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Town of Middleborough
Massachusetts

CHARLES J. CRISTELLO
Town Manager

508-947-0928
FAX 508-946-2320

TOWN MANAGER'S REPORT
APRIL 28, 2014

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

Charles J. Cristello
Town Manager

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE GOVERNOR
State House, Room 360, Boston, MA 02133
(617) 725-4005 FAX (617) 727-9725

DEVAL L. PATRICK
GOVERNOR

TEL: (617) 725-4005
FAX: (617) 727-9725
http://www.mass.gov/governor

April 1, 2014

Mr. Charles Cristello, Town Manager
Town of Middleborough
10 Nickerson Avenue
Middleborough, MA 02346

Dear Mr. Cristello:

We are pleased to inform you that the Chapter 90 local transportation aid funding for Fiscal Year 2015 will total $200 million statewide. While the $200 million is provisional based on the passage of the pending transportation bond bill, the Fiscal Year 2015 apportionment reflects a level funding from the previous fiscal year and continues to represent the highest level of funding apportioned for local transportation aid in the past decade.

This letter certifies that the **Town of Middleborough's** Chapter 90 apportionment for Fiscal Year 2015 is provisionally **$874,022**, based on the passage of the transportation bond bill. Once the transportation bond bill authorizing the Chapter 90 Program is passed into law, this apportionment is automatically incorporated in your existing 10-Year Chapter 90 contract, available on the MassDOT website **http://www.massdot.state.ma.us/chapter90**. Prior to the enactement of the transportation bond bill municiaplities may not obligate the provisional funds identified in this letter.

We look forward to working closely with your community to ensure the continuing success of the Chapter 90 program in the years to come.

Please feel free to contact Maria Conti at (857) 368-9144 or Paul Jay at (857) 368-9150 with any questions you may have regarding the Chapter 90 program.

Sincerely,

Governor

MIIA MASSACHUSETTS BASED MEMBER DRIVEN

One Winthrop Square, Boston, MA 02110
617-426-7272 or 800-882-1498
Facsimile 617-426-9546 • www.emiia.org

Great News: MIIA Board of Directors Approves a Second Award of $2.5 Million in Participation Credits for MIIA Members

April 3, 2014

Dear MIIA Member:

Once again it gives us great pleasure to announce yet another distribution of participation credits to our members!

At their recent meeting, the members of the MIIA Board of Directors approved another additional participation credit of $2.5 million. Thus, the total award for FY14 is now $5 million, and the total distribution of additional participation credits since 2009 is $22.5 million!

As you know, these participation credits are returned to members of the workers' compensation program and property & liability program for the current fiscal year. Also, these new participation credits are *in addition* to all other credits and discounts you will receive as part of your renewal pricing for July 1, 2014. Participation credits recognize the long-term loyalty and commitment of the MIIA membership. Below you will see the amount of the new participation credit granted to you by MIIA:

Town of Middleborough

Property & Casualty:	$2,713.13
Workers' Compensation:	$2,004.70

MIIA will issue credit invoices for these additional participation credit amounts along with your renewal invoices for July 1, 2014.

While continuous distribution of these credits is not guaranteed, this latest participation credit is a reflection of the MIIA Board's ongoing practice of reviewing the program's financial position on a quarterly basis. With advice from its actuaries and management, the Board determines if additional credits can be provided to the members. The MIIA Board is composed of local officials who are keenly aware of the difficult financial conditions that cities and towns face.

We at MIIA seek to embrace both the long-term financial health of the MIIA program *and* our members' need for high-quality coverage at the most affordable price. To that end, at each of its meetings, the MIIA Board reviews the pool's financial picture, looking at past and present performance to determine if additional credits can be provided. If sufficient contingency reserves are available, determined after a thorough review with MIIA's actuaries, the Board will release funds through participation credits. For most members, these credits have typically offset all or a significant portion of any increase in

premium contributions. Because losses have continued to increase in the workers' compensation area, particularly in the more recent years, we recognize these additional participation credits may not fully cover the workers' compensation rate changes, which is why the members of the MIIA Board of Directors have implemented this strategy to review our ability to maximize credits on a regular basis throughout the entire year.

