TOWN OF MIDDLEBOROUGH

NOTICE OF MEETINGS OF TOWN DEPARTMENTS AND ALL TOWN BOARDS

As required by Chapter 39 M.G.L.

PLEASE TYPE OR PRINT LEGIBLY

NAME OF DEPT. OR BOARD BOARD OF SELECTMEN & RENT CONTROL BOARD

DATE OF MEETING: Monday 5/23/11 TIME: 7:00 PM PLACE: Town Hall

Date and time received by Town Clerk

Clerk/Board member posting notice

MEETING CANCELLED: _____ DATE & TIME CANCELLED: _____

CLERK/BOARD MEMBER CANCELLING THE MEETING: _____

## AGENDA

**1. Pledge of Allegiance**

**2. Other**

**3. Announcements & Recognitions**

**4. Minutes:** 5-16-11 Regular

**5. New Business**

1. Appoint Town Clerk
2. Approve name of "Evelyn's Path" for new access path @ 46 Miller Street

**6. Hearings - Meetings - Licenses**

7:10 PM Road Layout Hearing - River's Edge Drive & Edgewater Lane
7:20 PM Pole hearing - River Street
7:25 PM Pole hearing - Thompson Street
7:30 PM Edgeway - Rent Control hearing (continued from 5/2/11)
9:00 PM Discussion re TIF Agreement with Ocean Spray
9:10 PM Discussion re Water IMA with Town of Carver
9:15 PM Discussion re Remaining Town Meeting Warrant Articles

**7. Unfinished Business**

**8. Town Manager's Report**

**9. Correspondence**

**10. Executive Session** - Collective Bargaining

**11. Adjourn**

**Middleborough Board of Selectmen** **May 23, 2011**
**Meeting Minutes**

Chairman opened meeting at 7:04 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen A. Rullo, S. McKinnon, S. Spataro, A. Frawley and B. Quelle, Town Manager C. Cristello and Confidential Secretary J. Shanley.

The meeting was recorded and broadcast live by Middleborough Cable Committee Access Media.

**OTHER**
None.

**ANNOUCEMENTS**
Veterans' Agent Paul Provencher thanked Board for taking part of bridge dedication ceremony on Saturday at Oliver Mill Park in memory of Bruce Rushforth who lost his life in the line of duty. Mr. Provencher also reviewed schedule of Memorial Day activities, which are also posted online.

Chairman announced Town Meeting is on 6/6/11 and encouraged attendance. He reminded the public that they will hold a reception at 5:30 PM at the High School to say goodbye and wish a happy retirement to Town Clerk Eileen Gates.

The Board has scheduled a tentative hearing for 6/13/11 on the $2 million+ SAFE grant received by the Fire Department. Chairman Rullo encouraged public attendance and participation in the discussion.

Nemasket Hills Cemetery will hold an Open House with a self-guided tour of Sunday 5/29 from 1 PM to 3 PM. Further information can be obtained by calling 774 501-1305 or through: nhcal1885@verizon.net

Selectman Spataro acknowledged that retired Four Star General Casey who was Chief of Staff for the Army was an honored guest at the dedication of the bridge in memory of Bruce Rushforth. Selectman Spataro also noted that Mr. Rushforth's colleague who had fought in the same helicopter squadron had also attended the dedication.

Selectman Frawley announced that the Taunton River Watershed is holding an overnight canoe trip Saturday, June 25th through Sunday, June 26th. More information may be obtained through the Watershed's website or by contacting Selectman Frawley. Selectman Frawley also offered his thanks to Representative Straus for meeting on Friday and sharing his view on the topics that were discussed.

**MINUTES**
Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve 5-15-11 meeting minutes with correction to spelling of DPW Director's name on page one.

**NEW BUSINESS**
Appointment of Town Clerk
Chairman noted that the Board had four strong candidates to choose from for the position of Town Clerk. He thanked the Town Manager and the Steering Committee and opened the matter for discussion among the Board and for nominations by the Board.
**Selectman Spataro:**
He noted that the Board had great candidates to consider and that he has been vocal about promoting resident applicants. Allison Ferreira has a lot of experience and provided a lot of references to the Board. The other candidates provided references to the Steering Committee. He felt that Caroline LaCroix's management experience is stronger and makes her more qualified, although he thinks Allison could absolutely do the job. He hopes that the Town Manager could nurture Allison along and give her managerial experience.
**Selectman Frawley:**
He narrowed down his choice to two Town candidates. He was extremely impressed with Caroline. He had the pleasure to work with her on the Charter Study Committee. Allison already works in Town, has letters of recommendation from two former Town Managers, ran the Town Manager's office during the most historical tumultuous time when the Town held the Town Meeting relative to the Proposed Resort Casino, is Chief Procurement Officer, and has letters of recommendation from department heads. He recommends Allison Ferreira for the position.
**Selectman McKinnon:**
He noted that the Board had four very good candidates to choose from, and that although one is a Town Clerk, it is not the deciding factor. Allison and Caroline were well prepared and both have a lot of experience. Both spoke to cross training, which we need. We also need organizational skills and experience. Allison stepped into a position with very little guidance and moved it forward without a Town Manager. She took a lot of steps to make the office more efficient. He recommends Allison Ferreira for the position.
**Selectman Quelle:**
He noted that the decision was very difficult agreeing that they had outstanding candidates to choose from. There were two with Town Clerk experience and one with strong managerial experience. Allison comes with so much recommendation and Caroline with her background. He has a real appreciation when organizations promote from within. Allison's recommendations mean a lot coming from her prior bosses, having to adjust to different personalities and styles. Many department heads and citizens have had a lot of good to say about her. She's never complained and has had a lot of challenges. Caroline came close. Allison has put in her time and it's time she be promoted. He recommends Allison Ferreira for the position.

**Selectman Rullo:**
He too narrowed it down to Allison Ferreira and Caroline LaCroix. Both have a lot of experience. Caroline has strong managerial and customer service. Allison has worked for three different Town Managers and has risen to the occasion. Internal candidates can be at disadvantage because you can see their weaknesses, but from what he has seen personally, Allison has demonstrated that she is capable. He offered his vote for Allison Ferreira.

