HEARINGS, MEETINGS, LICENSES
5-23-11

(Town Seal)

The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 23, 2011 at 7:10 PM to lay out River's Edge Drive and Edge Water Lane in Middleborough, MA, on such terms as the Selectmen shall determine as Town ways, such ways being shown on a plan entitled "Road Layout Plan of River's Edge Drive and Edge Water Lane - Middleborough, Massachusetts 02346" consisting of five sheets, dated October 15, 2007, revised through February 14, 2008 and prepared by Atlantic Design Engineers, L.L.C., which plan is on file with the Town Clerk's office.

Alfred P. Rullo, Jr.
Stephen J. McKinnon
Steven P. Spataro
Allin Frawley
Ben Quelle
BOARD OF SELECTMEN

Publish: May 12, 2011

May 16, 2011

Mr. Charles J. Cristello, Town Manager
Middleborough Town Hall Building
10 Nickerson Avenue
Middleborough, MA 02346

Dear Mr. Cristello,

On behalf of the residents of River's Edge Drive and Edgewater Drive, and the "Street Acceptance" Committee listed below, I am pleased to deliver to you the enclosed copy of the "Release of All Claims/Acceptance of Betterment Assessment/Indemnification" signed by all twenty nine property owners indicating their support of betterments to pay for the costs to complete roadway work required in order for the town to accept these two streets as public roads. We understand these betterments will carry a twenty-year payback and that the town will recommend acceptance of the roads "as is" with these provisions, and will commence completion of necessary repairs as soon as the road is accepted.

Once again, we thank you for your leadership and assistance in creating a procedure that will allow the residents of these streets to pay for this work over time and thereby to hopefully achieve acceptance of these streets. We are all in your debt for bringing this issue to a point where resolution is a very likely possibility.

Sincerely,

Richard W. Cost, for the Committee

Judith Wicks, David Parker, Gilbert Bowker, Mark Plasse, Edward Thomas, James Holland, Richard Cost

RELEASE OF ALL CLAIMS/ACCEPTANCE OF
BETTERMENT ASSESSMENT/INDEMNIFICATION

WHEREAS the **Board of Selectmen** (the "Board") **of the Town of Middleborough** (the "Town") intends to lay out River's Edge Drive and Edge Water Lane in Middleborough, Massachusetts as Town ways and to acquire fee ownership of said ways as town ways of the Town, through an order of taking by eminent domain ("order of taking"); and

WHEREAS the order of taking will include certain related easements in connection with said ways; and

WHEREAS the Board intends to include an article in the warrant for a Middleborough Town Meeting providing for acceptance of the Board layout of River's Edge Drive and Edge Water Lane as Town ways, for authorization to acquire the said ways in fee and related easements by gift or eminent domain, and for authorization to assess betterments in connection with the completion of construction of the ways and related easements; and

WHEREAS the Board if authorized by Town Meeting intends to make an order of taking to acquire the ways and related easements; and

WHEREAS the said ways and related easements are shown on a plan entitled Road Layout Plan of River's Edge Drive and Edgewater Lane-Middleborough, Massachusetts 02346 (5 sheets) dated October 15, 2007 and prepared by Atlantic Design Engineers, Inc.(the "Plan"); and

WHEREAS the said ways and easement areas are not completely constructed; and

WHEREAS the Board intends to complete construction of said ways and related easements following the acquisition of said ways as Town ways and related easements subject to an appropriation by Town Meeting of an amount sufficient for such construction cost; and

WHEREAS the Board intends to assess betterments for the cost of completion of said ways and easements; and

WHEREAS the Board intends to impose said betterments on twenty-nine (29) lots hereafter identified in equal amounts not to exceed $6,500.00 per lot; and

WHEREAS Potenza Realty Corporation is believed to be the record owner of all or part of the said ways and two parcels on River's Edge Drive over which drainage easements will be acquired in connection with the contemplated order of taking; and

WHEREAS the parties understand that it is unlikely that the Town will obtain a release of claims for damages by Potenza Realty Corp. arising from the proposed order of taking of the said ways and related easements.

NOW THEREFORE, the undersigned parties covenant and agree as follows:

1. The undersigned Owners, in consideration of the Town laying out and acquiring River's Edge Drive and Edge Water Lane as Town ways, hereby jointly and severally release the Town from any and all claims for damage on account of or arising from the anticipated order of taking by the Board to acquire ownership of said ways in fee as Town ways and to acquire certain easements in land of the undersigned and Potenza Realty Corp. in connection with said ways.

2. The undersigned Owners, in consideration of the Town laying out and acquiring River's Edge Drive and Edge Water Lane as Town ways and completing construction of said ways and related easements, hereby jointly and severally release the Town from any and all claims of whatever description with respect or related to the betterments which the Board intends to assess in connection with the cost to complete the ways and easements including without limitation claims to abate the betterment assessments and any action or claim which seeks to invalidate or nullify such assessments.

3. The undersigned Owners, in consideration of the Town laying out and acquiring River's Edge Drive and Edge Water Lane as Town ways and completing construction of said ways and related easements, hereby agree to indemnify and hold the Town harmless with respect to any claim for damage by Potenza Realty Corp. or its successors in interest arising from or related to the anticipated order of taking. The obligation of the owner(s) of an individual lot to indemnify and hold the Town harmless hereunder shall be limited in amount to one-twenty-ninth (1/29) of the total of the claim to be indemnified.

WITNESS the hands and seals of the undersigned Owners and the Town acting by its Board of Selectmen this 2nd day of May, 2011.

Plan Lot #	Address & Owner(s)	Plan Lot #	Address & Owner(s)
Lot 1:	98 River's Edge Drive Edward H. Thomas, Trustee	Lot 3:	101 River's Edge Drive
Lot 2:	99 River's Edge Drive	Lot 4:	100 River's Edge Drive

Lot 5: 103 River's Edge Drive

Lot 6: 102 River's Edge Drive

Lot 7: 105 River's Edge Drive

Lot 8: 104 River's Edge Drive

Lot 9: 107 River's Edge Drive

Lot 10: 106 River's Edge Drive

Michelle Foley

Lot 11: 109 River's Edge Drive

Lot 12A: 111 River's Edge Drive

Lot 13A: 125 River's Edge Drive

Lot 14A: 139 River's Edge Drive

Lot 15A: 155 River's Edge Drive

Lot 17A: 163 River's Edge Drive

Lot 18A: 169 River's Edge Drive

Lot 26A: 5 Edge Water Lane

Lot 27A: 11 Edge Water Lane

Lot 28A: 18 Edge Water Lane

Lot 29A: 176 River's Edge Drive

Lot 30A: 174 River's Edge Drive

Lot 31A: 166 River's Edge Drive

Lot 32A: 160 River's Edge Drive

Lot 33A: 152 River's Edge Drive

Lot 34A: 142 River's Edge Drive

Lot 35A: 136 River's Edge Drive

Lot 36A: 120 River's Edge Drive

Lot 38: 108 River's Edge Drive

Town of Middleborough
By:

_____

_____

_____

_____

_____
Board of Selectmen

98 Rivers Edge Dr Edward H. Thomas & Linda A. Thomas
99 David W. Parker & Mazare Maria Parker
100 Robert J. Debrase + Lisa A. Debrase
101 - Not in Book Richard W. Cost + Ellen C. Cost
103 James M. Muirhead & Donna M. McCarthy-Newton
102 Steven J. Risk & Melodie J. Risk
105 Eileen L. Carey-Hare
104 - Nancy M. Gregory
107 Christopher W. Wicks & Judith Wicks
106 Michelle T. Foley + Timothy A. Foley
109 Claudia M. Plasse, & Mark D. Plasse
111 Danielle M. Bowker & Gilbert R. Bowker
125 Patricia M. Tanes & Paula A. Tanes
139 John William MacDermid
155 Joanne Marie Nickerson + Paul Lewis Nickerson
163 Sean Doherty + Tammy Connearney
169 Leslie Alfred Porter + Suzanne G. Porter

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5 Edge Water Lane Caterina Razionale
11 Lisa J. Beaudette
18 Stephen D. Morris & Susan E. Cullen
176 Kris J. Ducharme & Lauren A. Ducharme
174 Sharon M. Ribeiro & Sanford McMurtry, Jr.
166 Christopher W. Capers & Lauren A. Capers
152 Annemarie P. Jacobson + David B. Jacobson
172 George R. Abdeen + Sandra A. Abdeen
136 Christopher James Antonellis & + Laura A. Antonellis

Rivers Edge Dr

120 James Zappulla : Margaret R. Zappulla
108 James J. Holland, JR + Devon M. Holland

Town of Middleborough

Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

May 17, 2011

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

Re: Rivers Edge Drive and Edgewater Lane Road Layouts

Honorable Board:

The Planning Board, at their regularly scheduled meeting held on May 17, 2011, voted to recommend layout and acceptance of Rivers Edge Drive and Edgewater Lane by the Town on the condition that the roads will be completed by the Town, in conformance with the construction standards of the Middleborough Subdivision Rules and Regulations, funded by a combination of subdivision surety and the assessment of betterments. The layouts are shown on a plan entitled "Road Layout Plan of River's Edge Drive and Edge Water Lane" consisting of 5 sheets, dated October 15, 2007 revised through February 14, 2008, by Atlantic Design Engineers, LLC.

These roads were permitted and approved under the Subdivision Control Law as two separate projects: Rivers Edge Estates Phase I, consisting of the first 1,147 feet of Rivers Edge Drive off of Plymouth Street was approved on March 10, 1987; and, Rivers Edge Phase II consisting of the remaining 3,181 feet of Rivers Edge Drive and Edgewater Lane was approved on August 4, 1987. Unfortunately, the developer of River's Edge Estates, Potenza Realty Trust, legally dissolved itself and has defaulted on completing road construction in accordance with the Middleborough Planning Board's approval and their Form H Covenant. The Planning Board notified the developer in September 2005 that the subdivision was in default and that the Board was calling in the surety and the Board of Selectmen approved the Planning Board's expenditure of the surety money in December of 2007.

The Planning Board, using surety money, bid out and hired Atlantic Design Engineers to expand approximately 22 drainage easements for this subdivision and create a layout

plan for the Town's use. The Board has worked with subdivision resident, Attorney Susan Callan, to draft process and record the new easements at the Plymouth County Registry of Deeds with the costs paid by the Planning Board using subdivision surety monies.

The Planning Department has prepared a schedule of work/cost estimate, attached hereto, that remains to be done or that needs to be repaired or replaced due to degradation. To create this schedule numerous meetings and site inspections were held with representatives of the Highway Department, Water Department, Town Managers, consulting engineers, miscellaneous specialty contractors, Town Counsel and the subdivision residents to evaluate options for completing the various components of the road. This was particularly difficult because the amount of surety being held was inadequate for the level of work that was required to be done and the Planning Board and residents have been aware that the residents would be required to participate in the cost of completion. The vehicle for doing this was discussed at length with Town Counsel and it was determined that the preferred approach would be the formation and use of a homeowners association; however, the proposal to use betterments and the Town's willingness to do so is much better for both the Town and the residents.