The bottom line and most important point is that MIIA's costs continue to be well below commercial insurance alternatives, and the announcement of this new $2.5 million in participation credits enhances MIIA's value to you and the communities of Massachusetts!

We are extremely pleased to be able to offer these cost-saving measures and real-dollar savings. As always, your participation and commitment to MIIA is very much appreciated.

Sincerely,

Ira Singer Chairman, MIIA Town Administrator, Town of Middleton	Geoffrey Beckwith President, MIIA Executive Director, MMA	Stanley J. Corcoran Executive Vice President, MIIA

Deval L. Patrick, Governor
Richard A. Davey, Secretary & CEO
Frank DePaola, Administrator

massDOT
Massachusetts Department of Transportation
Highway Division

April 16, 2014

Mr. Charles J. Cristello
Town Manager
Town of Middleboro
10 Nickerson Avenue
Middleboro, MA 02346

Subject: MassDOT Project ID 607719 - Middleborough - Intersection improvements and related work at Everett Square

Dear Mr. Cristello:

On behalf of MassDOT, I am writing to inform you that the Highway Division's Project Review Committee has evaluated the subject project and determined that it is eligible for Federal Aid highway funding. It is the Project Review Committee's understanding that the estimated construction cost of this project is **$1,000,000**; the estimated construction cost must be fully programmed on the Transportation Improvement Program (TIP). This cost consists of the bid items, police details, construction engineering, contingencies and participating utility relocation. The proponent is responsible for costs associated with design, right of way acquisition and environmental permitting.

This eligibility determination by the Project Review Committee is not a commitment of state or federal funding to the project, nor is the decision to commit funding solely MassDOT's. The decision to program funding for this project is made by the Southeast Massachusetts Metropolitan Planning Organization (MPO) as part of their annual Transportation Improvement Program development process. The Southeast Massachusetts MPO is comprised of thirteen members, including the MassDOT Office of Transportation Planning, the Highway Division, the Southeastern Regional Transit Authority (SRTA) and the Greater Attleboro Taunton Regional Transit Authority (GATRA), the Southeast Regional Planning & Economic Development District (SRPEDD), and twenty-seven municipalities, and is the federally designated entity charged with developing transportation plans and programs for this region.

The eventual implementation of this project is also contingent on successful completion of the project design and review process, securing all necessary right-of-way, and receipt of all appropriate permits. The traffic control measures developed for this project must be prepared

District Five - 1000 County Street, Taunton, MA 02780
Tel: 508-824-6633 - Fax: 508-880-6102
www.mass.gov/massdot

consistent with 701 CMR 7.00 (Use of Road Flaggers and Police Details on Public Works Projects). The Highway Division will only advertise for construction projects that have been developed consistent with the Road Flagger and Police Detail Guidelines that are found at our website. The municipality will be responsible for funding and administering the project design (with Highway Division review and approval), securing and providing documentation for all necessary right-of-way, and for preparing and submitting all environmental permit applications. The Highway Division will be responsible for administering the environmental permitting process necessary to obtain the required permits and for overseeing the project construction.

The following sections of this letter discuss programming and project development requirements in more detail:

Programming Requirements

1. In order to be advertised for bids, all federal aid projects must be listed in the annual element, or first year, of the regional MPO's approved Transportation Improvement Program which covers four federal fiscal years. Please work with the District Office and the Southeast Regional Planning & Economic Development District, which serves as staff to the Southeast Massachusetts MPO, to discuss the appropriate programming approach for this project.

2. All projects, even though listed in the TIP, are subject to the availability of state and federal funding. Please understand that considerably more projects are eligible for federal aid in the MPO region than can be programmed in the TIP.

3. Since the TIP is financially constrained by the anticipated federal funding available each year, any request for amendments (such as a revision to the project year, total project cost, or project-funding category) should be coordinated through the MPO. It is expected, however, that the proponent will attempt to constrain project costs to available funding.