Selectman Spataro offered that he doesn't think Allison's managerial experience comes even close to Caroline's. He asked if the Board members could share how Allison has earned their recommendations.
Selectman Rullo offered that Caroline had broader experience with Municipal governmental leadership roles and education, but what put him over the edge is that Allison has proven herself in Town. All three Town Managers think she has done her job well and professionally. Her references had an effect on his decision. She had managerial experience with law firms and did supervise people in prior positions. No doubt in his mind that Allison can do the job.
Selectman McKinnon noted that maybe Allison doesn't have managerial credentials to supervise others, but everyone starts somewhere. The appointed candidate will have to translate a lot of data. With her legal background, Allison understands the necessity of deadlines re legal documents. She can multi task. Caroline's a great candidate. He thinks Allison is going to do just that much better of a job.
Selectman Quelle offered that he thinks it's important that employees strive for more within a company. It's a motivator. Caroline is a fantastic candidate with a lot of energy. Allison was a big part of Human Resources and has a lot of experience with people. Working for law firms, as long as she did, demonstrates that she has done a lot of work.
Selectman Frawley noted that by choosing Allison in no way, shape, or form, speaks less of Caroline. The fact that Allison worked independently during the most tumultuous time shows what she is capable of. She ran the Town Manager's office. She stepped up. He witnessed her treat people professionally this past Friday. She has two former Town Manager references and two department head references. He thinks she's going to do a fine job. He's looking forward to working with her.
Selectman Spataro offered that he appreciated everyone's input and that he thinks it's important to have a consensus for these appointments. He noted that he was ready for the Board's motion.
Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to appoint Allison J. Ferreira as Temporary Assistant Town Clerk until 6/30/11 and Town Clerk as of 7/1/11.

Naming of New Access Path
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve name "Evelyn's Path" for new access path @ 46 Miller Street.

## HEARINGS, MEETINGS, & LICENSES

Road Layout Hearing re River's Edge Drive & Edgewater Lane

Chairman opened Road Layout Hearing re River's Edge Drive & Edgewater Lane at 7:40 PM by reading aloud public hearing notice. Chairman recommended Board layout the road. Planning Board recommended Board layout road. Selectman Frawley applauded the efforts of the residents and Planning Director Ruth Geoffroy in getting this to a conclusion. Chairman asked to hear comments from the Board and the audience. Hearing none, Chairman declared the hearing closed. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to accept road layout.

Edgeway Mobile Home Park Rent Control Hearing

Chairman continued Edgeway Mobile Home Park hearing from 5/2/11 at 7:55 PM. Chairman read aloud the hearing procedures that would be followed. He announced that anyone who intends to give testimony, speak, or provide evidence, must sign the appearance sheet. Chairman read procedures that must be followed. Board took brief recess to allow for signing of the appearance log. Chairman swore in all witnesses. Attorney Marsan addressed Board to state on the record that he objected to the hearing. He noted that this hearing is the same hearing we've had on, and therefore objects to doing it again. He further offered that he found it to be inappropriate with the trial approaching. Witness testimony as follows:

**Questions of Robert J. Whalen by Selectman Spataro:**

Q: Name & address? A: Robert J. Whalen of 17 Washburn Street
Q: Town position? A: Zoning Enforcement Officer & Building Commissioner. Q: How long have you been Building Commissioner? A: For seven years. Q: Are you familiar with Edgeway Mobile Home Park in your capacity as Building Commissioner? A: Yes. Q: Have you visited Park and made inspections at the Park from time to time? A: Yes. Q: When did you last visit the Park? A: His last visit/inspection of the park was on 4/7/11 with Health Officer Jeanne Spalding. Q: What was the purpose of visit? A: The Health Department received complaints re standing water under the units and ventilation and there was an issue with a retaining wall. Q: Are you familiar with the problem of surface water running under some of the homes? A: Yes. Q: How many homes are affected by the conditions/situation you describe? A: I believe there are fifteen. Q: Has plastic sheeting been removed from some homes? And when was it removed? A: We were told by the owners they started to remove plastic sheeting in 2009 and finished in 2010. Q: Were drainage vents installed in the skirting around some of the homes? A: They installed vents as required once they removed plastic. Q: What was the purpose or function of the vents? A: Because they removed plastic sheeting, they were required to install louvered vents. Q: Are the vents which were installed appropriate? A: I found all the vents were closed during our inspection and it had rained the entire week prior. We were told they were designed to open at 40 degrees. It was 43 degrees that day and all the vents were closed. If they are going to be closed, what is the point in having vents? Q: Why would you say that they were not appropriate? A: Trailer manufacturer's

recommendation states that they remain open at all times. Q: Do you have a manufacturer's brochure relating to the vents which were installed? A: Yes. Exhibit #B14 was submitted by Mr. Whalen. Q: And you did say that the Park owner and operator altered the buffer? A: Yes. Q: Was there anything in addition to what you just said that was a description of the altered buffer? A: We went there on inspection and noted several large trees that had been harvested from the buffer area that had served as a boundary between the Park and Route 495. Q: In a visit to the Park, did you observe an area of terraces shored up with wooden beams? A: Yes. During an inspection with the Health Officer in April, it was brought to our attention that there is a timber retaining wall made out of railroad ties located between #14 & 18 Lyn Lane and it is in a deteriorated condition (submitted as Exhibit B15). Q: What did you observe about the terraced/beamed area? A: Large sections of it are totally decayed and one of the owners has to go near it when mowing his lawn and is concerned that the wall is going to give way. Q: When did you take these photographs that you just provided? A: 4/7/11. Q: Is there any other comment you would like to make about buffer zone, ventilation, or terracing? A: Not at this time.

**Questions asked of Mr. Whalen by Selectman Frawley:**

Q: Do all occupied units have occupancy permits? A: They do now. Q: When were they brought up to date? A: At time when court proceedings began, there were two units that did not have occupancy permits and we were told not to issue, due to zoning violations, but at the time, the previous owner sold the units to the tenants without the occupancy permits, and later, due to health issues, the tenants needed to sell the units. We realized we were only hurting the tenants. We talked to Town Counsel and made a decision to issue the two occupancy permits we were holding at the time. Q: So two units were sold without occupancy permits? A: Yes. Q: Do we know how accurate the occupancy permits are as I was told that some of the occupancy permits have two bedrooms on them, but are three bedrooms? A: They reflect whatever was applied for on the building permit. Q: A building permit is issued to a manufactured home? A: That is correct. Q: If the occupancy permit is different than what is actually there, how does that affect things? A: We go by what is provided to us on the plans that are submitted when the building permit is applied for so the occupancy permit should reflect what is built on site.

**Questions asked of Mr. Whalen by Selectman Quelle:**

Q: Please explain vapor barriers. A: If you look under manufacturer's specifications for installation, page 2, there's a vapor barrier listed. The way the units are supposed to be set, the ground underneath is supposed to be mounded. Then, if you're going to install skirting, which all of them had, it is recommended that plastic vapor barrier be put down, which would prevent moisture from escaping into the units.

**Questions asked of Mr. Whalen by Selectman Rullo:**

Q: There were two units sold without occupancy permits? A: Yes. Q: When? A: In 2003.

