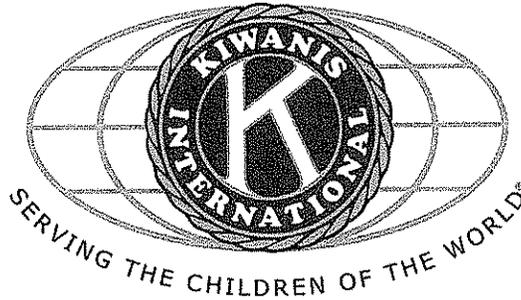


HEARINGS, MEETINGS, LICENSES
5-14-12



TO: The Middleborough Board of Selectmen

FROM: Kiwanis Club of Middleborough
Robert L. Kinney Jr. - President

RE: "Adopt a Visibility Program" for the beautification & preservation of Middleborough's
Historic Kiwanis Cross circa 1959.

DATE: May 9, 2012

The Kiwanis Club of Middleborough would like to present a preliminary plan for the beautification and preservation of the Kiwanis Cross and surrounding triangle it's located on, in front of Dave's Diner here in town. I would also like to discuss the ongoing future maintenance and up keep of this historic landmark, having been installed in this location in 1959 by the Middleborough Kiwanis Club. The current condition of the cross which has been recently vandalized and the triangle it's located on are in somewhat poor condition and will need regularly scheduled maintenance going forward for the town to continue to be proud of it.

I understand that there's an "Adopt a Visibility Program" used for highway roadside cleanup where you'll see signs posted noting a club or business is responsible for maintaining a certain stretch of the road. It would also allow an entity such as Kiwanis to take over responsibility for the maintenance and upkeep of an island or triangle such as the Kiwanis Cross is located on. That would cover the side owned by the state, more than ½ of that triangle belongs to the town, I'm seeking similar approval from the Middleborough BOS for that portion. I'm hoping to get a clear understanding of what would be acceptable and allow the BOS to guide me past any legal or other issues that might be of concern to them with this project. Before undertaking any work on that area or the cross, I would plan to present a final plan for approval of the BOS & MassDOT to be certain we would be meeting any and all necessary requirements.

Further, I hope to engage any and all interested Middleborough community service groups or other parties such as businesses located in the immediate area for their input. Jane Lopes who I believe is both the current president of the Middleborough Historical Society & Middleborough Rotary Club has been very supportive. I brought this up at the last Middleborough Knights of Columbus meeting I attended on May 8th and received a very enthusiastic response from them. I've spoken to Andy Hebner - Senior Executive for the Sachem District of Annawon Council of BSA and determined it could be a worthy Eagle Scout project for a local boy scout. I've had favorable input from Jack Healey our former town manager as well everyone else I've spoken to about it to date. I feel that a review of this preliminary plan by the BOS would allow me begin to move forward to a final proposal for your approval.

Respectfully,

Robert L. Kinney Jr. - President
Kiwanis Club of Middleborough (K02442)
344 Plymouth St., Middleboro, MA 02346
H.) 508-946-0774, B.) 508-947-4495, Cell: 508-243-0393

MARSAN & MARSAN
ATTORNEY AT LAW
45 BRISTOL DRIVE
EASTON, MASSACHUSETTS 02375

Area Code 508
238-0176
238-0230 (FAX)

gerard.marsan@comcast.net
david.marsan@comcast.net

David E. Marsan
Gerard S. Marsan

May 9, 2012

Town of Middleborough
Board of Selectmen
Alfred P. Rullo, Jr., Chairman
10 Nickerson Ave.
Middleborough, MA 02346

RE: Corey W. Farcas, Trustee, Plaintiff
v.
Middleborough Board of Selectmen, et al, Defendants
Plymouth County Superior Court Docket No. 2004-01472-A
And
Robert J. Whalen, Building Commissioner, Town of Middleborough et al, Plaintiffs
v.
Corey W. Farcas, Trustee, Edgeway Realty Trust, Defendants
Plymouth County Superior Court Docket No. 2004-01471-A
And
Middleborough Rent Board Hearing, May 2, 2011

