

# **NEW BUSINESS**

**5/4/15**

205  
**MIDDLEBOROUGH SUMMER WATER MANAGEMENT PROGRAM**

**Mandatory Water Restriction**

**\*\*\*\*Effective Immediately\*\*\*\***

Effective May 1, 2015 through September 30, 2015 the Middleborough Summer Water Management Program restricts all nonessential outdoor water use for all water users. **The Summer Water Management Program allows for odd-numbered properties to water outside on odd days and even-numbered properties to water outside on even days.**

**Water use subject to the above restriction include:**

- Irrigation of lawns and landscaping via sprinklers or automatic irrigation systems;
- Washing of vehicles, except in a commercial car wash or as necessary for operator safety;
- Washing of exterior building surfaces, parking lots, driveways or sidewalk, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.

**Water use allowed include:**

- Irrigation to establish a new lawn and new plantings during the months of May and September;
- Irrigation of public parks and recreational fields by means of automatic sprinklers outside the hours of 9 am to 5 pm;
- Watering of lawns, gardens, flowers and ornamental plants by means of a hand-held hose outside of the hours of 9 am to 5 pm

**Uses NOT subject to any restrictions:**

- Those for health or safety reasons;
- By regulation;
- For the production of food or fiber;
- For the maintenance of livestock;
- To meet the core function of a business (for example, irrigation by plant nurseries to maintain stock)

Any person violating these water restrictions shall be liable to a fine of \$50.00 for a first offense and \$100.00 for each subsequent offense. This program is in accordance with the Middleborough Board of Selectmen Water Use Restriction By-Law. Any changes to this may be found on the Town web site at [www.middleborough.com](http://www.middleborough.com)



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection – Water Management Act Program  
**Notification of Water Use Restriction**

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**C. Notification of Enforcement**

1. How will your customers be notified of this action (newspapers, signs, reverse 911, etc.)?

Selectmen's Meeting, Town website, notice is part of water bills

2. How will this restriction be enforced (water department staff, police, citations, etc.)?

Water Department Staff

3. Cite local bylaw, regulation, or ordinance that authorizes mandatory restrictions.

Middleborough Board of Selectmen, Water Use Restriction By-Law

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Please return this form to:

MassDEP Water Management Act Program  
1 Winter Street, 5<sup>th</sup> floor  
Boston, MA 02108

Or email to: [Jen.Durso@state.ma.us](mailto:Jen.Durso@state.ma.us).



**REALTY NETWORK ASSOCIATES, INC.**  
**EXCLUSIVE RIGHT TO LEASE LISTING AGREEMENT**

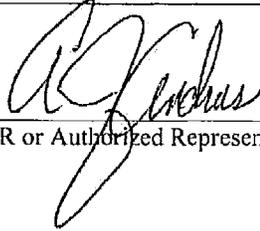
I/We, **THE TOWN OF MIDDLEBOROUGH** ("OWNER") hereby grant to **REALTY NETWORK ASSOCIATES, INC.**, a real estate Brokerage licensed under the laws of the Commonwealth of Massachusetts ("BROKER"), the exclusive right to LEASE the property described as **20 CENTRE STREET, MIDDLEBOROUGH, MA 02346** ("PROPERTY") on the following terms and conditions:

1. The BROKER is granted the exclusive right to LEASE the PROPERTY, as the OWNER'S agent, during the term of the Agreement. The OWNER agrees to refer all inquires to the BROKER and to cooperate in marketing the PROPERTY. If the PROPERTY is LEASED to a TENANT procured by the BROKER, by the OWNER, or by anyone else, the fee described in paragraph 9 shall be due.
2. The BROKER is authorized, at their sole discretion, to: (a) offer compensation to other licensed BROKERS such as LESSEE's agents, facilitators or referral agents; (b) place a listing for the PROPERTY in any multiple listing service; (c) place a sign on the PROPERTY; (d) photograph and advertise the PROPERTY in such media as the BROKER may select; and (e) place a lock box on the PROPERTY.
3. The OWNER authorizes the BROKER to disclose to prospective TENANTS all the information about the PROPERTY provided to the BROKER by the OWNER, all of which the OWNER represents to be true and accurate.
4. The OWNER agrees to comply with all applicable fair housing laws.
5. The OWNER is aware that there is a risk of injury to persons viewing the Property as well as a risk of loss or damage to property of the OWNER during any showing or open house, whether the showing is accompanied by the BROKER, via lockbox or otherwise. OWNER has the responsibility to prepare the Property for marketing to minimize the likelihood of injury, damage, and loss. OWNER agrees to indemnify, defend and hold BROKER and its agents harmless from any loss or claim of liability during any showing or open house. **The Owner's obligation to indemnify, defend and hold harmless shall apply only to loss or claim caused by OWNER and shall not apply to loss or claim caused by BROKER.**
6. OWNER understands and agrees that showings may be conducted by licensees other than the BROKER or its agents; and that inspectors or appraisers may conduct inspections and appraisals outside the presence of the BROKER. OWNER further understands and agrees that other licensees and prospective TENANTS are permitted to photograph and videotape the property unless expressly stated to the contrary.
7. The listing price for the PROPERTY shall be **\$2,250 PER MONTH**; or such other price as the OWNER may approve.
8. This Agreement shall begin on **APRIL 27, 2015** and end on **OCTOBER 27, 2015** and may be extended by agreement.
9. If within the term of this Agreement or any extension the PROPERTY is LEASED or the BROKER procures a TENANT who is ready, willing and able to LEASE at a price and on the terms set forth herein or on such other price and terms as the OWNER may agree, the BROKER shall be due a fee of **10%\*** of the TOTAL LEASE price. Said fee shall be paid at the time set for LEASE COMMENCEMENT and may be deducted from amounts held by BROKER as escrow agent. The aforesaid fee shall also be due upon LEASING within 120 days after expiration of this Agreement to any person who is introduced to the PROPERTY during the aforesaid term or any extension thereof, **if BROKER notified OWNER in writing of such introduction within thirty (30) days after each introduction, EXCEPT if OWNER has entered into an exclusive agreement with another BROKER in good faith.**
10. The BROKER shall have no obligation to continue to market the PROPERTY after an offer has been accepted and shall have no obligation to present any offer once an offer has been accepted and while a transaction is pending.
11. The BROKER is not hired as a property inspector, tax advisor or attorney. If such services are desired, the OWNER should hire professionals in that field of service.
12. It shall not constitute a violation of any duty owed by the BROKER or by any agent associated with the BROKER to advise a prospective TENANT of the availability of a competing property or to assist a TENANT with the LEASING of another property.

13. **ADDITIONAL TERMS:**

▪ \* THE BROKERS FEE SHALL BE 10% OF THE TOTAL LEASE AMOUNT OR A MINIMUM OF \$4,500 WHICH EVER IS GREATER, BUT, NOT TO EXCEED \$9,500 DUE FROM THE OWNER.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
BROKER or Authorized Representative

\_\_\_\_\_  
OWNER or Authorized Representative

\_\_\_\_\_  
OWNER or Authorized Representative

*Incorporated 1669*  
*338 Years of Progress*



**CRANBERRY CAPITAL  
OF THE WORLD**



## **Town of Middleborough**

**Massachusetts**

508-947-4095

### ZONING BOARD OF APPEALS

April 21, 2015

Board of Selectmen  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

Re: Re-appointments

Dear Honorable Board:

The Zoning Board of Appeals would like to request that Joseph Freitas, Jr., 95 Vaughan Street, Middleborough, MA 02346 and Darrin DeGrazia, 33 Rocky Gutter Street, Middleborough, MA 02346 be reappointed to the Zoning Board of Appeals with a term to expire June, 2020.

Please contact the Zoning Office if you need any further information.

Sincerely,

Tammy Mendes, Senior Clerk  
Zoning Board of Appeals

April 3, 2015

Ms. Caroline Lacroix  
Assistant to the Town Manager  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

**RE: Owner's Project Management Services  
Middleborough Water Pollution Control Facility Upgrade  
Invoice #15 – Bidding Services  
(WP #98507): February 2015**

Dear Ms. Lacroix:

As requested, Environmental Partners Group Inc. has reviewed the invoice dated March 19, 2015 submitted by Wright Pierce (WP) for services provided in February 2015 for Bidding Services. This invoice was approved on March 27, 2015.

Environmental Partners has reviewed WP's invoice and the work progress stated in the cover letter. Bidding services in February relate to the supporting the bidding phase of the project, responding to inquiries from subcontractors and general contractors, preparing and issuing addenda, and attending the sub-contractor bid opening on February 23, 2015.

WP indicates that these services are now 90% complete, which appears reasonable.

Environmental Partners recommends that Invoice #98507 be paid in the amount of \$45,886.50. If you have any questions or require additional information, please do not hesitate to contact me at [pcm@envpartners.com](mailto:pcm@envpartners.com) or (617) 657-0276.