**Cross Examination of Mr. Whalen by Attorney Marsen:**

Q: Is it your testimony you went to the Park with Jeanne Spalding on 4/7/11? A: Yes. Q: Did you notify the Park operator or manager you were coming? A: No. Q: Did you

follow up with something in writing with Park operator or me with findings? A: No. Q: Is it your testimony that the poly sheet is appropriate to be used under these homes if installed correctly? A: Yes per manufacturer specifications. Q: Some or all of these units have vents that open and close with the temperature? A: The ones that I inspected. Q: how many did you inspect? A: Ten. Q: Is it your understanding that these open with the degrees? A: According to manufacturer specifications, they open at 70 degrees and close at 40 degrees. Q: You're aware that the Park has addressed water issues under some units by regarding? A: I'm aware of one. Q: Have you asked anyone else? A: We weren't told at time of inspection. Q: Based on your 4/7/11 inspection of retaining wall between 14 and 18 Lyn Lane, did you determine in unsafe condition? A: It could be. Q: Did you notify the Park operator of unsafe condition? A: No. Q: Don't you think that's important? A: It could be. Q: Did you withhold those occupancy permits without making an independent judgment of your own or did your predecessor? A: I'd have to check, but I believe I did. Q: Building permits were issued and they passed? A: They passed. Q: They were withheld by your predecessor and yourself? A: That's correct. Q: Georgette Gorman of 100 Wesley Circle just clarified that her house was one of the homes that the inspector had looked under.
Board took brief recess out of necessity to hold the following public hearings:

POLE HEARING - River Street:
Chairman opened Pole hearing at 8:25 PM re River Street by reading aloud public hearing notice. Ken Horn of Verizon addressed Board. Chairman asked to hear any comments from abutters and Board. Hearing none, Chairman closed hearing. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve.

POLE HEARING - Thompson Street:
Chairman opened Pole hearing at 8:27 PM re Thompson Street by reading aloud public hearing notice. Ken Horn addressed Board. Chairman asked to hear any comments from abutters and Board. Hearing none, Chairman declared hearing closed. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to approve.

Edgeway Mobile Home Park Rent Control Hearing Continued
Board reconvened Edgeway Mobile Home Park hearing at 8:29 PM. Witness testimony as follows:

**Questions of Jeanne Spalding by Selectman Frawley:**
Q: Name & address: A: Jeanne Spalding of 168 Highland St. Q: Town position? A: Health Officer. Q: How long have you been with the Health department? A:13 years. Q: Are you familiar with Edgeway Mobile Home Park in your Health department capacity? A: Yes. Q: Have you visited the Park and made inspections at the Park from time to time? A: Yes. When did you last visit the Park? A: 4-7-11. Q: What was the purpose of the visit? A: To address complaints by residents with problems they were

having. Q: Are you familiar with the Board of Health regulations? A: Yes. Q: Are you aware that the Board of Health adopted a regulation in 1970 pertaining to drainage in mobile home parks? A: Yes. Q: Do you have a copy of the regulation? A: I do (submitted as Board Exhibit B4, Section 9). Q: Did the Board of Health ever approve a surface water drainage system for Edgeway Park? A: I have found no documentation relative to that. Q: Have you had occasion to inspect various homes in the Park in connection with surface drainage going under the various homes in the Park? A: When we first got complaints in 2003 and a number of residents who complained about this problem and when we looked under the trailer units, the plastic sheeting seams were bunched up and/or the plastic was not laid correctly and gathered water. Q: Number of homes affected? A: In 2003 we received a petition and we have a map of the amount of complaints (presented diagram on a board to show complaints and submitted Exhibit B5, which was a copy of petition dated 10/15/03. Q: Did homes in the Park have plastic sheeting placed underneath the homes? A: Yes. A number of homes had it. Q: How did the plastic sheeting relate to or affect the surface water which went under various homes? A: As indicated earlier it was not laid appropriately and had tendency to collect water. Plastic was more or less pushed in there. Q: Did the Health department in 2003 order the Park owner to remove the plastic sheeting from beneath the homes? A: Yes we did. Q: Do you have a copy of the order? A: Yes I do (submitted as Exhibit B6 and sent on 10 -28- 03). Q: Was the plastic sheeting removed from some of the homes? A: We did receive correspondence from the applicant's attorney that some of the plastic was removed from some of the units. Q: When was it removed and how many homes had it removed? A: We were not notified of that when the plastic was removed so other than the one unit we verified on 4/7/11, we have not verified any other units. Q: Was any grading or other work done in connection with the removal of plastic sheeting? A: Not that I have been able to verify. We were to receive as built grade elevations from the engineer to verify that fill was brought in and corrected and water would not accumulate Q: Have you received those reports? A: No. Q: Does surface water continue to go under various homes after removal of the plastic sheeting? A: Fifteen residents have indicated that surface water is still accumulating underneath their homes and that would be expected with the grade outside of the homes being somewhat higher than the homes. Q: do you know if any of these homes have reported any mold growth? A: Yes.

**Questions asked of Jeanne Spalding by Selectman Quelle:**

Q: Are there installation instructions from the manufacturer as to how vapor barriers are to be installed? A: That falls under the building code and I understand there are specifics as to how they are to be installed. Q: Can you go over what health hazards could be? A: If water accumulates and is not drained or properly ventilated, it creates chronic dampness under the health code and causes growth of mold and mildew.

**Questions asked of Jeanne Spalding by Selectman McKinnon:**

Q. Do you have a topographical map to show where water comes down hill and how it will affect units? A: I do not have a topographical map. The Planning department has that. There have been various discussions on how to mitigate that with various engineers in various meetings. Many suggestions had been offered.

**Questions asked of Jeanne Spalding by Selectman Rullo:**
Q: Is the top of the map the lowest elevation and all the circles are the ones that have issues with puddling? A: Yes.
**Questions asked of Jeanne Spalding by Selectman McKinnon:**
Q: Do the five triangles represent separate issues? A: They came in as separate complaints. Q: As water issues? A: Yes (Exhibit B7 submitted 4/21/03 states complaints).
**Cross Examination of Jeanne Spalding by Attorney Marsan:**
Q: How long have you been Health Officer: A: 13 years. Q: Didn't Mr. Williams and his attorney represent that the plastic under the units met the requirements? A: I'm not aware of that. Q: Have you ever seen what would be swailing to divert water from the units? A: I've seen what may look like a couple of swails. Q: In past few years, you've met with Park officials? A: Yes. Q: We've talked about difficulty of lifting up the units to correct the problem so to correct problems would require hand grading. Q: Water would still pass under and not through correct? A: If material is appropriate it will infiltrate and drain. Q: Aren't we also pushing it through? A: I don't know if it passes through. Q: You mentioned expecting to see abseils? A: Correct. Q: Was that in writing? A: That was at a meeting with you and your client and the engineer and at that meeting, it was a requested point. Q: This is your memory of what came about at these meetings, but you have nothing in writing? A: Yes. Q: On 4/7/11 you went out with Mr. Whalen and looked at unit that had been worked on in terms of regarding underneath it? A: Correct. Q: And it appeared to be working? A: It appeared that the material had been removed. Q: You came out at the request of the owner? A: Yes. Q: Do you recall a questionnaire a few years ago asking what units wanted vapor barrier maintained and that majority wanted it maintained? A: I don't recall what survey indicated. Q: Who asked you to do inspection? A: The residents requested. Q: Did you notify the Park operator? A: No. Q: You didn't want the Park operator to tour with you? A: We don't normally do that if requested by the tenants/residents. Q: Was this just at request of the tenants? A: Correct. Louisa Brown noted that she was one of the tenants that had Health Officer and Building Commissioner come look at her home on 4/7/11.

