



TOWN OF MIDDLEBOROUGH OFFICIAL MEETING POSTING

NAME OF PUBLIC BODY: Board of Selectmen/Rent Board

DAY AND DATE OF MEETING: Monday, May 14, 2012

TIME OF MEETING: 7:00 PM

LOCATION OF MEETING (INCLUDING ADDRESS): Town Hall, 10 Nickerson Avenue

MEMBER OF PUBLIC BODY POSTING MEETING: Jackie Shanley, Confidential Secretary to Board of Selectmen

POSTED BY TOWN CLERK'S OFFICE: Rec. May 10, 2012 @1:50 pm *JH*

***FOR CANCELLATIONS**

MEMBER OF PUBLIC BODY CANCELLING MEETING: [Type text]

CANCELLATION POSTED BY TOWN CLERK'S OFFICE: DATE:

TIME:

AGENDA

1. Pledge of Allegiance
2. Unanticipated
3. Announcements & Recognitions
4. Minutes: 4/23, 4/25, 4/30, & 5/7 regular & E.S. minutes.
5. New Business – 7:05 PM
 - a. Vote to appoint Mary Ann Cunningham and Ryan Brogna as members of the Cultural Council.
 - b. Vote to renew 2nd Hand license for “Ragz”, 370 Centre Street.
 - c. Vote to approve new 2nd Hand license for “Sarah’s Closet”, 63 Anderson Ave.
 - d. Vote only if object to issuance of Keno license to Lorenzo’s Italian Restaurant.
 - e. Vote Conditional Offer of Employment as a Police Officer recruit to Steven T. Avelino, Jr.
 - f. Vote to send letter to D. Haimaidi & authorize Chairman to sign related correspondence.
 - g. Vote to approve Town Manager’s appointment of Janet Miller to the Conservation Commission.
 - h. Vote to approve & sign FY13 SERSG bids for DPW supplies as presented.
 - i. Vote to sign Memorandum of Agreement with the Middleborough Police Superior Officers for FY13.
 - j. Vote to sign Memorandum of Agreement with the Middleborough Library Staff Association for FY13.
 - k. Vote to authorize 2% cost-of-living increase for non-bargained employees for FY13.
 - l. Vote to sign new contract with the Town Manager.
 - m. Vote to approve and recommend amended budgets
6. Hearings, Meetings, Licenses
 - 7:30 PM Edgeway Mobile Home Park Matter (continued from 4/9/12)
Phase I & II Update (continued from 4/30/12)
Vote to authorize Health Officer to issue Mobile Home Park permit.
 - 8:00 PM Kiwanis Club President Robert Kinney re Adopt a Visibility Program for Beautification & Preservation of Middleborough’s Historic Kiwanis Cross circa 1959.
7. Unfinished Business
8. Town Manager’s Report
9. Correspondence
10. Executive Session – Pending Litigation, Mashpee Wampanoag Dispute
11. Adjourn

**Middleborough Board of Selectmen
Meeting Minutes**

May 14, 2012

Chairman opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were Selectmen A. Rullo, A. Frawley, S. Spataro, B. Quelle, and S. McKinnon and Town Manager C. Cristello.

The meeting was broadcast live by MCCAM and recorded by MCCAM and Verizon.

ANNOUNCEMENTS & RECOGNITIONS.

Announcements were made.

MINUTES

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted to approve 4/23/12 meetings minutes with correction as noted. Four in favor. S. Spataro abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve 4/30/12 meeting minutes with corrections as noted.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted to approve 5/7/12 meeting minutes. Four in favor. S. Spataro abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted to approve 5/7/12 Executive Session meeting minutes. Four in favor. S. Spataro abstained.

NEW BUSINESS

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to appoint Mary Ann Cunningham and Ryan Brogna as members of the Cultural Council.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to renew 2nd Hand license for "Ragz", 370 Centre Street.

Motion made by Selectman Spataro and seconded by Selectman Quelle, to approve 2nd Hand license for Sarah's Closet, 63 Anderson Ave., with confirmation that the address is commercially zoned. Applicant confirmed that it is. Motion withdrawn. Upon motion by Selectman Quelle and seconded by Selectman Spataro, Board voted unanimously to approve license.

Chief Gates explained request to offer a Conditional Offer of Employment to Steven T. Avelino, Jr. as a Police Officer recruit. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve.

Chief Gates explained request for bypass letter to D. Haimaidi. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to send letter and to authorize Chairman to sign related correspondence.