4. The MPO considers Transportation Evaluation Criteria in establishing priorities for programming TIP projects. You should consider both the Highway Division's and the MPO's evaluation in relation to other similar projects in your region to determine the level of commitment, and schedule, of your community's resources for this project. If this project has not already been evaluated by the MPO, or if you believe the evaluation needs to be updated, please contact this office and the MPO.

5. The municipality and its project designer should be aware that the total estimated construction cost, as listed in the TIP, should include an amount for contingencies, construction engineering, participating utility relocation costs (refer to Engineering Directive E-11-008) and traffic police (where appropriate under 701 CMR 7.00), and that MassDOT will include an inflationary adjustment based upon the estimated year of advertising.

Project Development Requirements

1. The municipality is responsible for the completion of the project design in accordance with the 2006 Massachusetts Highway Department Project Development and Design Guide and other relevant Highway Division standards and criteria. The Highway Division requires formal approval of design exceptions when any of the 13 controlling criteria outlined in the Project Development and Design Guide (Chapter 2 Section 11) cannot be met.

2. Providing safe and convenient walking and bicycling accommodations in all transportation projects is a goal of MassDOT. The municipality is responsible for developing this project in accordance with relevant multimodal guidance in the MassDOT Project Development Design Guide, in addition to Engineering Directive E-14-001, which introduces new controlling criteria for pedestrian and bicycle accommodation and MassDOT's Healthy Transportation Policy Directive P-13-0001.

3. If the municipality requires the services of an architect, engineer and/or surveyor, it must hire a firm that is currently pre-qualified for the appropriate type of work by the Highway Division's Architects and Engineers Review Board. Lists of pre-qualified firms are available on the Highway Division website.

4. When soliciting services from architects, engineers and/or surveyors, the Highway Division recommends that the municipality use a qualifications-based selection process. In addition, the municipality shall refer to the Municipal Project Guide for Road and Bridge Projects during the project development and consultant procurement process. This document is available on the Highway Division website.

5. Municipalities shall use the attached Standardized Scope of Work and Work Hour Estimate Form for Design Services as a template for municipal agreements with design consultants. This document is attached for your convenience, and the work hour estimate form is available in spreadsheet format on the Highway Division website. Please provide the draft design consultant work scope to the District Office for review.

6. Cost estimates shall be reviewed at major design milestones, and at least annually.

7. The municipality shall be responsible for all construction costs under two conditions:

   - When the construction costs for the contract scope exceed the total participating contract bid price by more than ten percent (10%), the City/Town shall be responsible for the amount over 110% of the total participating contract bid price unless the municipality submits sufficient documentation to MassDOT showing that the work was necessary solely due to MassDOT's construction oversight, as determined solely by MassDOT.
   - When the City/Town requests work that FHWA and/or MassDOT determine is unnecessary to complete the Project, the work shall be deemed "non-participating" and the City/Town shall pay the full cost of that work.

8. Any and all approvals made by MassDOT during the Project's design review shall not relieve the municipality's responsibilities for such errors and omissions.

9. To improve the quality of its design and construction projects, the Highway Division employs a Cost Recovery Procedure for construction extra work orders determined to be caused by designer errors. The municipality and/or its Design Consultant are responsible for addressing all Cost Recovery inquiries and for making Cost Recovery restitution payments to the Commonwealth, if determined to be warranted.

10. The municipality is responsible for securing the necessary right-of-way required to complete the project. Right-of-way guidelines and a checklist are enclosed for your reference. Please ensure that sufficient work-hours are provided in the design contract for the Design Consultant to prepare all necessary right-of-way plans and documents. Municipalities are encouraged to secure all Right of Way necessary for the accommodation, removal or relocation of utilities (refer to Engineering Directive E-11-005).

11. The municipality shall be named as the applicant on all required environmental permits. The municipality shall prepare all required environmental permit applications and submit them to the Highway Division for review. After making any edits required by the Highway Division, the municipality shall submit the permit applications to the appropriate environmental permitting entities. The Highway Division reserves the right to assume the role of permit applicant on any project it will advertise.