**Questions of Ruth McCawley Geoffroy by Selectman Quelle:**
Q: Name & address? A: Ruth McCawley Geoffroy, 68 River Street Middleborough MA. Q: Town position? A: Planning Director. Q: How long have you been working with Middleborough Planning Board? A: 21 ½ years. Q: Familiar with Edgeway Mobile Home Park as a result of your work/Planning Board? Yes. Have you visited and/or inspected the Park from time to time? A: Yes. Q: Were you involved in the Special Permit process for the Park? A: Not with its issuance, that was before my time with the Planning Board. Q: What year was the special permit issued for the Park? A: (1986). Q: Was there a covenant executed by the Park owners in connection with special permit? A: Yes. Q: Did the covenant and special permit require the Park owner to do something regarding the construction of the Park? A: Yes. Q: What did it require? A: They required that the Park be constructed in compliance with the special Permit and the special Permit Plans. Q: Did

the covenant require that the construction of the Park was to be completed by a specific date? A: Yes. Q: What date? A: (7/1/90). Q: Did the Planning Board extend the time for construction of the Park to a later date? A: Yes. Q: What date? A: (July 1, 2003). Q: Was the construction of the Park completed by the extension date? A: No. Q: State the construction items which were not completed by the covenant extension date and which are currently not complete. A: Roadway top course, sidewalks, drainage structure adjustments, raising water gates, roadway shoulders, bound installation and installation of Street lights. Q: Were any required construction items partially done? A: Yes Q: What items? A: All of them. Q: Have any of the required construction items which were partially or completely done deteriorated and are not presently in satisfactory condition? What items? A:

A. Roadway binder course is in poor condition; remedy prior to paving top.
B. Roadway gravel base has settled/failed in a number of locations; remedy prior to binder replacement.
C. Cape-cod-berms are damaged or have inadequate height; no separation of road and sidewalk.
D. Utility patches require re-patching prior to top pavement.
E. Drainage manhole frames are damaged and require replacement.
F. Roadway shoulders are overgrown and incomplete;
G. Silt and overgrowth in all detention basin rip-rap.
H. Electric hand holes are damaged and require replacement; pedestals need to be straightened.

Q: Were any required construction items which were wholly or partially done not done in accordance with the plans or requirements? What items? A:

I. Roadway binder has inadequate cross slopes & grades and drainage is ponding within the road; requires leveling course to correct.
J. Drainage is ponding on road shoulder and lots including but not limited to area of 162 Wesley Circle, which may be exacerbated by leveling and top course.
K. Roadway alignment appears incorrect within layout; may affect sidewalks & utilities.
L. Roadway radii at various intersections are not constructed in accordance with the Plan, including two intersections in Lakeville with Haskell Circle, which and are at 90° angles and have no radii.
M. Radii for the driveways for multiple are units not constructed in accordance with the Plan.
N. Stop signs and street signs do not comply with the Manual of Uniform Traffic Control Devices (MUTCD) standards.
O. Boulders placed along Wesley Circle at detention basin, not on plan, too close to road
P. Sidewalk location throughout project constructed adjacent to the road w/o required 4 ft grass strip.
Q. Construction inspections on sidewalks were not requested or performed as required.

R. Utilities may be located in the way of the correct locations of the sidewalks.
S. Guardrail for Lot 72 & 74 driveway has not been installed. Boulders are in its place.
T. Wesley Circle 35' layout in Lakeville, Sta. 0+0 to 2+0 too narrow for grass strip & sidewalk.
U. Unit walks & steps w/ road layout poorly constructed; don't meet ADA/AAB requirements.
V. Driveway aprons to be adjusted to grade of roads. Adjustment may affect lot drainage
W. Detention basin shown on the as-built plan does not comply with the Conservation Commission approval as stated on the plan.
X. Catch basin and manhole frames and grates/covers are not LeBaron Foundry as required.
Y. Roadway and embankment cross-slopes especially where elevated not built as required.
Z. Water and electric utilities are not in accordance with plan.

Q: Did the special permit require maintenance of a buffer? A: Yes. Q: If so, where is the buffer and what did it consist of? A: The 100' buffer is required by the Town's Zoning By-law and borders I-495 and the Railroad tracks. It consisted of heavy natural woodland. Q: Did the Park owner disturb the buffer by removing trees and earth materials? A: Yes. Q: When? A: Between 2002 and approximately 2006. Q: Did the special permit or any related plans or requirements prohibit disturbance and/or removal of vegetation from the buffer? A: Yes, Condition #3 endorsed on the Special Permit Plan during the 1986 public hearing prohibited vegetation disturbance in the buffer area. Q: What actually in the buffer was prohibited? A: "ALL EXISTING VEGETATION TO REMAIN UNDISTURBED WITHIN THE 100' BUFFER ZONE ALONG THE RAILROAD AND ROUTE 495." Q: Describe the disturbances/vegetation removal which occurred in the buffer. A: In excess of 136 trees were harvested and removed from within the buffer with the majority of sizes ranging from 12" to 40" according to remaining tree stumps. The land along the edge of the buffer was excavated 5' to 40' into the buffer along its face leaving at some points a 14' vertical cliff. Other areas, particularly lot 51 was both filled and excavated. Areas of the buffer which had soil cut or filled had 100% of the trees removed and those trees are not included in the number previously reported. The buffer zone in general has been significantly thinned out and does not provide the visual or acoustic buffering to the Park that existed when the Special Permit was approved in 1986.