**Middleborough Board of Selectmen
Meeting Minutes**

May 14, 2012

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to ratify Town Manager's appointment of Janet Miller to the Conservation Commission to fulfill an unexpired term through April, 2013.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve & sign FY'13 SERSG bids for DPW supplies as presented.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to approve Memorandum of Agreement with the Middleborough Police Superior Officers for FY13.

Mark Belanger addressed the Board and offered that the public doesn't get the opportunity to view the contracts until after Town Meeting. He'd like to see the Board hold public meetings, allowing the public to offer input before contracts are finalized and approved. He'd like to see all alterations/provisions to all contracts when they come up for a vote of the Board. After some discussion, Chairman suggested that they could talk about it and see if they could come up with a process that meets his needs.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve the Memorandum of Agreement with the Library Staff Association for FY13.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve a 2% cost-of-living increase for non-bargained employees for FY13.

Town Manager requested to take his deferred compensation and add it into his salary. Upon motion by Selectman Quelle and seconded by Selectman Spataro, Board voted unanimously to sign new contract with the Town Manager.

Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve and recommend the amended budgets.

HEARINGS, MEETINGS, LICENSES

Edgeway Mobile Home Park hearing from 4/9/12

At 7:30 PM Chairman continued Edgeway Mobile Home Park hearing from 4/9/12 by inviting Edgeway Mobile Home Park owner/operator representative Attorney Gerard Marsan to address the Board to give an update on Phase I & Phase II.

Attorney Marsan referenced the Settlement Agreements entered into relative to improvements at the Park. He indicated that with respect to those agreements, all items were completed as of 3/15/12 with the submission of the Phase II plan. Now that Edgeway has complied with the agreements, he requests that the Board issue the Park its operating permit. He stated that they have been in close contact with Town officials, the engineer, and Town Counsel to stay on top of getting things accomplished. Relative to Phase II obligations for the remediation of the buffer, he offered that

**Middleborough Board of Selectmen
Meeting Minutes**

May 14, 2012

Prime Engineering is presently getting bids for the work. He noted two aspects as being: the wall and the planting. We have one quote and expect another by the end of the week. In response to a question by the Chairman, Attorney Marsan offered that they submitted documents to DEP in November and followed up with phone calls as did the engineer. It's in the legal department and he received his first call from them two weeks ago. They want to refer it to legal counsel in Boston who has more experience. DEP indicates they are understaffed and we have to rely on their schedule. The engineer wants to build out the plan as best we can as we wait on DEP.

Selectman Frawley referred to a list of items that still need to be done. He encouraged Attorney Marsan to staff the management office at the Park. Attorney Marsan offered that this matter is unrelated to the Settlement Agreement. Attorney Marsan indicated that he is in constant contact with Town Counsel and the Town Manager. Selectman Frawley suggested that he be in constant contact with the residents living in the Park. Attorney Marsan offered that he has been in touch with Town representatives as recently as last week and was not made aware of any outstanding items on the punch list. Selectman Frawley asked Attorney Marsan if he had been in communication with his engineer in the past two weeks, to which Attorney Marsan responded, yes. When Selectman Frawley asked if the engineer had shared with him the outstanding punch list items, Attorney Marsan asked Selectman Frawley to tell him what the items were. Attorney Marsan indicated that he had not heard of any shed lattice needing replacement. He further offered that Selectman Frawley was raising issues unrelated to the Settlement Agreement. Selectman Frawley offered that Attorney Marsan indicated that everything had been completed and Selectman Frawley disagreed.

Attorney Marsan indicated that, after speaking with the engineer about the white stone at 11 Lyn Lane today, the engineer is going to speak with the contractor and it will be replaced. Selectman Frawley confirmed with Attorney Marsan that this has not been completed yet. In response to a question about patio blocks, Attorney Marsan indicated that he is relying on the engineer and that the engineer told him that what he put there complies with the plan. Selectman Frawley conceded that the Board and Attorney Marsan had just received a letter of consent today regarding the installation of gutters at 52 Lyn Lane. Attorney Marsan indicated that they can't do anything about the local cable access for the even side of Lyn Lane. Town Manager offered that they met the agreement by installing cable, however, ongoing cable issues are being looked into by the Town's Permanent Cable Committee. Attorney Marsan indicated that the engineer is looking for a different silicone to address the condensation/dripping issues relative to overflows. They've adjusted them and flipped them. In response to question by Selectman Frawley as to whether they've been inspected during the rain, Town Manager offered that he went to the Park today, and from what he saw, they appear to be working, and most, if not all of them, appear to be flipped. Attorney Marsan indicated that this was the first time he was hearing of shoddy work on the plastic skirting around the homes. Selectman Frawley asked Attorney Marsan about maintaining proper operating condition of the rain gutter/downspout and roof drain infiltration chambers, specifically, if anyone has inspected them and if a schedule has been established. Attorney Marsan responded that the engineer is putting a schedule together. Attorney Marsan indicated that this is the first he was hearing of a need for strainers to be placed in the overflows to prevent foreign objects or animals from making nests or falling into the piping.