As everyone is aware, the Planning Board has not certified Rivers Edge Estates, including Rivers Edge Drive and Edgewater Lane, complete as it has not been completed in accordance with the Subdivision Control Law. However the Board is in favor of the Town's Layout and Acceptance of these roads as public ways as they will be completed by the Town, in conformance with the construction standards of the Middleborough Subdivision Rules and Regulations, funded by a combination of subdivision surety and the assessment of betterments.

If you should have any questions regarding this, please do not hesitate to contact the Planning Department.

Sincerely,

Michael J. Labonte, Chairman
Middleborough Planning Board

Enclosure

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance
Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: February 18, 2010

TOTAL COST ESTIMATE SUMMARY TABLE:

Descriptions: Parts A to G	Project Total Cost
Subdivision Surety Called In by Planning Board for Phase I and Phase II	**$ 65,660**
A. Enigineering - ADE (new Easement Plans and Road Layout Plan)	$ 23,170
B. Legal Work - Mather & Assoc.: Recording Fees for 15 Easements; acquire 4 Mortgagee assents incl mailing)	$ 3,015
Total Amount Paid Out of Surety:	$ 26,185
Total Remaining Subdivision Surety	**$ 39,475**

C. Road Pavement Repairs	
1. Drainage Structures:	$ 14,021
2. Roadways:	$ 42,282
3. Driveways:	$ 17,446
4. Sidewalks:	$ 11,661
D. Landscaping & Miscellaneous Site Work	
1-7. Landscaping:	$ 31,264
8. Signs:	$ 1,073
9. Cleanout Drainage Structures:	$ 3,900
10. Roadway Shoulder Repair: River's Edge Dr. @ Sta 12+75 to 12+95	$ 9,468
11. Guardrail System: At Headwall at Sta 17+80 lt	$ 3,850
12. Utilities:	$ 21,643
E. Misc. Filing Fees to Complete Project:	$ 1,869
F. Engineering - Inspection & Testing: (See Below)	$ -
G. Conservation Commission Filing: Work in Drainage Easement, Wetland Replication & Shoulder Restoration Item D.10)	$ 15,536
Total Cost Estimate for Part C to G:	**$ 174,012**
10% Contingency:	$ 17,401
20% Bid Document Preparation & Engineering Construction Inspection & Testing Services Fees:	$ 34,802
Total:	$ 226,215
SAY:	**$ 227,000**
Surety Money Held By The Town:	**$ 39,475**
Additional Money Required Above Surety:	**$ 188,000**

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
A. Engineering: Roadway Layout & Drainage Easement Preparation							
1	ADE:	Bid Items #1to 4 (DONE) (Paid $18,470 to ADE)	Invoiced Amount	1	EA	$18,470.00	$ 18,470
Subdivision Surety Called In by Planning Board for Phase I and Phase II							
2	ADE:	Extras $4,700.00 incl in orig bid (DONE) (Paid $4,700 to ADE)	Invoices 7.31.08	1		$ 4,700.00	$ 4,700
3	ADE:	Revision/Additional Drainage Easement Plans for Lot #13 & 14A missing from set (Determined not to be needed)		0			$ -
	Subtotal					**(Paid in Full):**	$ 23,170
B. Legal Work							
1	Easement Plans: Recording	Legal documentation showing all expanded easements have been aproved and signed by homeowner(s) and mortgage bank(s), and recorded at the Plymouth County Registry of Deeds Drainage Easement Documents: #1:(2-1), #2:(2-2), #3:(3-1), #4:(6-1, 8-1), #5:(10-1), #6:(7-1, 9-1 & 37A), #7: (35A-1, 35A-2 & 36A-1), #8:(34A-1), #9:(33A-1), #10:(14A-1), #11:(27A-1 & 28A-1), #12:(26A-1), #13: (25A-1 & 27A-2), #14:(24A-1), #15:(23A-1, C-1 & C-2) **15 Documents Prepared (Paid $1,920.00 to Mather & Assoc. - No proof of recording provided as required)**	PRD Fee Schedule 5/3/10	15	LOT	$ 128.00	$ 1,920
2	Easement Plans: (Additional Recording)	Drainage Easements: Lot #13A & 14A Orig. Easements missing on exhibit to be added by ADE: May need another sheet for Lot #13: 1 Lot Impacted **(Determined Not to be Required)**	PRD Fee Schedule 5/3/10	0	EA	$ 128.00	$ -
3	Mortgage Assent: Fees	4 Assents required **(Paid $975 Fees+$120 Mail =$1,095 to Mather & Assoc.)**	S.Callan email to PD 1/6/10	4	EA	$ 273.75	$ 1,095

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
4	Create Homeowner's Association	To care for fences, entrance lighting, bollards, etc. **(Homeowners)**		1	LS	$ -	$ -
	Subtotal						**$ 3,015**
C	**Roadway Pavement Repairs**						
1	**Drainage Structures:**						
1a	Catch Basin: F&G Adjusted ≤6"	(MHD: 220. Drainage Stuct. Adjusted)	MHD: WBP 10/26/10	0	EA	$ 288.92	$ -
1b	Catch Basin: F&G Adusted >6"	**River's Edge Dr.:** Sta. 17+40 Lt 8", 33+17 Lt 8" **Edge Water Ln.:** Sta. 4+60 CDS End 8" (MHD: 220.5 Drainage Struct. Remodeled) **(Homeowners)**	MHD: WBP 10/26/10	3	EA	$ 500.00	**$ 1,500**
1c	Catch Basin: Struct. Rebuilt	**River's Edge Dr.:** Sta. 0+02 Rt 12", 14+50 Rt 24", 17+40 Rt 12", 20+25 Lt 20" & Rt 12", 22+90 Lt 24" & Rt 16", 26+55 Rt 14", 33+17 Rt 12", 39+50 Lt 20" & Rt 20", 42+00 Lt 20" & Rt 16" **Edge Water Ln.:** Sta. 3+35 Lt 24" & Rt 24", 4+60 CDS End 8" (Total Structures: 15) (MHD: 220.2 Drainage Struct. Rebuilt) **(Homeowners)**	MHD: WBP 10/26/10	22.5	VF	$ 212.50	**$ 4,781**
1d	Catch Basin: F&G Remove & Reset	**River's Edge Dr.:** Sta. 0+02 Rt, 14+50 Rt, 17+40 Lt & Rt, 20+25 Lt & Rt, 22+90 Lt & Rt, 26+55 Rt, 33+17 Lt & Rt, 39+50 Lt & Rt, 42+00 Lt & Rt **Edge Water Ln.:** Sta. 3+35 Lt & Rt, 4+60 CDS End 8" (MHD: 223. F&G or C Removed & Reset) **(Homeowners)**	MHD: WBP 10/26/10	18	EA	$ 250.00	**$ 4,500**
1e	Catch Basin: F&G Remove & Discard	**River's Edge Dr.:** Sta. 33+17 Lt **Edge Water Ln.:** Sta. 3+35 Rt (MHD: 223.2 F&G or C Removed & Discarded) **(Homeowners)**	MHD: WBP 10/26/10	2	EA	$ 50.00	**$ 100**
1f	Catch Basin: F&G F&I	**River's Edge Dr.:** Sta. 33+17 **Edge Water Ln.:** Sta 3+40 Rt (MHD: 222.3 Frame & Grate Replacement) Substitute Price from MHD: 222.2 **(Homeowners)**	MHD: WBP 10/26/10	2	EA	$ 585.00	**$ 1,170**

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
1g	Catch Basin: Cut New Key into Grate & Rotate 90°	**River's Edge Dr.:** Sta 0+02 Lt, 3+00 Lt & Rt, 9+45 Lt & Rt, 14+50 Lt, 26+55 Lt **(Homeowners)**	PD Est	7	EA	$ 75.00	$ **525**
1h	Drain Manhole: F&C Adjusted ≤6"	**River's Edge Dr.:** Sta. 17+50, 22+70, 32+98 Riser Ring (MHD: 220. Drainage Stuct. Adjusted) **(Homeowners)**	MHD: WBP	3	EA	$ 288.92	$ **867**
1i	Drain Manhole: Invert Construction	**River's Edge Dr.:** Sta. 3+10, 8+00, 9+35, 14+60, 17+50, 20+10, 22+80, 26+30, 32+95, 39+75, 39+85, 42+15 Edge Water Lane: Sta. 3+50, 4+60 **(Homeowners)**	R.S. MEANS 2630-110-3400	0	EA	$ 355.00	$ -
1j	Oil & Grit Separator: F&C Adjusted ≤6" - Replace Riser Rings	**River's Edge Dr.:** Sta. 39+85, 42+25 (MHD: 220. Drainage Stuct. Adjusted) **(Homeowners)**	MHD: WBP 10/26/10	2	EA	$ 288.92	$ **578**
1k	Flared End Sections: Misc. End Repairs	**River's Edge Dr.:** Sta. 0+10, 17+75 rt, 20+00 rt, 22+50 rt, 33+00 rt, 35+20 rt, 37+75 rt, 40+30, 40+35, 2 @ 42+25 rt **Edge Water Ln:** Sta. 5+30 End of CDS	MHD: WBP	0	EA		$ -
1l	Headwalls: Misc End Repairs	**River's Edge Dr.:** Sta. 3+46 lt, 6+65 lt, 6+75 rt, 7+50 rt, 13+35 rt, 17+55 lt & 17+75 rt - For the repair @ sta 12+90 lt	MHD: WBP	0	EA		$ -
1m	V Notched Weir: Misc End Repairs	**River's Edge Dr.:** Sta. 22+75 lt 175'	MHD: WBP	0	EA		$ -
	Subtotal						$ **14,021**
2	Travelways:						
2a	Sweeping - Streets & Sidewalks:	**River's Edge Dr. & Edge Water Ln.** (MHD: Section 106.86 Highway Cleaning) N/a **(Homeowners)**	R.S. MEANS 2006	1	Day	$ 463.20	$ **463**
2b	Sloped Granite Curbing:	Reset @ Entrance of River's Edge Dr. 35 lf ea side & each radial end of island to be set in 16"W x 6"T Conc. Saddle (MHD: 580. Curbed Removed & Reset) **(Homeowners)**	MHD: WBP 10/27/10	80	LF	$ 20.00	$ **1,600**