**Cross Examination of Ruth McCawley Geoffroy by Attorney Marsan:**

Q: You came into your current position after the special permit was granted? A: Yes. I did. Q: Did that special permit allow for home sites along that buffer to include within their lot area requirement buffer zone land? A: The plans appear to show that the home sites included the buffer as part of the site. Q: The bylaw at the time allowed buffer to be included in the calculation to get your minimum lot size correct? A: No. I don't believe that is correct. The Town's engineer identified that point at the time and believes that the note added to the plan saying that none of the buffer would be disturbed was a way to mitigate that allowance to allow those additional lots to be added to the project. Q: The

lots are 10k square foot minimum aren't they? A: They are not if you exclude the buffer zone. Q: But you need a 10k square foot area requirement to have a lot correct? A: That's what the bylaw states. Q: So, the buffer area would have to be included to get to 10k square feet correct? A: Yes. The buffer area was allowed to be included to make 10k square feet to get those lots. Q: The language of the bylaw special permit allows for some activity in the buffer area doesn't it? A: I don't believe it does. Q: You think it allows for no activity at all? A: The endorsement on the subdivision plans states that all existing vegetation shall not be disturbed within the buffer. So I do not believe any alteration was contemplated at the time that the special permit was issued. Q: Could those homes be built without running into the buffer zone with a machine? A: Yes. They could have been. Q: A lot of the issues you described relative to the conditions of the streets, sidewalks, & drains would be completed as part of the final code as part of normal construction wouldn't they? A: They would be part of the preparation of the site. The first items I listed were the normal items that were not completed. The second list of items are items that were poorly installed or degraded over time. The third list of items were items built in violation of a non-compliance with the plans that were approved. Q: Do you think the Planning Board made a mistake by allowing the buffer area to be included in the lot calculation? A: I don't have an opinion. I wasn't with the Board at the time. Q: You've expressed the opinion in the past that it was wrong haven't you? A: It's my understanding that if the Board allows something in violation of a permit and the permit is not appealed, then it stands as a point of law. Q: Are you on record as stating that they shouldn't have done it? A: Since I've been the Town Planner, the Board's interpretation of the bylaw is that the bylaw does not allow the buffer to be part of the 10k sq. feet. It states that each lot must have 10k sq. ft. for each lot and 10k sq. ft. of common land for each lot and that buffer may be included in common land and shall be an integral part of the common land and it states nothing that the buffer can be part of those lots. Q: In your position you review many subdivisions in Town correct? A: Yes. Q: You have a general sense of how a developer works? A: Yes. Q: Would it be accurate to say that there is an initial cost/expense that isn't covered by sales in order to just get into the site and cut the road? A: I can't speak from the point of view of a developer. Q: In your experience lot sales would be required in order to build out a subdivision correct? A: Again, I can't answer from the position of a developer. Q: In your position as a Planning Director? A: In most cases, roads are built to binder course of pavement prior to any lots being released when surety is posted. Q: Was that done in this case? A: Yes. Q: Does the Town hold a surety or cash bond to offset some of the cost or all of the cost of the completion of this subdivision? A: The Town is holding cash at the present time that was called in when a letter of credit was not renewed by the developer. A performance bond form was never signed by the former or current developer.

**Questions of Corey Farcas by Selectman McKinnon:**
Q: Name & address. A: Corey Wesly Farcas of 171 Wentworth Ave., Brockton, MA.

Q: Are you the Trustee of Edgeway Realty Trust? A: Yes. Q: Do you own and operate Edgeway Mobile Park? A: I operate it. The Estate of Wayne Williams owns it. Q: When did you start as owner/operator of the Park? A: In fall of 2006. Q: When did you first visit the Park? A: Sometime as a child. Q: What year? A: Maybe early 1990's.
Q: Did you receive a witness summons to appear at this hearing? A: I did. Q: Do you have the records that were required of you by way of the summons for tonight? A: I do. Q: Have you presented those to us as exhibits? A: Attorney Marsan answered that he has them. Q: Are the records you have brought true, correct, and complete? A: Yes. Documents were introduced as Exhibits B1, B2, B3, etc. Q: Do your duties include dealing with the income and expenses of the Park? A: Yes. Q: What was the gross income of Edgeway Park for 2010, 2009, & 2008? A: I think my counsel has that. Can you repeat the question? Selectman McKinnon repeated. Attorney Marsan read the following answer into record:
For 2010: $206,851
For 2009: $183,720
For 2008: $191,163 and were taken from Tax returns.
Q: What was the net operating income of the Park? Attorney Marsan read the following answer into the record:
For 2010: A loss of $54,031
For 2009: A loss of $21,966
For 2008: A loss of $141,802
Q: Please describe your duties with respect to management/operation of the Park. A: I oversee daily operating as well as the long-term planning of the Park. Q: Can you elaborate? A: Daily operations as far as decisions to be made re budgets as far as dollars where they are spent over the long haul, planning for things such as completion of the park, dealing with issues such as buffer zone and drainage issues. Q: Do you receive a salary or compensation for your services? A: I do. Q: How is the amount of your salary/compensation determined? A: My salary is based off of a management position that was given to me by my father in the fall of 2006. Q: Have you received increases over the years? A: No. I have not. Q: Is the Park managed/operated directly by Edgeway Realty Trust? A: It is. Q: Did I.S.M. Leasing, Inc. provide management services during 2008, 2009 or 2010 to Twin Coach Estates, Inc? A: ISM provides employees. It does not provide management services. The management services are provided by the Park itself, either Twin Park or Edgeway. Q: Does that mean Twin Park has its own manager? A: The employees are provided by ISM Leasing as well as equipment & vehicles needed to manage the parks. Q: Describe how the management fee billed by ISM Leasing, Inc. to Twin Coach Estate, Inc. is calculated and describe the method used to calculate the management fee: A: There's the leasing of the employees by I.S.M. Leasing. The services or actual hours are provided and billed in by ISM Leasing to Edgeway. As far as individual employees, our laborer position over $12 per hours is billed at 20 hours. Someone at 15 would be billed at 25 and someone who is at 20 would be billed at 35. Q: And it's only billed for work done at the Park? A: Correct. For work done at Edgeway or Twin Coach.