12. This project is subject to Early Environmental Coordination as described in the Thresholds, Timelines, and Submission Requirements that appear in Appendices 2-A-6 and 2-A-7 of the Project Development and Design Guide. These requirements must be met in order to expedite project design acceptance and regulatory clearances, and to ensure the inclusion of essential information at the 25% design stage. Submissions for this project shall include documentation of any coordination that has been completed by the municipality. The Highway Division will not initiate the 25% design submission review until the Early Environmental Coordination checklist has been submitted to the Highway Division.

13. For all roadway projects, the project designer must submit the pavement design to the Highway Division Pavement Management Section for approval. If this was not done during the project initiation phase, then the project designer shall submit a pavement design through the Highway Division Project Manager prior to the 25% design submission.

14. Prior to the beginning of preliminary survey work, the project designer shall contact the District Survey Engineer to coordinate the establishment of horizontal and vertical control points near the beginning and end of the project. All survey work must be prepared in accordance with the MassDOT Survey Manual.

15. All projects require some level of construction phase engineering services by the design engineer. The municipality is responsible for ensuring that any contracts with Design Consultants include appropriate consideration for these important services.

16. The municipality shall coordinate the design of the project with all municipal departments and with any applicable public or private utilities such as gas, electric, cable, and telephone, to determine if there are any potential utility projects that would disturb the completed roadway work. Any proposed utility construction must be completed before the project can begin. Please be aware that Highway Division policy restricts highway surface openings for a period of at least five years after the new surface is placed, except for emergencies. Justification of surface opening requires the approval of the District Highway Director. In addition, the community is responsible for obtaining any required waivers.

17. Any water and sewer work in the area will be the responsibility of the municipality and shall be completed prior to the start of project construction, unless MassDOT authorizes such work to be part of project construction.

18. All Highway Division projects must be designed and constructed in compliance with the specifications set forth in Massachusetts Architectural Access Board (AAB) regulations and the American with Disabilities Act (ADA). The municipality is responsible for securing any rights of way necessary for compliance with AAB and ADA.

19. The municipality will be required to enter into a City/Town 110% Agreement with the Highway Division, similar to the enclosed sample, when the actual construction project bid has been determined. If the municipality will not be able to comply with the terms of the agreement, it should not advance this project for advertising by the Highway Division.

Thank you for your attention to the information in this letter, and for your support of transportation system improvements in the Commonwealth of Massachusetts. If you have any questions or need additional information, please contact me or Pamela Haznar, P.E., District Project Development Engineer, at (508) 884-4239. We look forward to working with you.

Sincerely,

Mary-Joe Perry
District Highway Director

Attachments: Standardized Scope of Work and Work Hour Estimate Form for Design Services
Right-of-Way Guidelines
Sample City/Town 110% Agreement

TJK/tjk

cc: MJP
PRH
Francis DePaola, P.E., Highway Administrator
Patricia Leavenworth, P.E., Chief Engineer
Marie Rose, Director of Project Management (Electronic Mail)
Brian Pounds, MassDOT OTP
Paul Mission, SRPEDD

FINAL

GOALS 2013-2014

Attracting Businesses/Get On Tourism Map
(Selectman Dalpe)

Create Tourism Committee	January 13, 2014

Rotary Improvements/ Reach Out To Region
(Selectman Frawley)

Identify Businesses/Individuals to Support Rotary Alternative	January 13, 2013
Contact Businesses/Individuals to Call/Write MassDOT	January 27, 2013

Collaboration Among Departments/More Communication Between Boards & Committees
(Selectman Knowlton)

Develop List of Boards & Committees	January 6. 2014
Invite Boards & Committees to attend Selectmen's Meetings	January 13, 2014
Complete Meetings	December 22, 2014

Single Page Permitting Guidelines
(Selectman Knowlton)

