

NEW BUSINESS
6-25-12

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CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

June 15, 2012

Brian Kowalski
14 Indian Meadow Road
Middleborough, MA 02346

Re: Green Energy Committee

Dear Mr. Kowalski:

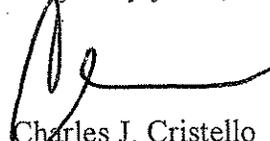
I am happy to appoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2014.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

Thank you for your willingness to serve the Town of Middleborough.

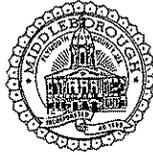
Very truly yours,



Charles J. Cristello
Town Manager

cc: Board of Selectmen
Allison Ferreira, Town Clerk

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CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

June 15, 2012

Jeffrey Stevens
1 Weston Avenue
Middleborough, MA 02346

Re: Green Energy Committee

Dear Mr. Stevens:

I am happy to appoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2014.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles J. Cristello".

Charles J. Cristello
Town Manager

cc: Board of Selectmen
Allison Ferreira, Town Clerk

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CRANBERRY CAPITAL
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Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

June 15, 2012

Stephen Bonfiglioli
237 Thompson Street
Middleborough, MA 02346

Re: Green Energy Committee

Dear Mr. Bonfiglioli

I am happy to reappoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2013.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles J. Cristello".

Charles J. Cristello
Town Manager

cc: Board of Selectmen
Allison Ferreira, Town Clerk

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OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

June 15, 2012

Charles R. Chace
104 Wall Street
Middleborough, MA 02346

Re: Green Energy Committee

Dear Mr. Chace:

I am happy to reappoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2015.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

Charles J. Cristello
Town Manager

cc: Board of Selectmen
Allison Ferreira, Town Clerk

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335 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

June 15, 2012

Ms. Juli Gould
14 Indian Meadow Road
Middleborough, MA 02346

Re: Green Energy Committee

Dear Ms. Gould:

I am happy to reappoint you to the Green Energy Committee subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment will run to 2015.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting on *Monday, June 25, 2012*.

Following your appointment by the Board of Selectmen, please visit the Town Clerk's Office to be sworn in.

Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles J. Cristello".

Charles J. Cristello
Town Manager

cc: Board of Selectmen
Allison Ferreira, Town Clerk



Town of Middleborough

*10 Nickerson Avenue
Middleborough, MA 02346
Tel: 508-947-0928*

June 25, 2012

Mr. Mark Nardone
Program Coordinator
Economic Development Fund
Department of Housing & Community Development
Commonwealth of Massachusetts
100 Cambridge Street, Suite 300
Boston, MA 02114

Dear Mr. Nardone:

As Chief Elected Official of the Town of Middleborough, I acknowledge and approve the submittal of a proposal to apply to the Department of Housing and Community Development for funds to rehabilitate the mixed use building located at 21 South Main Street in the Downtown business district.

The proposed project would greatly enhance our community's continuing efforts to provide safe, affordable housing while acting as a major catalyst for the Downtown's revitalization. The Town of Middleborough has effectively implemented DHCD approved projects over the past 14 years through its Office of Economic and Community Development (OECD). The OECD has successfully renovated four Commercial properties in the Downtown under the Housing Development Support Program and as a result, created 25 affordable housing units. Other activities that have benefited the Downtown include: streetscape improvements, infrastructure repairs (i.e., sidewalk and parking lot), and past commercial sign and façade programs.

We appreciate your consideration of this grant proposal and look forward to hearing from you in the future.

Sincerely,

Alfred P Rullo, Jr.
Chairman, Board of Selectmen



ALCO
ALCOHOL
ALLIANCE

ALCOHOL
ALLIANCE

ALCOHOL
ALLIANCE

Jacqueline Shanley

From: Alissa Kotowski <kotowski@bc.edu>
Sent: Wednesday, June 20, 2012 1:01 PM
To: Jacqueline Shanley
Subject: EarthScope Project -- Earthquake Sensors
Attachments: USArray permit_SAMPLE rev12.pdf

Hi Ms. Shanley!