**Middleborough Board of Selectmen
Meeting Minutes**

May 14, 2012

Selectman Quelle recommended that having the management office staffed would be beneficial, especially moving forward into Phase II. Attorney Marsan offered that the heirs of Edgeway Mobile Home Park are in the midst of working on a plan to possibly put a management company in place and he would imagine it might include a schedule of three days per week.

Selectman Spataro raised issue regarding splashguards vs. cement splash blocks and asked Attorney Marsan to consider that this is one of the simpler requests that had been made. Attorney Marsan offered that they went with what was recommended by the engineer, but if the Board has something it wants to recommend, he will look into it. He indicated that he can't commit to anything, but he will take it back to his client and he will also ask for an opinion on it, however, he offered that the Owner needs the Park's license. He offered that he was here as a courtesy to the Board. Selectman Spataro offered that the patio blocks were unacceptable to the Board two weeks ago when the engineer was in attendance.

Selectman Frawley encouraged Attorney Marsan to complete the items on the punch list. Attorney Marsan suggested that the Board needs to use its better judgment in interpreting the Settlement Agreement. Selectman McKinnon offered that all items need to be completed on the punch list before he is willing to sign off on a permit for the Park.

Chairman offered that he is of the opinion that some of the items on the punch list are new, such as the cable matter. He thinks that the Board needs to consider some of these items and determine which of these items need to be completed in order to grant a license.

Anne McGann of 17 Lyn Lane offered the following information:

The contractors moved approximately six sheds and broke the lattice on each. She agreed to provide lists of addresses along with the items that each address either needs or needs repaired.

The engineer needs to look at the individual homes re the overflows.

Patio blocks were just dropped in place.

The residents will be happy if this punch list for Phase I is done before Phase II starts.

She asked who is supposed to sign off on this work/inspect it to be certain it has been done correctly. Town Manager offered that the Wiring Inspector had to sign off on the lighting and that the Health Officer approved the drainage.

Anne McGann responded that somebody needs to say it's been done right.

Attorney Marsan offered that the engineer works with the contractors who follow the contracts. He wouldn't recommend payment if he didn't think things were done correctly. There's always going to be something such as ground settling issues.

**Middleborough Board of Selectmen
Meeting Minutes**

May 14, 2012

Town Manager suggested that when the punch list is done, we have the engineer give us a letter saying the punch list is complete and that should be enough certification.

Louisa Brown, 162 Wesley Circle addressed the Board to share that a representative from Comcast, by the name of Jamie, said that they could address the cable issue with the permission of Attorney Marsan, that the stones around her house were put into place in a hap hazard fashion, and that she has a tree that they planted that needs to be secured into the ground better. She is really upset that a fellow Park resident had been robbed when he had his home broken into. The Chairman asked if they had called the police, to which Anne McGann responded that they had, however, they feel that issues stemming from Twin Coach, that have gone ignored by Mr. Farcas, had something to do with this break-in and they feel that if the office were attended, they might be better able to address their concerns directly with someone over-seeing the Park.

Motion made by Selectman McKinnon and seconded by Selectman Spataro, to agree that the following punch list is the present punch list of items requiring completion:

PUNCH LIST as of 5/14/12:

1. Sheds – lattice needs replacing on sheds that were moved (total of six).
2. White stone at 11 Lyn Lane not replaced yet.
3. Splash “pads” at all homes.
4. Gutters for 52 Lyn Lane.
5. ~~No local cable access for even side of Lyn Lane.~~
6. All overflows need to be inspected and adjusted during rain by an engineer.
7. Questions about sign-off by Prime Engineering before punch list completed.
8. Cut plastic around skirting (shoddy work).
9. Page 3, #4 of the Court agreement. Owner shall maintain in proper operating condition the rain gutter/downspout and roof drain infiltration chambers. Schedule to inspect?
10. Overflow should have strainer to prevent foreign object, animals, etc. from making nests or falling into the piping.