Dear Chairman Rullo and Members of the Board:

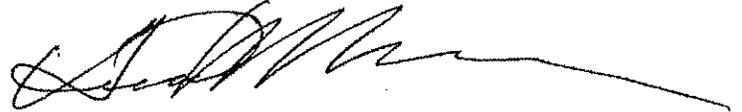
I write to you with respect to Agreements for Judgment and a Settlement Agreement ("Agreements") entered into between the parties in the three (3) matters referenced above on behalf of my client, Edgeway Realty Trust ("Edgeway") and in anticipation of my appearance before your Board on Monday May 14, 2012 at 7:30 p.m. Please accept this letter as Edgeway's formal request that its M.G.L.A. Chapter 140 Section 32B License be issued for calendar year 2012 and that your Board favorably dispose of the Rent Board case which has been continued to May 14, 2012, as provided for in the Agreements.

With respect to these two requests it is to be noted that Edgeway has completed Phase I as described within the Agreements, together with an extensive "punch list" and has filed, on or before March 15, 2012, the plan relating to Phase II. Additionally, enclosed herewith is a copy of

Edgeway's Application for the 2012 License received by the Board of Health with the \$200.00 application fee having been satisfied.

Therefore, as Edgeway has performed according to and met the requirements set forth in the Agreements, it is respectfully requested that the Board, at its meeting on May 14, 2012, grant the License and dispose of Rent Board case as required by those Agreements.

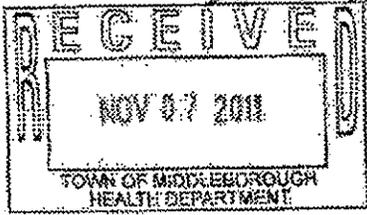
Very truly yours,
MARSAN & MARSAN

A handwritten signature in black ink, appearing to read 'Gerard S. Marsan', with a long horizontal flourish extending to the right.

Gerard S. Marsan

- c. Charles Cristello, Town Manager
- Daniel Murray, Town Counsel
- Corey W. Farcas, Trustee

W/GSM/FARCAS/06243/BOARD OF SELECTMEN



Fee: \$200.00

3-12

TOWN OF MIDDLEBOROUGH

BOARD OF HEALTH

To the Board of Health of the Town of Middleborough:

Application is hereby made for a permit to OPERATE A

TRAILER COACH PARK

Edgeway Realty Trust

Name of Applicant

Trailer Park

Type of Facility

17 Wesley Circle Middleboro MA 01546

No. Street Town Zip Code

Telephone No. 508 946 9550 Units 51

If applicant is a partnership, full name and residence of all partners:

If applicant is a corporation, full name and address of:

President _____

Treasurer _____

Clerk _____

Signature [Signature] Therese

Date 11/3/11

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS:

SUPERIOR COURT
No. PLCV 2004-01472-A

_____)
COREY W. FARCAS, Trustee,)
Plaintiff)
v.)
MIDDLEBOROUGH BOARD OF)
SELECTMEN, et al,)
Defendants)
_____)

AGREEMENT FOR JUDGMENT

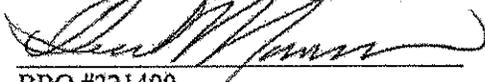
To The Clerk of the Above Named Court –

It is hereby agreed that the following entry may be made in the above entitled action:

Judgment shall enter that the defendant Middleborough Board of Selectmen shall issue a license to the plaintiff Corey W. Farcas, Trustee of Edgeway Realty Trust or its successor pursuant to the provisions of General Laws, Chapter 140, Section 32B, upon payment of the license fee, for the 2012 license year with respect to the manufactured housing community known as Edgeway Mobile Home Park when plaintiff satisfactorily completes construction/installation/performance of matters which are the subject of Part I, paragraphs 1, 2, 3, 4 and submission of a preliminary draft proposal for drainage facilities under Part I, paragraph 5 under an Agreement for Judgment in Plymouth Superior Court Case No. 2004-01471-A.

