</u> | <u>FULL ADDRESS</u> |
|-----|--|---------------------|
| 1. | ✓ Kelly Burke Mumby | 4 Bonnie Way |
| 2. | ✓ Trevor Carrington Trevor Carrington | 53 Miller St. |
| 3. | N Don Sue Paul Shu | 31 Perry St |
| 4. | ✓ Herbert J. Demet | 442 Wareham St |
| 5. | ✓ Herbert J. Demet | 15 Avern St |
| 6. | N Amy Tripolone | 277 Wareham Street |
| 7. | N Jim Henault | 64 Wareham St. |
| 8. | ✓ Patricia Anderson Patru Duude | 39 SACHUM ST |
| 9. | ✓ Jim Brennan | 16 Cambridge St. |
| 10. | ✓ Samantha Hogue | 28 Sycamore Dr. |

PRINT, SIGN

ADDRESS

- 11. June Perkins 4 Mahoney Circle, Middleboro
- 12. Dyanne Deans 1 DAVID DRIVE LOT 40 MIDDLEBORO MA
- 13. ~~[Signature] 87 TISPAGUIN ST MIDDLEBORO~~
- 14. ~~Bun & Chula 286 Tispaguin St~~
- 15. ~~Katharine Gilpin Home 6th 86 Thomas St.~~
- 16. ~~Kenneth Simmons 11 RACHEES CT~~
- 17. ~~Quenard, Zestary 50 CARMA ST~~
- 18. ~~Paul & Mollie 436 WAREHAM ST~~
- 19. ~~Rosie Rosie Leite 75 PLYMOUTH ST.~~
- 20. Robert A Poskas 265 WOOD ST.
- Marilyn Pelletier 22 Wood St
- Jack & Leed 24 ACORN ST
- Laurie Hayes-Laurie 94 Ashley Lane
Hayes