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
2c	Saw Cut Pavement: Streets - Not Including Driveway Cuts:	**River's Edge Dr.:** Ctr Sta 0+00 to 0+40: 96 lf, Curbing: 70 lf, 2+05: 42 lf, 0+02 CB Lt&Rt: 24 lf, 3+00: CB Lt& Rt: 24 lf, 3+25 DMH: 16 lf, 5+78 GL Lt: 31 lf, 9+50 Lt&Rt: 24 lf, 10+15 to 11+20: 109 lf, 11+20 Thermal Crack: 26 lf, 11+50 Thermal Crack: 60 lf, 11+25 CL: 146 lf, 12+00: 46 lf, 12+05: 14 lf, 12+50: 32 lf, 12+62: 22 lf, 12+62: 118 lf, 13+02 GL: 15 lf, 13+70 to 14+28 Ctr Rt side: 128 lf, 13+85: 62 lf, 14+50 CB Rt: 26 lf, 14+55 DMH: 28 lf, 14+80: 54 lf, 15+25: 38 lf, 15+70: 34 lf, 16+25 51 sf, 16+30: 40 lf, 16+62: 14 lf, 17+00: 14 lf, 17+35 CB Lt&Rt: 30 lf, 17+50 DMH: 12 lf, 20+25 CB Lt&Rt: 26 lf, 22+70 DMH: 12 lf, 22+85 CB Lt&Rt: 20 lf, 26+55 CB Rt: 12 lf, 32+98 DMH: 12 lf, 33+20 CB Lt&Rt: 24 lf, 39+50 CB Lt&Rt: 24 lf, 42+00 CB Lt&Rt: 24 lf, 42+17 O&G: 12 lf, 42+24 O&G:12 lf, 43+20 Entrance: 126 lf Edge Water Ln.: Sta 3+35 CB Lt&Rt: 28 lf, 3+50 DMH: 16 lf, 4+60 CB: 12.5 lf (MHD: Section 482.3 Sawing Asphalt Pavement) **(Homeowners)**	MHD: WBP 10/27/10	1800	LF	$ 2.00	$ **3,600**
2d	Hot Applied Asphaltic Crack Filler:	(MHD: Section 482.15 Hot Appl. Asphaltic Crack Filler (Polyester Fibers, M3.05.0) Assume: 500 gal $8.00/gal x 500 gal = $4,000	TEC	1500	LF	$ 2.50	$ **3,750**
2e	Infrared Bituminous Concrete Restoration:	2 tons of Bit Conc. Included; Assume 2 days River's Edge Dr. & Edgewater Lane	Felix A. Marino Co. 5.20.09	2	Day	$ 3,200.00	$ **6,400**

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
2f	Bit. Conc. Roadway Repairs - Not Including Driveway	River's Edge Dr.: Island Pavement Sta 0+00 to 0+40: 320 sf, Sloped Granit Curbing: 160 sf, 2+05: 90 sf, 0+02 CB Lt&Rt: 24 sf, 3+00: CB Lt& Rt: 24 sf, 3+25 DMH: 13 sf, 5+78 GL Lt: 54 sf, 9+50 CB Lt&Rt: 24 sf, 10+15 to 11+20: 210 sf, 11+20 Thermal Crack: 30 sf, 11+50 Thermal Crack: 81 sf, 11+25 CL: 210 sf, 12+00: 60 sf, 12+05: 7 sf, 12+50: 16 sf, 12+62: 24 sf, 12+62: 168 sf, 13+02 GL: 25 sf, 13+70 to 14+28 Ctr Rt side: 348 sf, 13+85: 108 sf, 14+50 CB Rt: 36 sf, 14+55 DMH: 45 sf, 14+80: 126 sf, 15+25: 52 sf, 15+70: 60 sf, 16+30: 51 sf, 16+25: 51 sf, 16+62: 15 sf, 17+00: 7 sf, 17+35 CB Lt&Rt: 48 sf, 17+50 DMH: 13 sf, 20+25 CB Lt&Rt: 32 sf, 22+70 DMH: 13 sf, 22+85 CB Lt&Rt: 16 sf, 26+55 CB Rt: 8 sf, 32+98 DMH: 13 sf, 33+20 CB Lt&Rt: 24 sf, 39+50 CB Lt&Rt: 24 sf, 42+00 CB Lt&Rt: 24 sf, 42+17 O&G: 13 sf, 42+24 O&G:13 sf, 43+20 Entrance: 180 sf **Edge Water Ln:** Sta 3+35 CB Lt&Rt: 40 sf, 3+50 DMH: 13 sf, 4+60 CB: 14 sf **Total: 2909 sf = 32 cy = 63 tons** (MHD: 472. HMA for Misc Work)	MHD: WBP 10/27/10	63	TNS	$ 150.00	$ 9,450
2g	Micro-Surface Phase I Only	30 ft wide x 1830 lf = 54900 sf = 6100sy (MHD: Spec not available)	DPW EST	6100	SY	$ 2.79	$ 17,019
	Subtotal						$ 42,282
3	Driveways:						
3a	Saw Cut Pavement: Driveways Only	**River's Edge Dr.:** #99, #101, #103, #104 Cobbles, #105, #106, #107, #108, #125, #139, #142, #152, #155, #163, #166 @ Sta 26+07, #169, #176, #5 Edge Water Ln. @ Sta 32+75 **Edge Water Ln.:** #5, #11 Assume: 20 drwy x 26lf/drwy = 520 lf (MHD: Section 482.3 Sawing Asphalt Pavement) **(Homeowners)**	MHD: WBP 10/28/10	520	LF	$ 2.00	$ 1,040

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
3b	Bit. Conc. Driveway Remove:	**River's Edge Dr.:** #99, #101, #103, #104 Cobbles, #105, #106, #107, #108, #125, #139, #142, #152, #155, #163, #166 @ Sta 26+07, #169, #176, #5 Edge Water Ln. @ Sta 32+75 **Edge Water Ln.:** #5, #11 2362 sf x 3.5 in = 26 cy = 52 tons (MHD: 129.3 Old Pavement Excavation) **(Homeowners)**	MHD: WBP 10/28/10	26	CY	$ 107.86	$ 2,804
3c	Bit. Conc. Driveway: Processed Gravel Base	River's Edge Dr.: #99, #101, #103, #104 Cobbles, #105, #106, #107, #108, #125, #139, #142, #152, #155, #163, #166 @ Sta 26+07, #169, #176, #5 Edge Water Ln. @ Sta 32+75 Edge Water Ln.: #5, #11 2362 sf x 4 in = 30 cy (MHD: 152. Processed Gravel) **(Homeowners)**		30	CY	$ 41.00	$ 1,230
3d	Bit. Conc. Driveway: Pavement	**River's Edge Dr.:** #99, #101, #103, #104 Cobbles, #105, #106, #107, #108, #125, #139, #142, #152, #155, #163, #166 @ Sta 26+07, #169, #176, #5 Edge Water Ln. @ Sta 32+75 **Edge Water Ln.:** #5, #11 2362 sf x 3 in = 22 cy = 44 tons Leveling by Hand (MHD: 451. HMA for Patches)	MHD: WBP 10/28/10	44	TNS	$ 180.00	$ 9,171
3e	Infrared Bituminous Concrete Restoration:	Assume 1 day	Felix A. Marino Co. 5.20.09	1	Day	$ 3,200.00	$ 3,200
	Subtotal						$ 17,446
4	Sidewalks						
4a	Bit. Conc. Sidewalk Remove:	Plymouth St. Entrance for 100 lf x 3 ft wide x 3" thick (MHD: 129.3 Old Pavement Excavation) **(Homeowners)**	MHD: WBP 10/28/10	3	CY	$ 107.86	$ 324
4b	Bit. Conc. Sidewalk: Processed Gravel Base	Plymouth St. Entrance for 100 lf x 3.5 ft wide x 4" thick (MHD: 152. Processed Gravel) **(Homeowners)**	MHD: WBP 10/28/10	5	CY	$ 41.00	$ 205

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
4c	Bit. Conc. Sidewalk:	Plymouth St. Entrance for 100 lf x 3 ft wide x 3" thick (2 courses 1.5" thick) Leveling by Hand (MHD: 451. HMA for Patches)	MHD: WBP 10/28/10	6	TNS	$ 180.00	$ 1,251
4d	Bit. Conc. Sidewalk:	Assumed: 1850 lf x 3'wide x 1/2" for Tree Root Cuts, Sink Holes & Damaged Areas etc - Leveling by Hand (MHD: 451. HMA for Patches)	MHD: WBP 10/28/11	8.5	TNS	$ 181.00	$ 1,782
4e	Bit. Conc. Sidewalk:	Assumed: 4790 lf x 3'wide x 1" Thick Overlay + Leveling Course (MHD: 451. HMA for Patches)	MHD: WBP 10/28/10	45	TNS	$ 180.00	$ 8,100
	Subtotal						$ 11,661
D. Landscaping and Miscellaneous							
1	Landscaping:						
1a	Loam: Provide	Roadway grass strips & shoulders, Drainage Easements as required for stabilization (MHD: 751. Loam Borrow) **(Homeowners)**	MHD: WBP	40	CY	$ 40.00	$ 1,600
1b	Loam: Spread	Roadway grass strips & shoulders, Drainage Easements as required for stabilization (MHD: 752. Topsoil Rehandled and Spread) **(Homeowners)**	MHD: WBP	40	CY	$ 26.00	$ 1,040
1c	Grass Seed: Provide & Spread	Roadway grass strips & shoulders, Drainage Easements as required for stabilization (50 lbs/Acre Min) Assume: 0.75 Acres = 38 lbs (MHD: 765.2 Seed for Erosion Control) **(Homeowners)**	MHD: WBP 2/18/11	38	LB	$ 40.00	$ 1,520
1d	Mulch: Provide	Entrance of River's Edge Dr. both sides and landscape island (MHD: 767.4 Wood Chip Mulch) **(Homeowners)**	MHD: WBP	5	CY	$ 69.50	$ 348
1e	Mulch: Spread	Entrance of River's Edge Dr. both sides and landscape island (MHD: 767.4 Wood Chip Mulch - Removed & Respread) N/a **(Homeowners)**	Planning Dept Est	5	CY	$ 15.00	$ 75

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
2	Street Tree Maintenance:	Uncovering Root Flare, Pruning, Spraying & Fertilizing **(Homeowners)**	TEC	0	LS	$ 7,000.00	$ **7,000**
3	Root Shields for Street Trees: F&I	Use Ditch Witch to install 10' L x 36" D - 40 mil Rigid Ethylene Root Barrier @ River's Edge Dr.: sta 2+35 lf, 2+90 rt; Edge Water Ln: sta 1+50 rt, 2+9 lf, 4+04 rt, 4+60 rt **(Homeowners)**	Planning Dept Est	6	EA	$ 100.00	$ **600**
3a	Street Tree Root Removal Under Sidewalk	Cleanly Cut & Remove Roots from Under Sidewalk as necessary **(Homeowners)**	Planning Dept Est	1	L.S.	$ 3,000.00	$ **3,000**
4	Street Trees per PB Decision on 12/18/07: F&I	River's Edge Dr.: sta 2+35 lf, 2+90 rt; Edge Water Ln: sta 1+50 rt, 2+9 lf, 4+04 rt, 4+60 rt (MHD: 775.434 Honey Locust 3-3.5" Caliper or an Apporved Equal) **(Homeowners)**	MHD: WBP	6	EA	$ 700.00	$ **4,200**
5	Selective Clearing & Thinning within Roadway Layout:	*River's Edge Dr: Sta 0+00 to 0+50 both sides, sta 5+25 rt side, sta 31+00 to 35+00 lt side of sw; Along rt side of Edge Water Drive & Cul-de-sac end *Ensure site distance @ intersection of River's Edge Dr. & Murdock St. Misc. clearing, grubbing, loaming and seeding in these areas as required to stabilize. (MHD: 102. Selective Clearing & Grubbing) N/a R.S. Means 02230-100-0260 $6350/acre **(Homeowners)**	MHD: WBP 2/18/11	0.25	Acre	$ 6,727.00	$ **1,682**