Selectman Quelle offered that a list of addresses is necessary to address these outstanding issues. Selectman Frawley proposed amendment to the motion to ask the Edgeway Homeowner’s Association to provide a list of addresses so that items #1, 6, & 8 may be addressed accurately. Amendment seconded by Selectman McKinnon. Board voted unanimously to approve. Board voted unanimously to agree that the above punch list is the present list of items requiring completion.

**Middleborough Board of Selectmen
Meeting Minutes**

May 14, 2012

Attorney Marsan expressed concern that his client may question whether he will be given a permit if he does complete this punch list. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to continue the hearing to Wednesday, May 30, 2012 at 7:00 PM.

Anne McGann offered that another concern that the residents share with the office being unattended is that their individual personal information is in there and they have already had a break-in within the Park.

Attorney Marsan addressed the Board and indicated that the plans that they handed him this evening (his plans) look to him to represent concrete blocks and wanted to make it clear that he is still unsure what is available out there. Chairman Rullo responded that the Board is clearly not satisfied with the patio blocks and suggested he not come back with something that is not inclined. Selectman Frawley offered to personally purchase a concrete splash guard and deliver it to Attorney Marsan's office so that he can see exactly what they are expecting be installed. Attorney Marsan proceeded to ask the Board to vote to approve the Park license subject to the completion of the punch list in order to give his client confidence that they will get a permit. Selectman McKinnon reiterated that he would be voting not to issue the permit prior to completion.

Anne McGann read aloud the Agreement for Judgment section pertaining to when the Board shall issue a license to the Park, specifically, not until completion of what had been agreed upon. She read aloud a written statement by the Homeowner's Association asking that the Board be mindful not to agree to the issuance of a permit prior to the punch list being complete.

Selectman Spataro motioned to grant the Park its license upon completion of the punch list. Motion not seconded. Motion did not carry.

Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously to deny the license at this time.

Kiwanis Club President Robert Kinney – Adoption of a Visibility Program

Board welcomed Kiwanis Club President Robert Kinney who appeared before the Board to speak about the adoption of a Visibility Program for Beautification & Preservation of Middleborough's Historic Kiwanis Cross circa 1959. He noted that Attorney Andrew Epstein has taken exception to a religious symbol on public property. Parts of the cross are on Middleborough property and parts are on state property. AT some point, as he understands it, this attorney has not gotten satisfaction from the MA D.O.T., the matter will be coming to the Town to address. He has spoken with D.O.T. representatives who advised him of a D.O.T. program called "Adopt a Visibility site". You can also adopt an island or another site that is on state property. He's looking into a long-term plan

**Middleborough Board of Selectmen
Meeting Minutes**

May 14, 2012

to maintain the island. He suggested the possibility of putting up a "Welcome to Middleborough" sign with additional signs displaying the names of Civic groups such as the Kiwanis Club, the VFW, the Knights of Columbus, just to name a few. He indicated that it would be done through volunteer work. Chairman advised Mr. Kinney that he may run into legal issues as someone has raised an issue with the Cross already in place. This could get held up for years, and in the meantime he would like to repair the front of the Cross and put "Worship" back up and at least plant some flowers. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to applaud the efforts of Mr. Kinney, the Kiwanis Club, and any other Civic group that would like to participate in the restoration of the cross and if they need guidance from Andy Bagas, that they have the opportunity to get such guidance, and the Board looks forward to the investment of the landscaping to be done as a community service activity. The Pastor of Life House Church addressed the Board and offered the pledge of support of the Church to help with this effort. They would be very happy to do so. The Board and Mr. Kenny thanked the Pastor. Selectman Quelle asked Mr. Kenny if he's had any communication with the D.O.T. Mr. Kenny indicated that he spoke with them several times and he has sent them the same information that he has provided the Board with for tonight's meeting. Mr. Kenny indicated that he asked for copies of the letters that MA D.O.T. had received from Attorney Epstein and he was told that they were actually emails. He was not given copies of those emails. Jane Lopes offered that she thinks the Historical Commission would take the position that this is a historic structure and would come under the demolition bylaw and that ultimately this gentleman would have to take legal action. She is aware of case law relative to a similar situation in which the resolve was that the cross and plot of land around it were donated to a Veterans' group or something along those lines. Perhaps, if it becomes a real legal challenge, the same could happen here. Town Manager suggested that Mr. Kenney may want to check out the sign for Greener Horizons placed on the island nearby the Cross and use it as a reference since this is something already approved by the Town.