**ENVIRONMENTAL PARTNERS GROUP, INC.**



Paul C. Millett, P.E.  
Project Manager

*Attachments:*

WP invoice February 2015. #98507



PCm 3/27/15

Water  
Wastewater  
Infrastructure

March 19, 2015  
W-P Project No. 12760

Mr. Paul C. Millett  
Environmental Partner's Group, Inc.  
Town of Middleborough - Owner's Project Manager  
1900 Crown Colony Drive  
Suite 402  
Quincy, MA 02169

Subject: Middleborough, MA- Water Pollution Control Facility (WPCF) Upgrade  
Wright-Pierce February 2015 Invoices

Dear Paul:

Please find the attached summary of progress completion and accompanying invoices for engineering services completed through February 2015 related to the Middleborough WPCF Upgrade. A brief summary of the work completed for each of the phases is summarized below:

**Middleborough WPCF Upgrade – Wright Pierce Project #12760 Phase J – Bidding Services**

- Setup plan view rooms and CDs for Contractor/Sub-Contractors to view and purchase.
- Received Contractor/Sub-Contractor questions
- Prepared addendums and issued to all Contractor/Sub-Contractor
- Prepared for and attended Sub-Contractor Bid Opening on February 23, 2015

We appreciate the opportunity to work with the Town and EPG on this important project. Please feel free to contact me on my direct line if you have any questions at (978) 416-8030.

Very truly yours,

WRIGHT-PIERCE

Jon W. Hume, P.E.  
Project Manager

**WRIGHT-PIERCE**   
Engineering a Better Environment

Water  
Wastewater  
Infrastructure

*EPG 3/22/15*

Town of Middleborough  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

Invoice #: 98507  
Project: 12760  
Phase: J  
Project Name: Middleborough, MA - WPCF Upgrade  
Invoice Date: Mar-19-2015

Attention: Robert Nunes, Town Mgr.

For Professional Services Rendered for the Period Jan-31-2015 To Feb-27-2015

RELATED TO: Bidding Services  
REFERENCE: Contract dated May 13, 2013.

Total Project Fee Authorized	91,773.00	
Percent Complete as of 2/27/2015	<u>80.00</u>	←
Fee Earned To Date	82,595.70	
Less Previous Billings	36,709.20	
Amount Due this Invoice	<u><u>45,886.50</u></u>	←

BILLING RECAP

Previous Billings	36,709.20
Current Billing Amount	45,886.50
Fee Earned To Date	<u>82,595.70</u>
Amount Received	0.00
Balance Due	<u><u>82,595.70</u></u>

Invoices are due upon receipt. If not paid by Apr-19-2015, interest will be computed at the rate stated in the agreement.

CC: Jon W. Hume



**TOWN OF MIDDLEBOROUGH**

**Town Clerk's Office**

*Bank Building, 20 Centre Street*

*Middleborough, Massachusetts 02346-2250*

*508-946-2415 phone*

*508-946-2308 fax*

Allison J. Ferreira  
Town Clerk

**MEMORANDUM**

**TO:** Board of Selectmen

**cc:** Tourism Committee

**FROM:** Allison J. Ferreira, Town Clerk 

**DATE:** April 17, 2015

**RE:** Vacancies on Tourism Committee

Please be advised I received the attached correspondence from the Chairman of the Tourism Committee on April 17, 2015 regarding two members who have had three unexcused consecutive absences from Tourism Committee meetings.

Pursuant to Article 31 of the Town of Middleborough By-Laws, three unexcused consecutive absences of any member of an appointed board at duly called meetings shall constitute a vacancy. The Town Clerk shall be notified in writing by the Chairman of an appointed agency regarding vacancies occurring within such agency and the vacancy shall be filled within fourteen (14) days of such notification by the Board of Selectmen and appointed agency involved. Such appointments shall be for the unexpired term of the member being replaced.