**Question by Selectman Rullo:**
Q: You lost your license in 2004 and you sold it in 2008? Marsan: This home was established in 2003. A permit was pulled and paid for.
**Question by Selectman McKinnon:**
Q: How could you sell the unit if your permit to operate the park was revoked in 2004? A: Attorney Marsan responded that the unit qualified in 2003 when it received a building permit. Chairman Rullo further explained responded that the fact is the Town allowed him to sell the unit.
**Question by Selectman Frawley**: Q: Was anyone in that unit in 2003 when the occupancy permit was being held up? A: Attorney Marsan responded that he was not sure if it was occupied as he was not there then. At that time, the Park was owned/run by Wayne Williams. Q: Was it occupied in 2008 when it was sold? A: Yes. Q: Without an occupancy permit? A: Yes. Q: So it was sold without an occupancy permit? A: Yes.
**Question by Selectman McKinnon:**
Q: With respect to 2008 Edgeway Realty Trust expenses for fuel ($5977), job materials ($1935), improvements ($1288.47), tree removal ($900), engineering (Foresight) fees ($6077), engineering (Outback) fees ($8140) and septic pumping ($5485), please identify and explain the project, matter or work which relates to or generated these expenses?
**AGREED MORE INFORMATION WOULD BE REQUESTED/PROVIDED.**
Q: With respect to 2009 Edgeway Realty Trust expenses for improvements ($11,011), drainage issues ($2436), septic pumping ($16,715) and Outback Engineering ($2000), please identify and describe the project, matter or work which relates to or generated these expenses?
**AGREED MORE INFORMATION WOULD BE REQUESTED/PROVIDED.**
Q: With respect to 2010 Edgeway Realty Trust expenses for drainage issues ($1387), irrigation ($1336) and Outback Engineering ($1875), please identify and describe the project, matter or work which relates to or generated these expenses?
**AGREED MORE INFORMATION WOULD BE REQUESTED/PROVIDED.**
Q: Is the Park subject to a special permit issued by the Middleborough Planning Board? A: Yes Q: Did the special permit or related documents require that the Park had to be fully constructed /completed by a certain date? A: Yes Q: What was that date? A: Attorney Marsan noted that earlier testimony was that it was extended to 2003, but his position is that it was extended to 2008. Q: Were all the improvements in the Park required by the Planning Board and the special permit completed in the time required? A: No they were not. Q: What improvements have not been completed? A: Streetlights and roadways. Q: When was last work done and what was done in the Park on the required improvements? A: Walkways, driveways, general improvements to maintain them, but final completion of them has not been done.
Q: Did the Planning Board special permit provide for a buffer along Route I-495 and the railroad? A: Yes Q: Did the Park owner/operator remove trees and earth materials from the buffer? When was this done? A: Attorney Marsan objected to these questions as part of litigation. Chairman noted objection, but still wanted answer to question. Attorney Marsan: I don't know what Wayne Williams did. If the question is to Corey Farcas, the

answer is that he hasn't done anything, but if it is a question during the timeline of the prior Park operator, they wouldn't know the answer. Q: How many trees were removed from the buffer? Estimate? A: Attorney Marsan responded that there are trees that can be removed and those that cannot. If the trees are hazardous and falling down and threatens a child, or someone passing by, we have an obligation to take them down. Wayne Williams had the same obligation. Our position is that the special permit, the bylaw, and the notes on the plan, all provide for activity in the buffer zone. It says no "unnecessary" cutting of trees. He wasn't allowed to touch healthy trees. I don't know the answer to that. Q: Can you estimate how many trees were cut up there? A: I'm not going to answer that until we walk the area. Q: How many cubic yards of earth material were removed from the buffer? Estimate? A: No I cannot. Q: Were the trees which were removed from the buffer sold by the Park owner/operator, and if so, to whom and what price was received from the sale? A: Not to my knowledge. Q: Was the earth material which was removed from the buffer sold by the Park owner/operator, and if so, to whom, and what price was received from the sale? A: None to my knowledge and no evidence to suggest the trees were sold. Q: Has the removal of trees from the buffer had an effect or impact on the Park regarding increased highway noise? Increased visibility of Interstate 495 and vehicular traffic thereon? A: No. Q: Does the Park have an operating license required under Chapter 140 of the General Laws? A: No we do not. Q: Did the Park receive approval of the Park's drainage system from the Middleborough Board of Health under the Board's mobile home park drainage rule or regulation? A: I will refer to counsel. Attorney Marsan responded: It's the Park's position that when the application was made for the special permit, it complied with all requirements. Also, the plan associated with the special permit shows the drainage in the roads and the Board of Health or Selectmen, or anyone who had anything to do with those rules, signed off. Q: Is there any maintenance or repair in the Park which is needed and has not been done? If so, what needs to be done, how long has it needed maintenance/repair and why hasn't it been done? A: None. Q: Was plastic sheeting placed under the mobile homes when they were set up on lots? If so, what was the source of the plastic sheets? A: Plastic sheeting was placed under the units and came off the units themselves and that was suggested by the manufacturer. Q: Does surface water from rain and melting snow run under some or all of the homes in the Park? Which homes are affected? A: some units do get water under them, but it drains out it dries up and vents were installed and are working. Has surface water formed pools of water on any of the Park's roads or off-road areas? If so, what areas are affected, how frequently does the pooling occur? A: When a high volume of rain comes, there is some pooling that occurs. Q: In what locations? A: You would have to be there and look for it. Attorney Marsan responded: I believe the Planning Director submitted some photos of where she saw some pooling after a rainstorm.
Is the Park realizing a fair net operating income from its operation? Q: Is the Park realizing a fair net operating income from its operation? A: I am not prepared to make statement about it. A: I cannot give an opinion on these questions. I cannot determine the fair net value. Attorney Marsan responded: It is not. We have the tax returns. We have losses. It is up to the Board to say what that means. Is a fair net operating income

for the park calculated or based on a percentage difference between the gross income and expenses, a percentage of the fair market value of the Park or some other method/calculation? A: Attorney Marsan responded: The accountant said it wouldn't be fair to try and come up with that figure. No one wants to do certified financials anymore because of the Federal law. It's a difficult situation. It's not attractive to buyers anymore because of septic, rent control and private water supply. Chairman: as the Rent Control Board, we are required to make these calculations. Marsan: I will tell accountant to do best he can and show his asterisks. He's been away on vacation and hasn't had much time to do this. Do you have an opinion of the fair market value of the Park? If so, what is your opinion? Is your opinion based on an appraisal? If not what is your opinion of value based upon? A: I am not prepared to make a statement about this. Chairman Rullo asked what the reason was for appraisal done in 2007. Attorney Marsan responded: For Estate Tax Return.

**Question by Selectman Spataro:**

Q: Didn't you divert profit on the park by making profit through leasing company? A: No.

Chairman Rullo: You are going to present the Financial Statements for ISM Leasing Company? Marsan: Yes. Chairman: Did ISM show profit? Marsan: I haven't looked. Chairman: Please look. Attorney Marsan handed Chairman Board's set of those financials. Chairman noted the profits and losses of ISM Leasing.

**Questions by Selectman Spataro:**

Is it cheaper to not finish park and leave the units empty? A: That implies I don't desire to fix the park. Q: So the repairing of the roads and all that has been discussed that needs to be done, is something you'd be willing to do as part of running a business? A: Yes, if we can come to a resolution with the Town. Attorney Marsen added that it's not cheap. Nobody wants to do this. Wayne Williams got into a lot of trouble with Boards way back when. We do want to resolve all issues with the Town. It will probably mean a new owner to come in. We want to bring this to a quick resolution, which would be best for all.