TOWN MANAGER'S REPORT

Town Manager noted that the item under his report had already been addressed under New Business.

CORRESPONDENCE

Selectman Frawley thanked and congratulated Chief Benjamino for applying for and obtaining another grant for the Town.

Chairman noted the draft received of the CPC Plan. Jane Lopes noted that it's a document that the Committee will use to determine criteria along with state law for making recommendations on how the money should be spent. They are holding a public hearing on 6/6/12 at 7 PM in the Selectmen's hearing room and will be publishing the highlights of the Community Preservation Plan. It is available on the CPC website. They welcome comments.

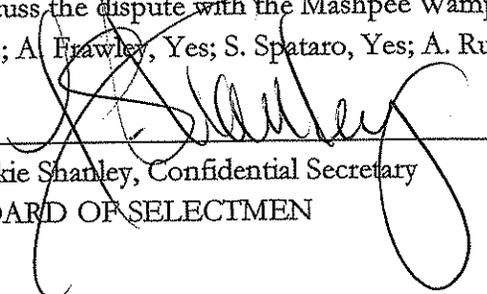
**Middleborough Board of Selectmen
Meeting Minutes**

May 14, 2012

ANNOUNCEMENTS & RECOGNITIONS

Selectman Frawley was contacted by the Executive Producer of the Biography channel about filming an episode with Paranormal Expedition who had conducted an investigation at Town Hall. We may be on T.V. They will be sending correspondence to that effect to the Board. He will put that forward for a vote, once he receives that information.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 9:25 PM to discuss strategy relative to Pending Litigation to discuss the dispute with the Mashpee Wampanoag Tribe. Roll Call: S. McKinnon, Yes; B. Quelle, Yes; A. Frawley, Yes; S. Spataro, Yes; A. Rullo, Yes. Ended at 9:35 PM.



Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

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:

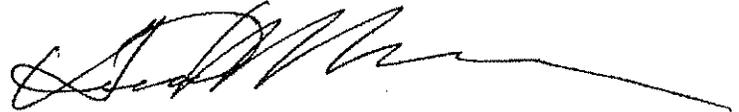
I write to you with respect to Agreements for Judgment and a Settlement Agreement ("Agreements") entered into between the parties in the three (3) matters referenced above on behalf of my client, Edgeway Realty Trust ("Edgeway") and in anticipation of my appearance before your Board on Monday May 14, 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

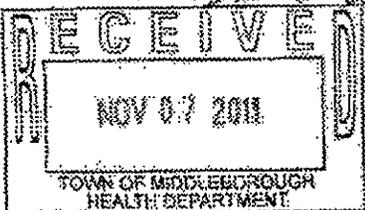


Gerard S. Marsan

- 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 02346
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] Title Trustee

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

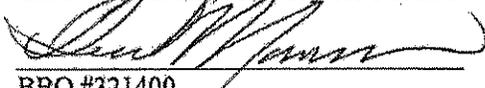
To The Clerk of the Above Named Court --

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.

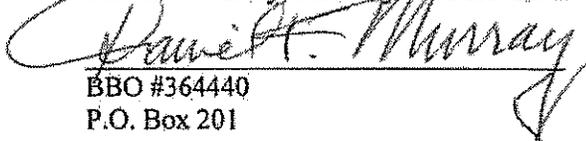
Costs are waived. Appeals are waived.

Gerard S. Marsan, Attorney for Plaintiff

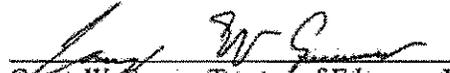


BBO #321400
45 Bristol Drive
South Easton, MA 02375
(508) 238-0176

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.

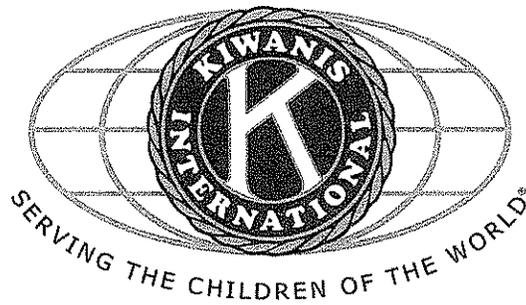
Raymond P. Bullof
Ben Duelle
[Signature]
Alan P. [Signature]

Rent Board

Raymond P. Bullof
Ben Duelle
[Signature]
Alan P. [Signature]

Board of Selectmen

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



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