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

Feb 7, 1983

**ARTICLE 31 - ABSENCES TO CAUSE VACANCIES ON TOWN COMMITTEES**

Voted to adopt the following by-law:

**Section 1: Three unexcused consecutive absences of any member of appointed Boards, Committees,**

**Sub-Committees and/or Councils at duly called meetings shall constitute a vacancy.**

**Section 2: The Chairman of any appointed agency shall notify the Town Clerk, in writing, within seven**

**(7) days of any vacancy occurring in such agency. The vacancy shall be filled within fourteen (14) days of such notification by the Board of Selectmen and appointed agency involved. Such appoint-**

**ments shall be for the unexpired term of the member being replaced.**

Approved by the Attorney General April 26, 1983

## Allison Ferreira

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**From:** Selectman Leilani Dalpe  
**Sent:** Friday, April 17, 2015 2:34 PM  
**To:** hjeanlouis@hotmail.com  
**Cc:** gmontapert1@yahoo.com; Allison Ferreira; Selectman Distribution; Robert G. Nunes  
**Subject:** Tourism Committee

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Helena Jean-Louis  
22 Leland Way  
Middleborough, MA 01235

April 17, 2015

Helena,

We on the Tourism Committee appreciate all your volunteering and dedication. We also understand that sometimes life gets very busy and we cannot always make all of our commitments.

Being a public body, the Tourism Committee needs to make a quorum in order to hold its posted meetings. Unfortunately we have not been able to make that quorum in the past because not all members attend our meetings. Our records show that you have missed three consecutive meetings which according to the town bylaws is grounds for dismissal from the committee.

At this time we would ask you to reconsider your involvement and ability for participation in our meetings and notify as to whether you intend to begin attending meetings or need to resign due to other commitments.

Thank you for all of your past support and dedication. We look forward to working again with you in the future.

Leilani Dalpe  
Tourism Committee, chairman  
Town of Middleborough

[selectmandalpe@middleborough.com](mailto:selectmandalpe@middleborough.com)

## Allison Ferreira

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**From:** Selectman Leilani Dalpe  
**Sent:** Friday, April 17, 2015 2:30 PM  
**To:** KAREN A  
**Cc:** gmontapert1@yahoo.com; Allison Ferreira  
**Subject:** letter re: attendance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Karen Blair  
11 Robin Hood Ave.  
Middleborough, MA 02346

April 17, 2015

Karen,

We on the Tourism Committee appreciate all your volunteering and dedication. We also understand that sometimes life gets very busy and we cannot always make all of our commitments.

Being a public body, the Tourism Committee needs to make a quorum in order to hold its posted meetings. Unfortunately we have not been able to make that quorum in the past because not all members attend our meetings. Our records show that you have missed three consecutive meetings which according to the town bylaws is grounds for dismissal from the committee.

At this time we would ask you to reconsider your involvement and ability for participation in our meetings and notify as to whether you intend to begin attending meetings or need to resign due to other commitments.

Thank you for all of your past support and dedication. We look forward to working again with you in the future.

Leilani Dalpe  
Tourism Committee, chairman  
Town of Middleborough

[selectmandalpe@middleborough.com](mailto:selectmandalpe@middleborough.com)



Allison J. Ferreira  
Town Clerk

**TOWN OF MIDDLEBOROUGH**  
**Town Clerk's Office**  
*Bank Building, 20 Centre Street*  
*Middleborough, Massachusetts 02346-2250*  
*508-946-2415 phone*  
*508-946-2308 fax*

**MEMORANDUM**

**TO:** Board of Selectmen

**cc:** Tourism Committee

**FROM:** Allison J. Ferreira, Town Clerk *AJF*

**DATE:** April 24, 2015

**RE:** Resignation of Member of Tourism Committee

Please be advised our office received a copy of the attached correspondence from the Chairman of the Tourism Committee on April 23, 2015 regarding a member resigning from the Tourism Committee.

Pursuant to Article 31 of the Town of Middleborough By-Laws, the Town Clerk shall be notified in writing by the Chairman of an appointed agency regarding vacancies occurring within such agency and the vacancy shall be filled within fourteen (14) days of such notification by the Board of Selectmen and appointed agency involved. Such appointments shall be for the unexpired term of the member being replaced.

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

T Clerk

Leilani Dalpe  
Tourism Committee, chairman  
Town of Middleborough  
April 16, 2015

Dear Ms. Dalpe,

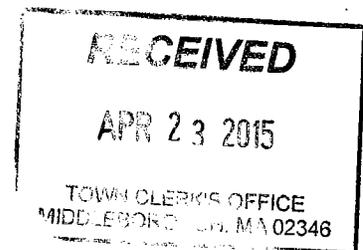
After sitting through the exchange last night at the meeting I have come to regret my entrance into town government. I joined the Tourism Committee to help to bring the benefits of the Town of Middleboro to the public and to get more people to come and see all that the Town has to offer. What I didn't want to get involved in is the petty bickering and mud-slinging that I witness last night.