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
6	Selective Clearing & Grubbing within Drainage Easements:	Access Rds, Swales, Pipe/Outlets & Basins Drainage Easements: 25' General Easements lt & rt, 2-1, 2-2, 3-1, 7-1, 9-1, 14A-1, C-1, C-2, 23A-1, 24A-1, 25A-1, 26A-1, 27A-2, 27A-1, 28A-1, 33A-1, 34A-1, 35A-2, 35A-1, 36A-1, 37A-1, 10-1, 8-1, 6-1 Misc. Struct.: Pipe @ sta 2+75 lt 105', Pipe between sta 6+70 lt 45' & sta 7+50 lt 65', Pipe @ 8+25 rt 150' (MHD: 101.1 Clearing Site) N/a R.S. Means 02230-100-0260 $6350/acre **(Homeowners)**	MHD: WBP 2/18/11	1	Acre	$10,000.00	$ 10,000
7	Haybales & Silt Fence: Furnish	Misc Erosion Control to be stockpiled onsite for emergencies during maintenance & repairs (MHD: 697. Sedimentation Fence): $4/lf **(Homeowners)**	Planning Dept Est	20	EA	$ 10.00	$ 200
	Subtotal						$ 31,264
8	**Signs:**						
8a	Street Sign: F&I	"River's Edge Drive" Sign: Install @ Intersecting w/ Plymouth St. & Murdock St (MHD: 874.0 Street Name Sign) (MHD: 877.3 Sign Post 2.5") **(Homeowners)**	To be Adj. by DPW MHD: WBP	2	EA	$ 120.00	$ 240
8b	Stop Sign: F&I	Install at River's Edge Dr. & Plymouth St & Edgewater Ln (MHD: 874.0 Street Name Sign) (MHD: 877.3 Sign Post 2.5") **(Homeowners)**	To be Adj. by DPW MHD: WBP	2	EA	$ 120.00	$ 240
8c	Stop Sign:	Adjust Height @ River's Edge Dr & Murdock St (Too Low) (MHD: 874.1 Street Sign Remove & Reset) **(Homeowners)**	To be Adj. by DPW MHD: WBP	1	EA	$ 112.50	$ 113
8d	No Parking Signs:	Install along River's Edge Dr. (MHD: 874.0 Street Name Sign) (MHD: 877.3 Sign Post 2.5") **(Homeowners)**	To be Adj. by DPW MHD: WBP	4	EA	$ 120.00	$ 480
	Subtotal						$ 1,073

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
9	Cleanout Drainage Structures:						
9a	Catch Basins: Inspect & Clean	(MHD: 226.4 Cleaning Catch Basin)	MHD: WBP	29	EA	$ 100.00	$ 2,900
9b	Manholes: Inspect and Clean		Planning Dept Est	16	EA	$ 50.00	$ 800
9c	Oil & Grit Separators	Inspect and Clean	Planning Dept Est	2	EA	$ 100.00	$ 200
	Subtotal						$ 3,900
10	Roadway Shoulder Repair: River's Edge Dr. @ Sta 12+75 to 12+95						
10a	Con. Com.: Filing	Refer to Part G. Conservation Commission: File					
10b	Clearing & Thinning:	(MHD: 102. Selective Clearing & Thinning) **(Homeowners)**	Planning Dept Est	1	L.S.	$ 200.00	$ 200
10c	Tree Removal	(MHD: 103. Tree Removed <24" Dia) **(Homeowners)**	MHD: WBP	2	EA	$ 577.50	$ 1,155
10d	Stump Removal	(MHD: 105. Stump Removed) **(Homeowners)**	MHD: WBP	2	EA	$ 350.00	$ 700
10e	Slope Stabilization: F&I	Modified Rip Rap 12" min Thickness - Hand Chinked (MHD: 983.11, M2.02.4) **(Homeowners)**	Planning Dept Est	2.5	L.C.Y.	$ 225.00	$ 563
10f	Filter Blanket: F&I	4 " min thickness under riprap material (MHD: 156.5 Crushed Stone for Filter Fabric) **(Homeowners)**	Planning Dept Est	1	C.Y.	$ 200.00	$ 200
10g	Filter Fabric: F&I	**(Homeowners)**	Planning Dept Est	1	LS	$ 50.00	$ 50
10h	Retaining Wall: F&I	Raise & Extend Existing Headwall w/ Modular Block or an approved equal: Raise headwall 24", pin wall to headwall, place 2 courses below grade, incl. 12" thick 3/4" crushed stone base (Versa Lok, poured in place conc. wall or an approved equal) **(Homeowners)**	Planning Dept Est	35	SF	$ 65.00	$ 2,275
10i	Guardrail System: F&I	Steel Backed Timber Guardrail to be centered on headwall at Sta 12+85 lt (MHD: 602.1Guardrail Post - Wood) n/a **(Homeowners)**	MHD: WBP 10/28/10	30	LF	$ 75.00	$ 2,250

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
10j	Safety Fence: F&I	48" CLF, Pipe to Rail, Vinyl Coated, Line Post Opt. - 30 FT Req'd, 125 FT Min. Adjusted by P. Dept. (MHD: 648.148 48" CLF, Pipe Top Rail, Vinyl Coated, Line Post Opt.: **(Homeowners)**	MHD: WBP 2/18/11	62.5	LF	$ 28.00	$ **1,750**
10k	Haybales & Silt Fence: F&I	(MHD: 697. Sedimentation Fence): $4/lf **(Homeowners)**	Planning Dept Est	30	LF	$ 10.00	$ **300**
10l	Haybales & Silt Fence: Furnish	Misc Erosion Control to be stock onsite for emergencies during repairs (MHD: 697. Sedimentation Fence): $4/lf **(Homeowners)**	Planning Dept Est	5	EA	$ 5.00	$ **25**
	Subtotal						$ **9,468**
11a	Guardrail System: F&I	Steel Backed Timber Guardrail to be centered on headwall at Sta 17+80 lt **(Homeowners)**	Pub. No. FHWA-CFL/TD-05-009, pg B-20	30	LF	$ 70.00	$ **2,100**
11b	Safety Fence: F&I	48" CLF, Pipe to Rail, Vinyl Coated, Line Post Opt. - 30 FT Req'd, 125 FT Min. Adjusted by P. Dept. (MHD: 648.148 48" CLF, Pipe Top Rail, Vinyl Coated, Line Post Opt.: **(Homeowners)**	MHD: WBP 2/18/11	62.5	LF	$ 28.00	$ **1,750**
	Subtotal						$ **3,850**
12	**Utilities:**						
1a	Driveway Lanterns:	To be Functioning Per Approved Subdivision Plans **(Homeowners)**	U/D	29	EA	Per House	$ -
1b	Driveway Lanterns:	In ROW Must be Moved - House #s 106, 108, 152, 160, 166, 174 & 155. **(Homeowners)**	U/D	7	EA	Owner of Lot	$ -
1c	Street Lighting:	At Flagstone Entrance Walls Damaged/Non Functioning **(Homeowners)**	R.S. MEANS	2	EA	$ 289.50	$ **579**
12a	MG&E:	Outstanding Invoice for work performed during construction	Jerry Field	1	L.S.		$ **5,992**

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
12a1	MG&E:	Outstanding Invoice to repair structures: Including 1 fiberglass Electric Utility Box @ Edgewater Ln & River's Edge Dr. & other Pedestal/handholes	Jerry Field	1	L.S.		$ 5,519
12a2	MG&E:	Estimated Invoice for removal of trees & brush around utility pedestals	Jerry Field	1	L.S.		$ 2,000
12a2	Steel Bollards:	6" Dia infilled w/ conc. Set in conc. Footing: 2 per each Fiberglass Electric Boxes (MHD: 707.8 Steel Bollards) Optional: R.S. Means 2840-800-1300 $463.20 ea inst. **(Homeowners)**	MHD: WBP	4	EA	$ 463.20	$ 1,853
12b	Hydrant: Adjust.	(MHD: 376.50)	TEC	2	EA	$ 1,000.00	$ 2,000
12c1	Service Boxes:	Find & Raise Where Landscaped Over (MHD: 381.3 Service Box Adjusted) **(Homeowners)**	MHD: WBP	30	EA	$ 100.00	$ 3,000
12c2	Gate Valve: Adjustment	As required - River's Edge Drive @ Sta 31+05, 36+00, 40+60 & 42+65 (MHD: 358. Gate Box Adjustment)	MHD: WBP	4		$ 125.00	$ 500
12c3	Gate Valves: F&I	River's Edge Dr @ Sta 30+20 Broken Rim & Missing Cover (MHD: 354.12 <12" G.Box Removd & Reset)	Planning Dept Est	1	EA	$ 200.00	$ 200
	Subtotal						$ 21,643
E. Misc. Filing Fees to Complete Project							
2	Abutters lists	Fees for PB & BOS Hearings **(Homeowners)**	From PD Est 6/8/07	1	PG	$ 25.00	$ 25
3a	Hearings Notifications Fees	Certified Mailings for PB & BOS Hearings (65 @ $5.50 ea) x 2 **(Homeowners)**	From PD Est 6/15/07	130	EA	$ 5.50	$ 715
4	Advertising Fee	PB & BOS **(Homeowners)**	From PD Est 6/8/07	2	EA	$ 300.00	$ 600
1	Municipal Lien Certificate(s)	Fees **(Homeowners)**	PRD: Fee Sch 5/3/10	1	EA	$ 67.00	$ 67
5	Recording Fee	Certificate of Approval at Plymouth County Registry of Deeds **(Homeowners)**	PRD: Fee Sch 5/3/10	1	EA	$ 77.00	$ 77

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
6	Recording Fee	Layout Plans at Plymouth County Registry of Deeds (Homeowners)	PRD: Fee Sch 5/3/10	5	PG	$ 77.00	$ 385
	Subtotal						$ 1,869
F. Engineering: Inspecting & Testing							
1	Engineering Inspections	24 hrs @ $85, 24 Hrs @ $58+ Mileage	TEC: Assumed			$ 3,600.00	
	Subtotal						$ -
G. Conservation Commission: Filing Roadway Shoulder Repair: River's Edge Dr. @ Sta 12+75 to 12+95 & Drainage Easement Maintenance							
1	**Notice of Intent: NOI Filing**	To be filed by the Planning Dept on Behalf of the Town: 20 Lots Impacted Drainage Easements: 2-1, 2-2, 3-1, 7-1, 9-1, 14A-1, C-1, C-2, 23A-1, 24A-1, 25A-1, 26A-1, 27A-2, 27A-1, 28A-1, 33A-1, 34A-1, 35A-2, 35A-1, 36A-1, 37A-1, 10-1, 8-1, 6-1 Not including Lot #13	DPW 2/17/11	1	L.S.	$10,000.00	$ 10,000
	Resource Area Delineation	Roadway Shoulder Repair: River's Edge Dr. @ Sta 12+75 to 12+95		1	L.S.		
	Survey: Topo & As-Built	Roadway Shoulder Repair: River's Edge Dr. @ Sta 12+75 to 12+95 Area: 20' x 50' & Replication Area: 300 s.f.		1	L.S.		
	Wetland Replication	Roadway Shoulder Repair: River's Edge Dr. @ Sta 12+75 to 12+95 Fill Area: 4' W x 12' L = 48 s.f. Replication Area: 96 s.f. min.		1	L.S.	$ 5,000.00	$ 5,000
1a	Form Preparation	Planning Dept. to Prepare		1	L.S.	$ -	$ -
1b	Plan Preparation	Planning Dept. to Prepare		1	L.S.	$ -	$ -
1c	Certified Mailings	Abutter Notification w/in 100 ft of work sites Subdivision Residents: 31 Direct Abutters: 30-1555, -652, 21-3899, -3945, -2412, -2483 Across St.: 30-2438, -2455, -2446, -2444, -3217, -2385, -2328, 21-1612 Across River: 31-948, -131, -5734, -4926, -4257, -3396, -2646, -1796, -1767, -945, 21-1638	Planning Dept Est.	56	EA	$ 5.50	$ 308