**Questions by Selectman Frawley:**

Q: In 2008 two homes were sold? Attorney Marsen: One home was sold. Q: Mr. Farcus you said you are the operator of Edgeway Mobile Home Park? A: Yes. I'm the Park Operator. Q: You are an employee of ISM? A: Yes. ISM leases me as an employee as Park Operator of Edgeway. Q: As an employee of ISM? A: Yes. Q: You don't own ISM? A: Correct. It is owned by the Estate of Wayne Williams. Q: You said you were paid at a rate determined by Mr. Williams through ISM? A: Yes. Q: Where do ISM's profits go? A: It is owned by the Estate. Q: So the Trust owns the Park and ISM? Attorney Marsen responded: The Estate is the owner. Q: It's one big happy family correct? Attorney Marsen responded: Yes. Q: Mr. Farcus you said you've been going to the Park since childhood? A: Yes. Since early childhood. Q: You don't think the removal of all the trees and earth had a negative effect on that Park? A: Not by way of noise Selectman Frawley: I used to deliver newspapers there as a kid and I can that the changes to the buffer has had an effect both acoustically and visually. Attorney Marsan: You are

asking to one's opinion as to how it affected the Park. Q: So, it is in your opinion that it has had no visual or acoustical effect on the Park? A: In so far as to what was stated in the buffer zone, my answer is no. Q: You didn't know the answer to four questions tonight. This hearing was continued for two weeks so you had time to get these answers. Attorney Marsen: We just received these questions 8-9 days ago. We did answer the questions, though may need to provide more information.
**Question by Selectman McKinnon**: Who is the Executor of Estate? A: I am administrator. Q: You can pay yourself out of the Estate as the Administrator correct? A: But I have not.

**Ann McGann of 17 Lynn Lane**
Ann McGann of 17 Lynn Lane asked Q: Did I hear correctly that there was tree and road work done in Edgeway? A: Attorney Marsan responded that he believes what was said is from time to time. Attorney Marsan asked: Shouldn't this question be submitted through the Board? Chairman responded by asking Attorney Marsan if he was saying that they can't ask questions. Attorney Marsan responded that they can give testimony as witnesses. Town Counsel indicated that could ask questions. Richard Young asked if since Mr. Farcus took over, has he done any touching of the buffer zone at all? Attorney Marsan responded: just the removal of dead trees.

**Margo King of 64 Lyn Lane**
Margo King of 64 Lyn Lane noted that she had a question re 80 Wesley Circle. The 4/2/11 Brockton Enterprise newspaper read that Attorney Marsan said only one tenant was illegally charged a $350 rental fee. Why are residents at that address presently paying a $350 rental fee when the highest rental rate on 1/23/06 was $320? Attorney Marsan responded that despite what newspaper said, he did not make that statement. Margo King responded that it seems it would be an illegal rental rate at $350. When the Park operator had a license prior to 2003 & 2004, and was selling units and collecting rents, nothing got done then either and we are renting the lots.

**Anne McGann of 17 Lyn Lane**
Anne McGann of 17 Lyn Lane read aloud statement & provided Exhibits.

**Paul Robertson**
Paul Robertson addressed Board and read aloud statement & provided Exhibit. Attorney Marsan cross examined Mr. Robertson with Q: Did you submit anything to Park Operator about these issues? A: I did not.

**Louisa Brown of 62 Wesley Circle**
Louisa Brown of 62 Wesley Circle read aloud statement and provided Exhibit.

**KiKi Gorman of 100 Wesley Circle**
KiKi Gorman of 100 Wesley Circle read aloud statement.

**Charles Mangio of 50 Tispaquin Street**
Licensed Home Inspector Charles Mangio of 50 Tispaquin Street, Middleborough testified that on 4/11/11 he was subcontracted by Healthy Homes of Brockton to take a look at Edgeway Mobile Home Park, specifically, #100 Wesley Circle, for mold. A couple weeks later he was asked by Healthy Homes to go back and take some mold samples. He took them from #88, 100, and 162. Under #88, which only had only 10" of clearance, showed no mold on the outside so there is something going on inside the unit. The EPA has no acceptable level at this time. The count at #100 was well within the limit. Number162 tests indicate that there is a mold problem coming from within the unit. He went under Units #88 and 162 today. Number162 has a riverbed underneath it. He took a number of pictures, which show darker areas throughout, meaning damp areas.
**Attorney Marsan Cross Examination**: Q: Are you a licensed home inspector? A: Yes. Q: Was there dampness under all 3 homes? A: Yes Q: Standing water? A: Not standing water. Q: Was there plastic poly under them? A: No. Q: You can't say with certainty what was giving you those readings can you? A: Only the fact that this was existing mold within the living space. Q: Did you report this to anyone? A: Yes to Healthy Homes. Q: What were dates of inspections? A: 4/11, 4/24, & 5/23/11. Q: Did you inspect all three on all three occasions? A: On 4/24 all three, 4/11 inspected #100 and on 5/23 inspected #88 and #162. Mr. Whalen asked if he noticed if vents had been opened or closed on dates of inspections. A: They were closed.

**Lynne Dwyer of 72 Wesley Circle**
Lynne Dwyer of 72 Wesley Circle read aloud statement and provided Exhibit.
Attorney Marsan: Q: Did you sent any written complaints to Edgeway Management office? A: Not written, but verbal.
Anne McGann offered that they have given up on filing complaints as they go ignored.
Attorney Marsan asked Anne McGann: Q: Were you thrown out of the office? A: No, but someone here was.

**Margo King of 64 Lyn Lane**
Margo King of 64 Lyn Lane read allowed information from Attorney General laws, Middleborough Rent Control Rules & Regulations and also provided Exhibit.

Jeanne Spalding asked question of residents as to if they could think about creating priority list of items they'd prefer to be repaired first. Selectman McKinnon asked Margo King to return to podium and he asked her to explain what she touched on earlier about being kicked out of the management office at Edgeway Mobile Home Park. She explained she and her husband had a dispute over their lawn sprinkler system and they went to the office to discuss, which ended with Heidi Belben telling her that she and her husband are to not step foot in the office ever again.

Louisa Brown approached podium to say that a lot of the tenants are intimidated.

Attorney Marsan provided document as Exhibit (Summary of information taken by surrounding parks in the area) and asked Corey Farcus to identify document, which he did. Attorney Marsan gave closing summary. Chairman confirmed with tenants that they felt they already gave their summary statement. Chairman noted Board originally asked for three week time frame for documents to be provided to the Board and Attorney Marsan is asking for an extra week. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously that three weeks should be enough time. Chairman announced Board taking matter under advisement.