I want to help the town and I think that the best way to do that is to volunteer to assist at the events that the Committee plans and presents. That said, I am presenting my resignation from the Board with this letter.

Very truly yours,



Louis F. Lo Bue  
3812 Pheasant Lane  
Middleboro, MA 02346



## Jacqueline Shanley

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**From:** Robert G. Nunes  
**Sent:** Friday, April 24, 2015 2:50 PM  
**To:** Jacqueline Shanley  
**Cc:** 'Ann Cavanaugh'  
**Subject:** FW: Tourism Committee reappointment request

Hi Jackie,

Please place on the May 4<sup>th</sup> agenda.

Thank you.

Bob

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**From:** Ann Cavanaugh [<mailto:anncav@comcast.net>]  
**Sent:** Thursday, April 23, 2015 6:17 PM  
**To:** Robert G. Nunes  
**Subject:** Tourism Committee reappointment request

*Dear Mr. Nunes,*

*I ask that you consider me for reappointment to the Tourism Committee. I currently hold the position of Treasurer for the Tourism Committee and vice-chair for the Festivals sub-committee. I have worked on all of the festivals and events sponsored by the Tourism Committee and was co-chair, food vendor coordinator and entertainment coordinator for the 2nd Annual Herring Run Festival.*

*Thank you for your consideration.  
Ann Cavanaugh  
83 Miller St., Middleborough, MA*

# Letter of Interest

April 28, 2015

Selectman Leilani Dalpe  
Town of Middleborough Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

**Subject: Middleborough Tourism Committee**

Dear Selectman Dalpe,

As a dedicated supporter and full time volunteer of all of the festivals that you and the Tourism Committee have put on since 2014 I would like to offer my services to help more and be a full member of the Tourism Committee. I think all the volunteer hours that I have already provided gives me insight to how things may be altered for better flow of events, people and future festivals.

Please consider me for your next round of appointments. I can be reached at

Sincerely,

A handwritten signature in cursive script that reads "David A. Lemmo". The signature is written in black ink and is positioned to the right of the typed name.

David Lemmo  
240 Everett Street  
Middleboro, MA 02346  
[oldcanoclubber@gmail.com](mailto:oldcanoclubber@gmail.com)

## Jacqueline Shanley

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**From:** Selectman Leilani Dalpe  
**Sent:** Tuesday, April 28, 2015 7:11 PM  
**To:** Selectman Allin Frawley; Robert G. Nunes; Selectman Distribution; Jacqueline Shanley  
**Cc:** gmontapert1@yahoo.com; sherriswindle@verizon.net; Ann Cavanaugh  
**Subject:** Tourism Committee membership

Board of Selectmen  
Town of Middleborough

Dear Board,

Please be informed that Louis Lobue and Helena Jean-Louis have submitted their letters of resignation for the Tourism Committee creating 2 vacancies. Also, due to lack of attendance Karen Blair has been notified as per the town clerk that her appointment on the Committee has now terminated and there is another vacancy.

As there was never a set number of members determined, the Tourism Committee had grown to 14 members. With this membership, it has been increasingly difficult to obtain quorums for our meetings, therefore at this time the Committee is requesting that the BOS set the membership of the Tourism Committee to 11 members or less. With these 3 recent vacancies we are at that limit of 11 and we ask that we remain at 11 members and not appoint any additional members until such time that terms of the present committee members expire.

Sincerely,

Leilani Dalpe  
Tourism Committee, chairman  
Town of Middleborough, MA  
[selectmandalpe@middleborough.com](mailto:selectmandalpe@middleborough.com)

# MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET  
MIDDLEBOROUGH, MA 02346



P (508) 947-1212  
F (508) 947-1009  
middleboroughpolice.com

Joseph M. Perkins  
Chief of Police

May 4, 2015

Board of Selectmen  
Town of Middleborough  
Nickerson Avenue  
Middleborough, Ma 02346

RE: Appointments of Special Police/Auxiliary Police

Dear Honorable Board,

I recommend the appointment of the following as **Auxiliary and Special Police** Officers for the Town of Middleborough Police Department:

Anthony Rigo  
Serge Loiselle  
Paul Frost

The three individuals recently graduated from the Reserve/Special Police Academy and have met all the department and statutory requirements for the position of Auxiliary/Special Police Officer for the Town of Middleborough

Respectfully,

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Joseph M. Perkins  
Chief of Police