Town Manager Meets with Department Heads	November 19, 2013
First Drafts Submitted	January 17, 2014
Final Draft for Review by Board of Selectmen	March 17, 2014
Document Completed and Distributed	March 28, 2014

Increase Recycling and Trash Pickup
(Selectman McKinnon)

Presentation by DEP Municipal Assistance Staff	January 13, 2014
Town Manager and DPW Director present draft plan	April 7, 2014
Implementation	October 15, 2014

Financial Liability of Regionalization (Retirement)
(Selectman Quelle)

Explore alternatives to the County system	January 27, 2014
Discuss Feasibility of Creating a local Retirement System	February 24, 2014

Assess Operating Costs
(Selectman Quelle)

Review Performance Contracting Study from Seimens	February 14, 2014
Present Budget Request for Energy Audit	February 28, 2014

Nemasket Flooding
(Selectman Frawley)

Continue to attend meetings of Assawompset Pond Complex	Ongoing
Work with legislators and other elected officials to fund study of alternatives	January 27, 2014

Bond Issue For Road Improvements
(Selectman McKinnon)

Complete Pavement Management Study	April 4, 2014
Develop Financing Plan	June 6, 2014

Permit Procedures

Introduction: Beginning the Process

This guide will briefly introduce you to the development and construction permitting process in Middleborough. The more research you do in the planning stage, the easier it will be to meet the Town's requirements, and also acquire State and Federal permits and approvals, which are sometimes necessary.

All permit applications are available at www.middleborough.com.

The Zoning Bylaws and zoning map are available at www.middleborough.com. Paper copies can be obtained from the Town Clerk's office.

IMPORTANT: This guide is for information only; it does not have the force of law. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In most cases you will need professional help in such areas as land survey, architecture, engineering, law and transportation planning.

How long will it take?
It depends on how many and what kinds of permits you need. Many applications can be processed simultaneously, but some, most importantly, the Building Permit, require that others be in place first. Staff can help you estimate the length of time for your permits

Departmental Responsibilities - The usual process toward obtaining a permit would involve some or all of the following departments.

Building Department
We suggest you start here because in Middleborough the Building Commissioner must issue a permit for any new or modified use of land. He or his staff will be able to advise you of the regulations that may be applicable to your project.

If zoning relief is needed, it should be sought first, so that you will be assured of being able to proceed with your project at the chosen site.

Zoning Board of Appeals
The Zoning Bylaws authorize the Zoning Board of Appeals to issue special permits for regulated uses, consider variances for proposed exceptions and hear appeals of decisions of the Building Commissioner. The zoning process will involve an advertised public hearing, (generally on Thursday evenings), and your application will, in many instances, be sent to appropriate Town boards for prior review and recommendation.

If the Conservation Commission has jurisdiction, simultaneous application to the Commission is advisable because the Zoning Board of Appeals is not authorized to act on applications for permits to work within the Flood Plain District and the Water Resources Protection until all other boards have acted on the requisite permits.

Signs - With limited exceptions, the Zoning Bylaws regulate the size, location and number of building and ground signs in all zoning districts. The Building Commissioner is authorized to issue a permit for single signs up to a certain size. To erect more or larger signs, a zoning permit is necessary from the Zoning Board of Appeals.

Board of Selectmen
The Board of Selectmen is the special permit granting authority for the four Water Resource Protection Districts, which overlay all the land and all the other zoning districts in the Town. Each district has its own use regulations and prohibited uses and serves to protect existing and potential drinking water supplies. The Board also grants earth removal permits which regulate all earth removal activities in the Town, with a few limited exceptions.

Conservation Commission
Work within 100 feet of a wetland or within the 200-foot Riverfront Area (defined in the Mass. Wetlands Protection Act, M.G.L. Ch. 131, Sec.40 and Regulations 310 CMR 10.00, and the Conservation Commissions' Policy) and work on storm drains or drainage systems, projects affecting or abutting town-owned open space, and projects affecting or including conservation restrictions, must be reviewed by the Commission. The Conservation Agent can tell you if your project falls under Conservation Commissions' jurisdiction; conservation impacts are not always apparent. All other necessary local permits must have been applied for prior to a filing with the Commission.