**(List of Exhibits is attached. Actual Exhibits are on file in the Selectmen's office.)**

***NOTE: In accordance with 801 CMR 1.02, the Presiding Office shall arrange for verbatim transcripts of the proceedings to be supplied at cost to any party upon request, at the party's own expense. All evidence and testimony at the hearing shall be recorded either stenographically or by Electronic Medium.**

Water IMA with Town of Carver
Board and Town Manager discussed Water IMA with Town of Carver. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to sign Water Termination Agreement between Town of Middleborough and Town of Carver.

TIF with Ocean Spray
Rich Young suggested changing language in TIF with Ocean Spray and other TIFS so they must provide the Town with any external job postings to give residents the opportunity to bid on the jobs. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to approve with amendment.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted to approve Annual Town Meeting TIF Article re Ocean Spray.

**CORRESPONDENCE**
#9 Selectman Quelle noted correspondence from Finance Committee member Suzanne Dube recommending how Board could expand "Other" on its agenda. He doesn't see how it could hurt to do that. Chairman suggested changing "Other" to "Unanticipated" on the Board's meeting agendas.

#6 Selectman Frawley noted email from Senator Kerry's office. Selectman Frawley had opportunity to speak with Senator Kerry on Friday afternoon at Senator Pacheco's luncheon in Taunton. Senator Kerry suggested that some bipartisan help on this Bill would be extremely effective. Selectman McKinnon wants to see what the Bill entails and would be happy to contact Senator Scott Brown's office on behalf of the Board of Selectmen. Board agreed.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to adjourn meeting at 11:55 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

Listing for Rent Control Board Hearing Dated May 2, 2011

B-1 Edgeway Realty Trust Profit and Loss Detail 2008

B- 2 Edgeway Realty Trust Profit and Loss Detail 2009

B-3 Edgeway Realty Trust Profit and Loss Detail 2010

B-4 Estate of Wayne W Williams 1041 US Income Tax Return 2008

B-5 Estate of Wayne W Williams 1041 US Income Tax Return 2009

B-6 Estate of Wayne W Williams 1041 US Income Tax Return 2010

B-7 Estate of Wayne W Williams Form 2 Mass Fiduciary Income Tax Return 2008

B-8 Estate of Wayne W Williams Form 2 Mass Fiduciary Income Tax Return 2009

B-9 Estate of Wayne W Williams Form 2 Mass Fiduciary Income Tax Return 2010

B-10 Edgeway Realty Trust Profit and Loss January through December 2008

B-11 Edgeway Realty Trust Profit and Loss Prev Year Comparision January through December 2009

B-12 Edgeway Realty Trust Profit and Loss January through December 2010

B-13 Appraisal for Edgeway Mobile Home park dated October 27, 2006

B-14 Manufactures Brochure relating to to Vents

B-15 P B-19 ISM Photos of terraced/beamed area

B-16 Board of Health regulations Mobile Home Parks

B-17 Department of Health 2003 order to remove plastic sheeting

B-18 Planning board pictures of items not completed under special permit

B-19 ISM Leasing Inc Balance Sheet as of December 31,2008

B-20 ISM Leasing Inc Balance Sheet as of December 31,2009

B-21 ISM Leasing Inc Balance Sheet as of December 31,2010

B-22 ISM Leasing Inc Profit and Loss January through December 2008

B-23 ISM Leasing Inc Profit and Loss January through December 2009

B-24 ISM Leasing Inc Profit and Loss January through December 2010

B-25 Edgeway Realty Trust Balance Sheet as of December 31,2008

B-26 Edgeway Realty Trust Balance Sheet as of December 31,2009
B-27 Edgeway Realty Trust Balance Sheet as of December 31,2010

B-28 Edgeway Realty Trust Profit and Loss January through December 31, 2008

B-29 Edgeway Realty Trust Profit and Loss January through December 31, 2009

B-30 Edgeway Realty Trust Profit and Loss January through December 31, 2010

B-31 Twin Coach Estates, Inc. Balance Sheet as of December 31,2008

B-32 Twin Coach Estates, Inc. Balance Sheet as of December 31,2009

B-33 Twin Coach Estates, Inc. Balance Sheet as of December 31,2010

B-34 Twin Coach Estates,Inc. Profit and Loss January through December 31,2008

B-35 Twin Coach Estates,Inc. Profit and Loss January through December 31,2009

B-36 Twin Coach Estates,Inc. Profit and Loss January through December 31,2010

B-37 Settlement Statement for sale of 80 Wesley Circle , on Feb 26, 2008

B-38 Edgeway Realty Trust detail of Professional Fees Engineering ( Foresight) Jan-Dec 2008

B-39 Edgeway Realty Trust detail of Professional Fees Engineering ( Outback) Jan-Dec 2008

B-40 Edgeway Realty Trust detail of Repairs and Maintenance SepticPumping Jan-Dec 2008

B-41 Edgeway Realty Trust detail of Park Expense Improvements Jan-Dec 2008
B-42 Edgeway Realty Trust detail of Park Expense Tree Removal Jan-Dec

2008

B-43 Edgeway Realty Trust detail of Misc Exp Job Materials Jan-Dec 2008

B-44 Edgeway Realty Trust detail of Park Expense Improvements Jan-Dec 2009

B-45 Edgeway Realty Trust detail of Repairs and Maintenance Septic Pumping Jan-Dec 2009

B-46 Edgeway Realty Trust detail of Park Expense Drainage Issues Jan-Dec 2009

B-47 Edgeway Realty Trust detail of Park Expense Drainage Issues Jan-Dec 2010

B-48 Edgeway Realty Trust detail of Park Expense Irrigation Jan-Dec 2010

B-49 ISM Leasing Inc. 2008 Mass and Federal Income Tax Returns

B-50 ISM Leasing Inc. 2009 Mass and Federal Income Tax Returns

B-51 ISM Leasing Inc. 2010 Mass and Federal Income Tax Returns

B-52-Twin Coach Estates 2008 Mass and Federal Income Tax Returns

B-53-Twin Coach Estates 2009 Mass and Federal Income Tax Returns

B-54-Twin Coach Estates 2010 Mass and Federal Income Tax Returns

B-55 Letter from Marsan and Marson with responses to following request
Officers ISM Leasing
Employees of ISM Leasing Inc. with 2010 compensation
Stockholders of ISM Leasing
Description of method used to Calculate Management Fee

Tenant- 1 Documents Related to Issues 1 and 2 of Hearing Notice

Tenant -2 Documents related to Issue 3 of Hearing Notice

Tenant- 3 Documents related to Issues 4 & 5 of Hearing Notice

Tenant- 4 Documents Related to Issue 6 of Hearing Notice

Tenant -5 Documents Related to Issue number 7 of Hearing Notice

Tenant -6 Documents related to issue number 8 of Hearing Notice and Closing

Operator-1 Comparison of rents from other parks in area