TOWN OF MIDDLEBOROUGH PLANNING DEPARTMENT

River's Edge Estates - Estimate to Complete the Subdivision for Roadway Acceptance

Phase I & II: River's Edge Drive & Edgewater Lane

Date: June 15, 2007 Revised: April 1, 2011

Item No.	Project Type	Description of Work	Source of Estimate	Amt	Unit	Price/Unit	Project Total Cost
1d	Advertisement	South Coast Media Group	Con Com	1	EA	$ 78.49	$ 78
1e	Recording Fees	Order of Condition	Planning Dept Est.	1	EA	$ 75.00	$ 75
1f	Recording Fees	Certificate of Compliance	Planning Dept Est.	1	EA	$ 75.00	$ 75
1g	Project Presentation	To be presented by the Planning Dept.		1	L.S.	$ -	$ -
	Subtotal						$ 15,536

Phase I: River's Edge Drive (Station 0+00 to 12+00)
Phase II: River's Edge Drive (Station 12+00 to 43+00), Edgewater Lane (Station 0+00 to Sta. 5+00)
R.S. Means 2006 Data Adjusted for Inflation Use: 1.158 Inflation Factor
TEC: Indicates Cost Based on Tibbetts Eng. Estimated Date 3/7/07
MHD: WBP = Mass Highway Department: 2009 Weighted Bid Prices
PB: Planning Board
BOS: Board of Selectmen
F&C, F&G: Frame & Cover, Frame & Grate
PRD: Plymouth Registry of Deeds
WBP: Weighted Bid Prices

A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 23, 2011 at 8:15 PM, for the purpose of discussing the petition filed by Verizon New England, Inc. and the Middleborough Gas & Electric Department to place new facilities (poles) - P. ½ and P. ¾ River Street. This petition is necessary in order to provide service to new residences. Anyone desiring to be heard on this matter should appear at the time and place designated.

Alfred P. Rullo, Jr.
Stephen J. McKinnon
Steven P. Spataro
Allin Frawley
Ben Quelle
BOARD OF SELECTMEN

Outside Plant Engineering

1043 Pearl Street, Floor 2
Brockton, MA 02301

April 25, 2011

Town of Middleboro
Attn: Board of Selectmen
Town Hall
10 Nickerson Avenue
Middleboro, MA 02346

Dear Selectmen,

Enclosed you will find petition # 2011B-04 from Verizon New England Inc. and Middleboro Gas and Electric Company proposing to place new facilities – P. 1/2 and P. 3/4 River Street. Please present at your next Board meeting for usual course of action relative to granting.

This petition does require a hearing and notice to the abutters.

Sincerely,

Daryl Crossman

Daryl Crossman
Manager Rights of Way
(508) 580-8268 – Office
(508) 580-8292 – Fax
daryl.crossman@verizon.com - Email

DC
Enclosure

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

April 25, 2011

To the Board of Selectmen

in MIDDLEBORO, Massachusetts

VERIZON NEW ENGLAND INC. and MIDDLEBORO GAS & ELECTRIC COMPANY request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Two (2) New Poles
This petition proposes to place new - Pole 1/2 & 3/4 on River Street.

This petition is necessary in order to provide service to new residences.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. No. **2011B-04** Dated **04/21/10.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By Daryl Crossman
Manager - Rights of Way

Dated this 26 day of APRIL, 2011.

MIDDLEBORO GAS & ELECTRIC COMPANY

By William Taylor
Supervisor of Project Engineering

Dated this 27th day of April, 2011.

VZ N.E. INC. No. 2011B-04 MUNICIPALITY MIDDLEBORO

DATED 04/21/10

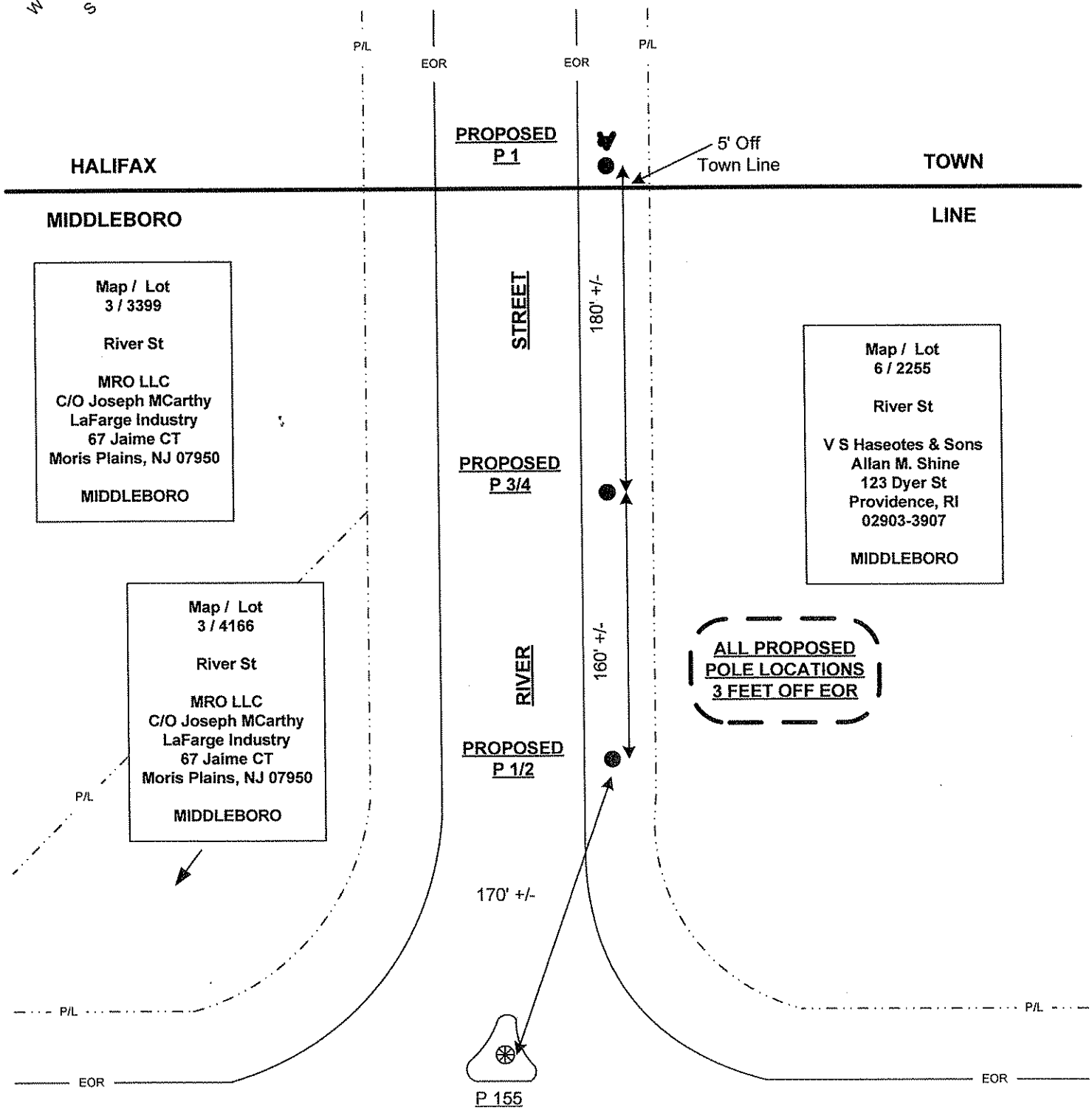
NOT TO SCALE

PLAN FOR PLACEMENT OF NEW POLES ½ and 3/4 RIVER STREET

TO ACCOMPANY PETITION OF
VERIZON NEW ENGLAND INC. AND
MIDDLEBORO GAS & ELECTRIC COMPANY

LEGEND:

- P/L — PROPERTY LINE
- EOR — EDGE OF ROAD
- EXISTING POLE
- PROPOSED POLE
- PROPOSED ANCHOR



Middleboro - River St - P .5 and P .75 - 2011B-04 - 9ABVDB - Petition.vsd

A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 23, 2011 at 8:30 PM, for the purpose of discussing the petition filed by Verizon New England, Inc. and the Middleborough Gas & Electric Department to place new facilities (poles) - P. 144, 145, 146, 147, 148, 149, 150, 151, 152, and 153 Thompson Street. This petition is necessary in order to provide service to proposed new residences. Anyone desiring to be heard on this matter should appear at the time and place designated.

Alfred P. Rullo, Jr.
Stephen J. McKinnon
Steven P. Spataro
Allin Frawley
Ben Quelle
BOARD OF SELECTMEN

Outside Plant Engineering

verizon

1043 Pearl Street, Floor 2
Brockton, MA 02301

April 25, 2011

Town of Middleboro
Attn: Board of Selectmen
Town Hall
10 Nickerson Avenue
Middleboro, MA 02346

Dear Selectmen,

Enclosed you will find petition # 2011B-03 from Verizon New England Inc. and Middleboro Gas and Electric Company proposing to place new facilities – P. 144, 145, 146, 147, 148, 149, 150, 151, 152, and 153 Thompson Street. Please present at your next Board meeting for usual course of action relative to granting.

This petition does require a hearing and notice to the abutters.

Sincerely,

Daryl Crossman

Daryl Crossman
Manager Rights of Way
(508) 580-8268 – Office
(508) 580-8292 – Fax
daryl.crossman@verizon.com - Email

DC
Enclosure

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

April 25, 2011

To the Board of Selectmen

in MIDDLEBORO, Massachusetts

VERIZON NEW ENGLAND INC. and MIDDLEBORO GAS & ELECTRIC COMPANY request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Ten (10) New Poles
This petition proposes to place new –
Pole 144, 145, 146,147, 148, 149, 150, 151, 152, 153 on
Thompson Street.

This petition is necessary in order to provide service to proposed new residences.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. No. **2011B-03** Dated **04/21/10.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By Daryl Crossman
Manager - Rights of Way

Dated this 25 day of APRIL, 2011.

MIDDLEBORO GAS & ELECTRIC COMPANY

By William Taylor
Supervisor of Project Engineering

Dated this 27th day of April, 2011.