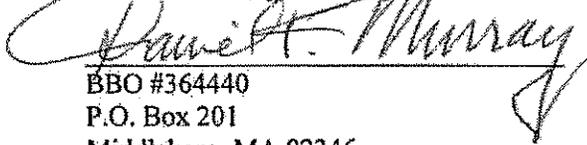
Costs are waived. Appeals are waived.

Gerard S. Marsan, Attorney for Plaintiff



BBO #321400
45 Bristol Drive
South Easton, MA 02375
(508) 238-0176

Daniel F. Murray, Attorney for Defendants



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


Corey W. Farcas, Trustee of Edgeway Realty
Trust and Administrator of the Estate of
Wayne Williams

This Agreement made by and between the Town of Middleborough Board of Selectmen ("Selectmen") and the Town of Middleborough Rent Board ("Rent Board") and Corey W. Farcas, Trustee of Edgeway Realty Trust and Administrator of the Estate of Wayne Williams ("Trustee/Administrator").

WHEREAS there is a rent control proceeding pending before the Rent Board involving potential downward adjustment of rents at Edgeway Mobile Home Park (the "Park"); and

WHEREAS the Selectmen filed a request for issuance of a criminal complaint in the Wareham District Court involving allegations of operating the Park without a Chapter 140 license; and

WHEREAS the Town of Middleborough Building Commissioner indicated that he intends to commence a Superior Court zoning enforcement action against the owner/operator of the Park to compel completion of the infrastructure of the Park as required by a special permit for the Park issued by the Middleborough Planning Board; and

WHEREAS the parties have entered into agreements for judgment in connection with two (2) Plymouth County Superior Court cases (Docket No 2004-1471 and 2004-1472).

NOW THEREFORE the parties agree to the following:

1. The Rent Board will dispose of the pending rent control proceeding by decision which decision will not provide for any downward adjustment of the rents at the Park. Such action will be taken upon completion of the construction, certifications and approvals required under Part I, paragraphs 1, 2, 3, 4 and submission of a preliminary draft proposal for drainage facilities under Part I, paragraph 5 under an Agreement for Judgment in Plymouth Superior Court case (Docket No. 2004-01471-A).

2. The Selectmen will withdraw its request for issuance of a criminal complaint pending before the Wareham District Court.

3. The Selectmen will request the Middleborough Building Commissioner not to file a complaint against the Park owner/operator seeking an order to complete the infrastructure of the Park as required by special permit.

4. The parties agree that the Rent Board may renew rent control proceedings concerning potential downward adjustment of the rents at the Park if the Park owner/operator fails to comply with any of the requirements set forth in the agreements for judgment referred to above or an

issue or issues arise which are different from the issues which are the subject of the pending rent control proceeding.

5. The parties agree that the Board of Selectmen may renew a request for issuance of a criminal complaint regarding operation of the Park without a Chapter 140 license if the Park owner/operator fails to comply with any of the requirements set forth in the agreements for judgment referred to above.

6. The parties agree that the Middleborough Building Commissioner shall be at liberty to commence a Chapter 40A zoning enforcement action in the court to compel completion of the infrastructure of the Park as required by the special permit for the Park issued by the Middleborough Planning Board if the Park infrastructure is not completed as required under said agreements for judgment.

WITNESS the hands and seals of the undersigned this 15th day of September, 2011.

Raymond P. Bullock
Ben Duelle
[Signature]
Alan P. Gato

Rent Board

Raymond P. Bullock
Ben Duelle
[Signature]
Alan P. Gato

Board of Selectmen

Corey W. Farcas
Corey W. Farcas, Trustee of Edgeway
Realty Trust and Administrator of
Estate of Wayne Williams