Planning Board
Form A – If you are a property owner and wish to divide your land to create one or more additional house lots and you have adequate street frontage for each lot as required by zoning, you will need to hire a Land Surveyor to prepare a "Form A" plan. That plan is submitted to the Planning Board for signature. All owners must sign the application with their signatures notarized. Copies of the signed plan are made by the surveyor; the original is recorded at the Plymouth County Registry of Deeds and 3 copies and proof of recording are submitted to the Planning Department. Once copies of the plan are received by the Planning Department and distributed to other Boards, including the Building Department, application for a building permit may be made. See Subdivision Rules and Regulations.

Form C - If you are a property owner and wish to divide your land to create one or more additional house lots and you do not have adequate street frontage for each lot as required by zoning, you will need to create a new road(s) to provide that frontage. Roads are created through the design and approval of a "Form C" Subdivision Plan and require that the property owner hire a Professional Engineer to prepare this plan. This is a lengthy process involving drainage and utility design, public hearings, abutters' notices etc. Public Hearings may last 3 – 6 months or longer. Once the subdivision is approved a contractor is hired to build the roadWhen the road's construction has been determined to be built in compliance with the approved plan and the Town's Subdivision Rules and Regulations and is Certified Complete by the Planning Board, the owner may petition that it be publicly accepted by the Town Until such time that a subdivision road is laid out by the Board of Selectmen and accepted at a Town Meeting, it is a private road, owned by the developer or the Lot Owners, and does not receive Town services. See Subdivision Rules and Regulations.

Retreat Lot – Middleborough allows "Retreat Lots" sometimes known as "estate" or "pork chop lots" for the purpose of creating property adequate in size so that individuals may operate small farms without paying a development price for land. A retreat lot requires only 40 feet of street frontage; however the lot must be 5 times what is normally required in each Zoning District. The Planning Board is the Special Permit Granting Authority for Retreat Lots. Once a Retreat Lot Special Permit is granted allowing only 40' of street frontage a Form A plan must be done to create the lot. It should be noted that once Retreat Lots are created they are restricted and cannot be further subdivided. See Section 7.4 of the Zoning Bylaws.

Special Permits – The Planning Board is the Special Permit Granting Authority for Adult Mobile Home Parks and the Development Opportunities and Commercial Development Districts.

The Planning Board is a commenting Board on projects proposed to other Boards and Commissions including but not limited to Zoning Board Special Permits and 40B Permits; Business District Special Permits and Sign/Site Plan Review; Water Resource Protection District Special Permits; and, Earth Removal Permits.

Historical Commission
The Historical Commission advises the Building Commissioner on the demolition of Significant Structures and may invoke a moratorium of up to 18 months on the demolition on some historic structures.

Health Department
Based on the size and proposed uses of your project, the Health Officer can explain the procedures for obtaining septic system and other permits and licenses. Use this department's records of soil tests and existing septic system locations to help determine your site's suitability for septic disposal.

Public Works Department
A permit from the DPW is required for all work within the layout of a public way owned and maintained by the Town of Middleborough. This includes the installation of utilities, driveways, and changes in drainage patterns. Certain town streets are designated scenic roads; a public hearing is held by the Planning Board to review proposed changes in trees or walls along them. The following permits can be obtained from the DPW at 48 Wareham Street:

Curb Cut Permit- required for the construction of an opening, driveway, or entrance in or on any town way

Road Opening Permit- required for any work done within the layout of a public way.

Trench Permit- required for any excavation within the layout of a public way made below the surface of the ground, narrow in relation to its length. In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.

In general, the public utility is responsible for obtaining the necessary permit for service installation. You should first contact the specific utility company.

Permits for new water service tie-ins are also issued by the DPW. Appointments for backflow survey inspections and backflow testing devices can be made through the Water Department at 48 Wareham Street.

Tie-ins to the Town's sewer system are limited to properties within the sewer district. Permits for new sewer connections are issued through the Building Department.