VZ N.E. INC. No. 2011B-04 MUNICIPALITY MIDDLEBORO

DATED 04/21/10

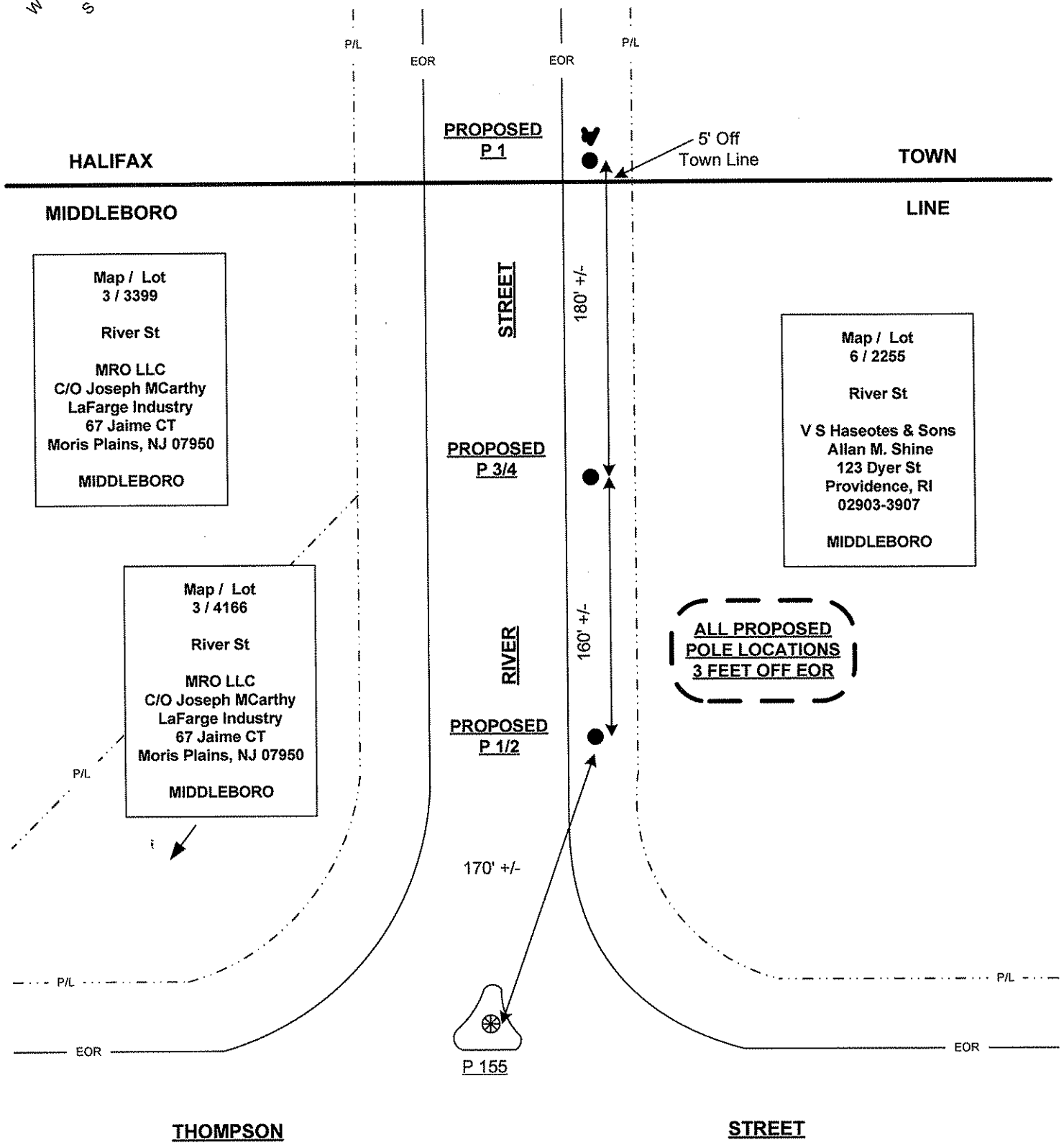
NOT TO SCALE

PLAN FOR PLACEMENT OF NEW POLES ½ and 3/4 RIVER STREET

TO ACCOMPANY PETITION OF
VERIZON NEW ENGLAND INC. AND
MIDDLEBORO GAS & ELECTRIC COMPANY

LEGEND:

- P/L — PROPERTY LINE
- EOR — EDGE OF ROAD
- EXISTING POLE
- PROPOSED POLE
- PROPOSED ANCHOR



Middleboro - River St - P .5 and P .75 - 2011B-04 - 9ABVDB - Petition.vsd

ABUTTERS LIST

Map / Lot
3 / 3399

River St

MRO LLC
C/O Joseph MCarthy
LaFarge Industry
67 Jaime CT
Moris Plains, NJ 07950

MIDDLEBORO

Map / Lot
3 / 4166

River St

MRO LLC
C/O Joseph MCarthy
LaFarge Industry
67 Jaime CT
Moris Plains, NJ 07950

MIDDLEBORO

Map / Lot
6 / 2255

River St

V S Haseotes & Sons
Allan M. Shine
123 Dyer St
Providence, RI
02903-3907

MIDDLEBORO

NOTICE OF HEARING Continued To 5/23/11 @ 7:30PM

Please take notice that the Town of Middleborough Rent Board, ("Rent Board"), will hold a hearing on Monday, May 2, 2011 at 7:30 p.m. in the Selectmen's Meeting Room at the Middleborough Town Hall in Middleborough, MA. The hearing will be conducted pursuant to the authority under the Rent Board's "Rules and Regulations For Mobile Home Park Accommodations, Rents and Evictions" and Chapter 703 of the Acts of 1985 to consider the amount of rents paid by tenants of Edgeway Mobile Home Park (the "Park") and potential general or individual downward rent adjustment in the Park based on conditions and/or circumstances existing in the Park. Hearing procedures will be governed by the Informal/Fair Hearing Rules pursuant to 801 CMR 1.02. The Park Owner and the tenants shall each have the right to participate in the hearing and have the right to be represented at the hearing by an authorized representative or attorney. They or their representatives/attorneys shall have the right to prepare and present relevant evidence and argument at the hearing.

The issues in the hearing include:

1. Whether the Park owner failed to complete improvements in the Park required to be constructed and/or installed pursuant to the Park's special permit issued by the Middleborough Planning Board.

2. Whether the drainage system for the Park was approved as required under a Town of Middleborough Board of Health rule or regulation.

3. Whether the Park has a license under General Laws Chapter 140, Section 32A to conduct, control, manage and/or operate the Park.

4. Whether the Park owner failed to perform normal and adequate ordinary repair or maintenance in the Park.

5. Whether the Park owner failed to conform to or violated requirements of the State Sanitary Code.

6. Whether the residents of the Park have been adversely affected by surface water drainage conditions at the Park.

7. Whether the Park owner altered the buffer of the Park, which buffer was provided for under the special permit for the Park, by removal of trees and removal of earth materials from the buffer.

8. Whether one or more of the circumstances/conditions identified in Issues 1 through 7 above, if found to exist, warrants a general or individual downward rent adjustment.

TOWN OF MIDDLEBOROUGH RENT BOARD
Alfred P. Rullo, Jr.
Stephen J. McKinnon
Steven P. Spataro
Allin Frawley
Ben Quelle

Please publish in the 4/21/11 edition of the Middleborough Gazette
Please submit bill to Selectmen's office, 10 Nickerson Ave., Middleboro, MA 02346
Advertiser # 300074

TAX INCREMENT FINANCING AGREEMENT ADMENDMENT
BETWEEN
The Town of Middleborough (Alternatively, the "Town")

and

DRAFT

Ocean Spray Cranberries, Inc.
(Alternatively, the "Company/Property Owner")

Bridge Street Economic Opportunity Area - Expansion Project

AGREEMENT is made as of this 23rd day of May 2011 by and between the Town and the Company/Property Owner.

WHEREAS The Company/Property Owner is a Massachusetts corporation having its principal office at One Ocean Spray Drive, Lakeville-Middleborough, MA 02349 and is authorized to do business in Massachusetts; and

WHEREAS the Town is a Massachusetts municipal corporation acting through its Board of Selectmen having its principal office at 10 Nickerson Avenue, Middleborough, MA 02346; and

WHEREAS the Company plans to increase production capacity by making internal building improvements and installing new equipment (the "Project") at their 152 Bridge Street manufacturing plant ("Facility") to accommodate a new product line, which parcel is shown on Middleborough's Board of Assessors Map 64, Lot 4545 (hereinafter the "Property"); and

WHEREAS the Property is located within the boundaries of an Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the "ETA"); and

WHEREAS the Property is located within the Bridge Street Economic Opportunity Area (EOA) (as that term is used in Massachusetts General Law, Chapter 23A, Section 3E, and referred to below as the "EOA"); and

WHEREAS the Company expects to retain 120 full time jobs and create 25-30 new, permanent full-time jobs open first to qualified residents of Middleborough;

WHEREAS the parties to the Agreement are desirous of entering into a Tax Increment Financing (TIF) Agreement in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

WHEREAS the Town strongly supports increased economic development to provide additional jobs for residents of Middleborough, to expand business within the Town, and to develop a healthy economy and stronger tax base; and

WHEREAS the Project will further the economic development goals and criteria established for the ETA and EOA; and

WHEREAS, on May 23, 2011, the Board of Selectmen recommended the TIF Plan to Town Meeting.

Now, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon

receipt of authorization from Town Meeting in accordance with applicable law, the parties hereby agree as follows:

THE TOWN'S OBLIGATIONS

1. A Tax Increment Financing exemption (the"Exemption") is hereby granted to the Company/Property Owner by the Town in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5 of the Massachusetts General Laws. The Exemption shall be for a period of twelve (12) years (the "Exemption Term"), beginning with Fiscal Year 2013 commencing after the expansion is completed and permitted (the "Start Date") and shall provide an exemption from taxation on the increase in the Property's value resulting from the Project improvements identified herein as follows:

Fiscal Year	Exemption Percentage
Year 1	15%
Year 2	15%
Year 3	15%
Year 4	15%
Year 5	15%
Year 6	15%
Year 7	15%
Year 8	15%
Year 9	15%
Year 10	15%
Year 11	15%
Year 12	15%

The Property becomes eligible for exemption on the July 1st following the date on which the EACC approves the TIF Plan, as provided in 760 C.M.R. 22.05(4) (d). The exemptions granted pursuant to this Agreement do not begin when the Project first becomes eligible for exemption, but begin at the beginning of the Start Date specified above.

2. The base valuation shall be the assessed value of the Property for the fiscal year prior to the July 1st on which the Property becomes eligible for exemption pursuant to this Agreement.

THE COMPANY/PROPERTY OWNER'S OBLIGATIONS

1. The Company/Property Owner expects to retain 120 full-time jobs in the Commonwealth and to create 25-30 new, permanent full-time jobs.

2. The Company/Property Owner expects to invest approximately $45 million for a third sweetened dried cranberry (SDC) line in their existing Middleborough manufacturing plant.

3. Current building size is sufficient for the new line but site improvements must be made. The Project consists of improving and upgrading the existing Facility by making the following improvements: freezer renovation; interior building renovations including construction of walls, floors, ceilings and finish casework; renovation of building electrical system; plumbing upgrades including floor and storm drain system, plumbing devices and fixtures and the fire protection system; and HVAC system improvements. The Project is expected to result in an estimated capital investment in the building of $8.5 million with an additional $36.5 million in new equipment for the total investment of approximately $45 million;

4. As this new SDC line is designed, the Company/Property Owner will build the line to accommodate a future SDC line to allow for growth at the Middleborough manufacturing plant.

5. The Company/Property Owner expects to use reasonable efforts to utilize qualified Middleborough vendors/services.

6. The Company/Property Owner expects to give priority consideration for hiring to Middleborough residents.

7. The Company/Property Owner expects to pay all taxes owed the Town relating to the Company/Property Owner's premises in a timely manner.

8. The Company/Property Owner shall submit annual reports on job creation, job retention, and new investments at the Property to the Town and to the State Economic Assistance Coordinating Council each year of the Certified Project designation. The annual report shall include the number of permanent full-time jobs created and the number of people hired from within the ETA annually and on a cumulative basis and the value of capital investments made by the Company/Property Owner with respect to the Property annually and on a cumulative basis.

9. If the Company/Property Owner fails to meet obligations specified above, the Town, acting through its Board of Selectmen, upon Board of Selectmen approval, may take action to request decertification of the Project by the Massachusetts Economic Assistance Coordinating Council. Upon decertification, the Town shall discontinue the Tax Increment Financing Exemption benefits provided to the Company/ Property Owner as set forth herein, commencing with the first fiscal year in which the Company/ Property Owner failed to meet such commitments, or if such benefits have already been received by the Company/ Property Owner for the fiscal year in which the Project has been decertified, commencing as of the fiscal year immediately following that fiscal year.

10. If the Company/ Property Owner plans to move from the Property, the Town shall be given thirty (30) days notice.

OTHER CONSIDERATIONS

1. Pursuant to 760 C.M.R. 22.05(8) (d), this Agreement shall be binding upon the Company/Property Owner, its successors, assigns and subsequent owners of the Property.

2. The matters described above as obligations of the Company/Property Owner are only conditions to the eligibility for tax exemptions under this Agreement, and do not create any enforceable obligations or covenants. The Town's sole remedy for failure by the Company/Property Owner to satisfy any such condition is set forth in sub-section 7 of the Company/Property Owner's Obligations section of this Agreement.

3. This Agreement is subject to M.G.L. Chapter 23A, Section 3A-3F inclusive, M.G.L. Chapter 40, Section 59 and M.G.L. Chapter 59, Section 5, cl. 51.

WITNESSETH the execution and delivery of this Agreement by the Town and the Company/Property Owner as an instrument under seal as of the date first above written.

AGREED TO:

Ocean Spray Cranberries, Inc.

_____
Designated Signator/Title

_____
Date of Signature

Town of Middleborough
By its Board of Selectmen
Or a Majority Thereof

_____
Alfred P. Rullo Jr.
Chairman

_____
Stephen J. McKinnon
Vice Chairman

_____
Steven P. Spataro
Member

_____
Allin Frawley
Member

_____
Ben Quelle
Member

_____
Date of Signature

ESTIMATED TIF VALUE

(Gray Areas Show Actual Figures)

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	FISCAL YEAR	MARKET VALUE	BASE VALUE	INFLATION FACTOR	EXEMPTION %	FISCAL YEAR	EXEMPTION AMOUNT	ASSESSED VALUE	FULL TAXES	TIF TAXES	SAVINGS	SINGLE TAX RATE	ACTUAL COMMERCIAL TAX RATE
2	2011	$11,126,600	$9,880,600	0.98	N/A	2011	N/A	N/A	N/A	N/A	N/A	0.01386	$13.86
3	2012	$11,126,600	$9,682,988	1.00	N/A	2012	N/A	N/A	N/A	N/A	N/A	0.01339	
4	2013	$11,126,600	$9,682,988	1.00	15%	2013	$216,542	$10,910,058	$152,459.44	$149,492.33	$2,967.11	0.01370	
5	2014	$11,182,233	$9,682,988	1.00	15%	2014	$224,887	$10,957,346	$155,932.14	$153,560.15	$2,371.98	0.01401	
6	2015	$11,182,233	$9,682,988	1.00	15%	2015	$224,887	$10,957,346	$160,218.03	$156,995.87	$3,222.16	0.01433	
7	2016	$11,182,233	$9,682,988	1.00	15%	2016	$224,887	$10,957,346	$163,874.14	$160,578.45	$3,295.69	0.01465	
8	2017	$11,238,144	$9,682,988	1.00	15%	2017	$233,273	$11,004,871	$167,912.59	$165,249.32	$2,663.27	0.01502	
9	2018	$11,238,144	$9,682,988	1.00	15%	2018	$233,273	$11,004,871	$172,914.63	$169,325.39	$3,589.24	0.01539	
10	2019	$11,238,144	$9,682,988	1.00	15%	2019	$233,273	$11,004,871	$177,179.74	$173,501.96	$3,677.77	0.01577	
11	2020	$11,294,335	$9,682,988	1.00	15%	2020	$241,702	$11,052,633	$181,550.05	$178,553.15	$2,996.90	0.01615	
12	2021	$11,294,335	$9,682,988	1.00	15%	2021	$241,702	$11,052,633	$186,958.30	$182,957.34	$4,000.96	0.01655	
13	2022	$11,294,335	$9,682,988	1.00	15%	2022	$241,702	$11,052,633	$191,569.82	$187,470.17	$4,099.65	0.01696	
14	2023	$11,294,335	$9,682,988	1.00	15%	2023	$241,702	$11,052,633	$196,295.08	$192,094.31	$4,200.77	0.01738	
15	2024	$11,350,807	$9,682,988	1.00	15%	2023	$250,173	$11,100,634	$201,136.89	$197,687.33	$3,449.56	0.01781	
16					15.00%				*$1,906,863.94*	*$1,869,778.44*	*$37,085.50*		
17													
18													
19													
20													
21													
22													
23													
24													

********** **ESTIMATED TOTAL SAVINGS $37,085.50** **********

MANUFACTURING CORPORATION

Incorporated 1669
335 Years of Progress

CRANBERRY CAPITAL
OF THE WORLD

Town of Middleborough

Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

MEMORANDUM

To: Board of Selectmen

From: Charles J. Cristello, Town Manager

Date: May 20, 2011

Subject: *Carver Water Agreement*

The Town of Carver is about to begin servicing customers that were formerly customers of the Town of Middleborough. Town Counsel Daniel Murray has recommended that we sign the attached agreement terminating the prior agreements between Middleborough and Carver.

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

May 18, 2011

Charles J. Cristello, Town Manager
(via email: ccristello@middleborough.com)

RE: Carver/Middleborough water agreements – repair work

Dear Charlie:

I enclose a revised draft agreement to reflect the additional meter reading and billing services and to provide that the agreement to provide repair services and meter reading/billing services is between Middleborough and the District.

This will also confirm that the draft reflects that Middleborough will charge the District for labor and material for all services including meter reading/billing.

Very truly yours,

Daniel F. Murray

DFM/k
#12,674
Enclosure

cc: Joseph Silva, Middleboro Water Supt. *(via FAX#: 508-946-2484)*

TERMINATION/ SERVICE AGREEMENT

WHEREAS the Town of Carver ("Carver") and the Town of Middleborough ("Middleborough") are parties to an agreement entitled "Successor Water Agreement Between the Town of Middleborough and the Town of Carver" dated October 12, 2004 (the "Successor Agreement"); and

WHEREAS Carver and Middleborough were parties to an agreement for the supply of water by Middleborough to Carver dated October 4, 1990 which agreement terminated (the "Original Agreement"); and

WHEREAS Carver, Middleborough and Simeone Associates Limited Partnership are parties to an agreement entitled "Water Agreement Between the Town of Middleborough the Town of Carver and Simeone Associates Limited Partnership" dated February 7, 2005 for the supply of water by Middleborough to Carver for the use of property owned by Simeone Associates Limited Partnership on and off North Main Street, Route 58 in Carver, MA; and

WHEREAS Carver has acquired and/or developed its own water supply and water distribution system and in connection therewith has established the North Carver Water District (the "District"); and

WHEREAS the supply of water by Middleborough to Carver pursuant to the Successor Agreement and the Simone Agreement is no longer required.

NOW THEREFORE the undersigned parties covenant and agree as follows:

1. The Successor Agreement and the Simeone Agreement are hereby terminated, such termination to be effective on June 1, 2011. Middleborough shall have no obligation to supply water or any other obligations under said agreements on and after said effective date.

2. Middleborough and the District agree that Middleborough shall provide to the District emergency back-up and response mutual aid with respect to repairs to the District's water distribution system which services may from time to time be requested by the District.

3. Middleborough and the District agree that Middleborough shall provide to the District meter readings and water billing services with respect to the District's water customers.

4. Middleborough shall provide the services under paragraph 2 and paragraph 3 until December 31, 2012 or such earlier date which Middleborough and the District may agree upon.

5. Middleborough shall bill the District for Middleborough's cost of labor and material incurred or used by Middleborough in carrying out the services provided for under paragraph 2 and paragraph 3. Such bills will be sent not more frequently than monthly. The District shall pay Middleborough any such bill within sixty (60) days after the date of the bill.

6. The agreement between Middleborough and the District as set out in paragraphs two, three, four and five shall be governed by and subject to the provisions of General Laws Chapter 40, Section 4A.

WITNESS the hands and seals of the undersigned this _____ day of May, 2011.

Town of Middleborough
By:

_____

_____

_____

_____

_____
Board of Selectmen

Town of Carver
By:

_____

_____

_____
Board of Selectmen

Simeone Associates Limited Partnership
By:

_____
General Partner

_____
General Partner

_____
General Partner

North Carver Water District
By:

_____

_____

_____
Board of Water Commissioners

WARRANT FOR SPECIAL TOWN MEETING

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 **Monday, June 6, 2011 at 7:00 P.M.**, to act on the following articles:

ARTICLE 1. 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 supplement and/or adjust departmental budgets for Fiscal Year 2011, or act anything thereon.

ARTICLE 2. 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 unpaid bills from prior years, or act anything thereon.

ARTICLE 3. 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, the Water Enterprise Unreserved/Retained Earnings account, or other available source to fund sick leave buy-backs or act anything thereon.

Given, under our hands at Middleborough, this 9th day of May, 2011.

Alfred P. Rullo, Jr., Chairman

Stephen J. McKinnon, Vice Chairman

Steven P. Spataro

Allin Frawley

Ben Quelle

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 19th **day of May, 2011**, that date being more than fourteen days before the time specified for said meeting.

BRUCE GATES
Police Chief

ANNUAL 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 **Monday, June 6, 2011, 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, 2011, 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 2012, or act anything thereon.

ARTICLE 4. To see if the Town will vote to transfer $96,950 from the receipts reserved for the Water Pollution Abatement Trust Loan Repayment Account in order to meet the Town's obligation for payment of the Water Pollution Trust Loan, or act anything thereon.

ARTICLE 5. 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 2012, or act anything thereon.

Municipal Fire Alarm System	**Not to exceed $15,000**
Hazardous Materials Incident Training & Materials	**Not to exceed $50,000**
Recycling Program	**Not to exceed $2,500**
Composting Bin Program	**Not to exceed $2,500**
Herring Fishery Program	**Not to exceed $10,000**
Recreation and Sports Program	**Not to exceed $100,000**
Zoning Map, Bylaws and Subdivision Rules & Regulations	**Not to exceed $2,500**

ARTICLE 6. 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 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 health insurance plans for some of the increases in health insurance HMO and PPO deductibles and co-payments paid by said employees and retirees and other persons during Fiscal Year 2012 and in excess of the amounts of such deductibles and co-payments applicable during Fiscal Year 2010, and to pay any related costs, or act anything thereon.

ARTICLE 8. A NEW DAY (formerly Womansplace Crisis Center) requests from the Town of Middleborough that $1,500 be raised and appropriated to A New Day in fiscal year 2012 in lieu of services provided to the sexual assault survivors and their families.
By petition

ARTICLE 9. To see if the Town will vote to accept Clause 56 of G.L. c.59, ss 5 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year they are serving in a foreign country, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of $200,000.00 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 11. To see if the Town will vote to raise and appropriate and/or transfer the sum of $400,000 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 engine for the Fire Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer the sum of $287,000 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 sander for the Public Works Department, two new utility trucks for the Wastewater Department, and a new van for the Water 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 to repair the Town Hall Cupola and to make exterior repairs to the Town Hall Annex and Public Library, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer the sum of $520,000 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 windows and repave the parking lot at the Elementary Complex, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer the sum of $170,000 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 part of the floor tiles at Middleborough High School, and install security cameras and access control card readers at all school buildings, or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer the sum of $253,095 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, and computer network infrastructure for the School Department and to purchase computers, servers, monitors, printers, and related hardware for various Town departments, or act anything thereon.

ARTICLE 17. To see if the Town will vote to accept River's Edge Drive and Edge Water Lane as Town ways laid out by the Board of Selectmen, to authorize the Selectmen to acquire by eminent domain or by gift the fee in said ways as shown on the road layout plan on file with the Town Clerk entitled "Road Layout Plan of River's Edge Drive and Edgewater Lane – Middleborough, Massachusetts 02346" consisting of five sheets, dated October 15, 2007, revised through February 14, 2008 and prepared by Atlantic Design Engineers, L.L.C., and any related easements as shown on said plan, to authorize the Board to complete construction of the ways and related easements, to raise and appropriate a sum of money by borrowing for the cost of construction, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money under General Laws, Chapter 44 and to authorize the Board of Selectmen to assess betterments for the cost of construction under General Laws, Chapter 80, or act anything thereon.

ARTICLE 18. To see if the Town will vote to transfer the care, custody, management, and control of land and building (Freight House), Assessors Map and lot #s: Map 50M: lots 5058 (10 Cambridge Street), 5089 (2 Cambridge Street), 5852 (15 Station Street), and R.O.W. (discontinued road, Centre Avenue) to the Board of Selectmen for the purpose of sale and conveyance of the properties, or act anything thereon.

ARTICLE 19. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Town of Lakeville to provide water service to certain properties in the Town of Lakeville on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

ARTICLE 20. To see if the Town will vote to: (a) approve a Tax Increment Financing ("TIF") Plan and Agreement pursuant to Massachusetts General Laws c. 23A, §3E between Ocean Spray Cranberries, Inc. and the Town of Middleborough for an expansion project located at 152 Bridge Street shown on Assessors' Map 64, Lot 4545 which TIF provides for tax exemptions over a twenty (20) year period at the rates set forth therein, substantially in the form on file with the Board of Selectmen and the Town Clerk, subject to approval by the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts ("EACC"); (b) authorize the Board of Selectmen to execute the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; (c) authorize the Board of Selectmen to submit all such documents to the EACC under the Economic Development Incentive Program for approval and designation of the Bridge Street Economic Opportunity Area expansion project, TIF Plan and TIF Agreement and Certified Project Application described therein; (d) take such other and further action as may be necessary or appropriate to carry out the purposes of this article; and (e) or act anything thereon.

ARTICLE 21. Local Adoption of Chapter 43D Expedited Permitting – South Middleborough Property

To see if the Town will vote to accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land generally bounded by Route 28 (Wareham Street) and Route 495, totaling 134.6 acres, assessor's Map #:88: Lots 3449, 3488, 4234, 4265, 5056, 5751 and Map #94: :Lots 1026, 274, 5966 as a Priority Development Site, or act anything thereon.

ARTICLE 22. To see if the Town will vote pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, to authorize establishment of an Administrative Services revolving fund for the purpose of funding certain activities and operations of the Conservation Commission during Fiscal Year 2012, or act anything thereon.

ARTICLE 23. To see if the Town will vote to adopt the following bylaw –
Community Preservation Bylaw

Section 1: Establishment
The Town of Middleborough hereby establishes a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B, Section 5. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Housing Authority as designated by the Authority for a term of three years.

One member of the Planning Board as designated by the Board for an initial term of two years and thereafter for a term of three years.

One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

Two at-large members to be appointed for a term of two years and thereafter for a term of three years.

Two at-large members to be appointed for a term of one year and thereafter for terms of three years.

The initial four at-large members shall be appointed by majority vote during a joint meeting of the statutory members of the Community Preservation Committee and the Board of Selectmen. Further, prior to this joint meeting, the Board and the Committee shall each receive the applications of interested persons and may interview the applicants. Thereafter, the appointment of at-large members shall be by majority vote during a joint meeting of the Board of Selectmen and all members of the Community Preservation Committee.

Notwithstanding the terms of office set forth above, in the event that a person no longer serves in the position or on the commission, board or authority designated above, such person shall be deemed to have vacated his or her position on the Community Preservation Committee.

Should any of the commissions or boards who have appointing authority under this Section be no longer in existence for whatever reason, the appointing authority for that commission, board or authority shall become the responsibility of the Board of Selectmen.

Section 2: Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to, the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Parks Commissioners and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more publicinformational hearings on the needs, possibilities and resources of the Town regarding Community Preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.
2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside, for later spending, funds for specific purposes that are consistent with Community Preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4: Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Section 5: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 6: Effective Date

Following Town Meeting approval, this bylaw shall take effect under and pursuant to the procedures and requirements of General Laws Chapter 40, Section 32. Each designating and appointing authority shall have thirty days after the bylaw takes effect to make their initial appointments, or act anything thereon.

ARTICLE 24. To see if the Town will vote to rescind the vote taken under Article 23 of the warrant for the June 14, 1993 Special Town Meeting that the Board of Selectmen shall be the Rent Board for the purpose of regulating rents, minimum standards for the use or occupancy of mobile home park accommodations and evictions of tenants therefrom pursuant to the provisions of Chapter 703 of the Acts of 1985, to authorize the Board of Selectmen to appoint a five (5) member Rent Board pursuant to the provisions of Chapter 703 of the Acts of 1985 for such terms as the Board of Selectmen determines, to provide that the Board of Selectmen shall by appointment fill any vacancies in the Rent Board, to provide that the Board of Selectmen shall cease to be the Rent Board under Chapter 703 of the Acts of 1985 from and after December 1, 2011 and that the members of the Rent Board appointed by the Board of Selectmen shall take office on December 1, 2011, or act anything thereon.

ARTICLE 25. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact special legislation to provide that any agreement for a term of more than two (2) years made by the Town with any other governmental unit under the provisions of Section 4A of Chapter 40 of the General Laws respecting the sale by the Town of Middleborough of water or wastewater treatment services shall be subject to authorization by the Town Meeting, or act anything thereon.

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation to allow the Board to impose reasonable fees for the employment of outside consultants under the provisions of General Laws Chapter 44, Section 53G in connection with its review of Earth Removal permit applications under the Town's Earth Removal By-law, or act anything thereon.

ARTICLE 27. To see if the Town will vote to adopt the following by-law –

Section 1. A record owner of a lot of land which abuts a Town way who intends to construct a building or other structure on the lot and which construction requires a building permit shall, before commencement of construction, file a written notice of intent to construct with the Director of the Town's Department of Public Works (the "Director"). The notice shall contain the street address of the lot on which construction is to take place, the name(s) of the record owner(s) of the lot, a description of the proposed construction, the estimated dates when construction will take place, and the vehicles, equipment and machinery which will be used in such construction. Upon receipt of such notice, the Director may require the record owner of the lot to provide to the Town a monetary bond ("bond") in an amount not to exceed Two Thousand Dollars ($2,000.00). The Director in determining whether to require a bond and the amount of the bond shall take into consideration the nature of the proposed construction, when the proposed construction is to occur, the vehicles, equipment and machinery likely to be used in such construction, the condition of the Town way on which the lot abuts and the purpose of the bond as set forth in Section 2.

Section 2. The purpose of a bond under this by-law is to provide money to the Town to defray the cost to restore or repair a Town way which incurs damage caused by or arising from the use of vehicles, equipment or machinery in connection with the construction of a building or structure on a lot which abuts the Town way.

Section 3. If the Director requires a bond, the record owner of a lot shall provide such bond to the Town before commencement of construction.

Section 4. When a record owner of a lot who provided a bond pursuant to this by-law notifies the Director that construction has been completed including completion of any related lot grading and/or landscaping, the amount of the bond shall be refunded to the record owner less an amount determined by the Director for the cost to restore or repair the Town way on which the

lot abuts which way incurred damage caused by vehicles, equipment or machinery in connection with construction on the lot. The Town shall retain such amount determined by the Director for the cost to restore or repair the Town way and refund the remainder of the bond amount to the record owner of the lot who provided the bond.

Section 5. Violation of Section 1 or Section 2 hereof by a record owner of a lot shall be punished by a fine of One Hundred Fifty Dollars ($150.00) for each violation, or act anything thereon.

ARTICLE 28. To see if the Town will vote to authorize the Board of Selectmen to acquire easements in two parcels of land by gift, purchase or eminent domain in connection with the project to improve drainage on Thompson Street, such parcels being shown on a plan entitled "DRAINAGE EASEMENT PLAN, Map 14 Plot 732, Map 23 Lot 766, 174 & 176 Thompson Street, Middleboro, Mass. Date: March 14, 2011." By Michael J. Koska & Associates, Inc. Said property owners are Goldman, 174 Thompson Street and Ribeiro, 176 Thompson Street, or act anything thereon.

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to acquire easements in one parcel of land by gift, purchase or eminent domain in connection with the project to improve the intersection of Rocky Meadow Street at Tispaquin Street, such parcel being shown on a plan entitled "ROADWAY EASEMENT PLAN FOR ROCKY MEADOW AND TISPAQUIN STREETS, Map 44 Plot 5527, Middleboro, Mass. Date: March 30, 2011." By Michael J. Koska & Associates, Inc. Said property owner is Rudolph, 52 Rocky Meadow Street, or act anything thereon.

Given, under our hands at Middleborough, this 9th day of May, 2011.

Alfred P. Rullo, Jr., Chairman

Stephen J. McKinnon, Vice Chairman

Steven P. Spataro

Allin Frawley

Ben Quelle

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 **19th day of May, 2011**, that date being more than seven days before the time specified for said meeting.

BRUCE GATES
Police Chief