If you could forward this to the Town Manager, that would be fantastic. Thank you!

My name is Alissa Kotowski, and I am a Geology student at Boston College. This summer I am working with Malcolm Richardson, a student at Westfield State University, for a national project called EarthScope. EarthScope's goal is to study the structure and evolution of the North American continent, and in order to do this we are putting earthquake sensors all across the country. Basically, we have a grid system of earthquake sensors across the US--this way, we get a really good picture of the interior of the country and how it is changing.

EarthScope has been running for 10+ years now, and our jobs are to figure out where the final sensors are going to be installed in our region of the east coast. We managed to find a site in this area that we need, but it is on land that belongs to the Town of Middleborough. I have attached a copy of the permit that would need to be signed in order to obtain permission to place the sensor at the site we found, at the Soule Homestead Education Center. For the Homestead's purposes, the sensor is fantastic! They are in fact an education center, and being able to participate in a national research project is exciting for them, as it would be for the entire town of Middleborough.

We have a very strict time schedule for the project. We need to have 24 sites chosen and permission for construction/installation granted by July 31st. We would like your help getting permission to have an earthquake sensor on the Soule Homestead Education Center. We have already spoken with the folks at the Homestead and they have agreed to have it there if we can get permission from the town.

Please let me know any thoughts concerning the level of ease or difficulty involved in getting permission. If we cannot get permission in a timely fashion we will unfortunately need to move on and find another site in the area.

Thank you so much for your time and your help!

Best,
Alissa Kotowski

Boston College '14
College of Arts and Sciences
Geological Sciences



Site Code _____

Revocable Permit and Land Use Agreement for an EarthScope Seismic Station



EarthScope is a National Science Foundation (NSF) project to investigate the structure of the North American continent and the physical processes controlling earthquakes and volcanic eruptions. Incorporated Research Institutions for Seismology (IRIS), a non-profit consortium of over 100 U.S. universities, manages facilities for seismological research and is responsible for the installation, operation and removal of the earthquake monitoring equipment of EarthScope under a cooperative agreement with the National Science Foundation. NSF as a federal agency retains title to all equipment.

The undersigned _____ (hereinafter called the PERMITTER) hereby grants the

Incorporated Research Institutions for Seismology (IRIS)
1200 New York Ave, NW #800
Washington DC 20005
(202) 682-2220
(800) 504-0357

(hereinafter called IRIS) permission to install, operate, maintain and service a Seismic Recording System as part of the EarthScope project. Such Seismic Recording System measures ground movements caused by earthquakes and other natural sources at the location specified below and in attached images and maps (if required):

On the property located at:
(ADDRESS and/or TSR)

Site within 100 meters of: (COORDINATES)
And as shown in accompanying reconnaissance report.

The permit is given without charge in consideration of the above and the following:

1. This permit is for the period beginning / /2009 and continuing for 36 months. The Permitter may terminate this agreement at any time with or without cause upon 30-day notice in writing to IRIS.
2. IRIS or their agent will notify the Permitter (or Permitter's agent) prior to the day of installation of the equipment. IRIS will notify the Permitter (or Permitter's agent) prior to entry for any maintenance visits if required.
3. IRIS accepts the premises in an "as is" condition and upon completion of the permit, agrees to restore the premises as nearly as possible to the condition at the start of the permit.
4. Permitter will not be held responsible for loss of, or damage to, NSF equipment on the property. IRIS agrees to hold Permitter harmless from claims resulting from the activities of IRIS or IRIS' contractors on Permitter's property, and claims resulting from Permitter's activities on the property to assist IRIS or IRIS contractors.
5. IRIS agrees that the installation and maintenance of the seismic equipment on the lands of the Permitter on which they are installed shall be effected with reasonable diligence to avoid damage to the land.
6. IRIS agrees to reimburse Permitter for electrical power, if such power is used and Permitter requires reimbursement.

Permitter name, title, signature and date:

X _____

X _____

(if property held jointly)

DATE: _____

IRIS Designee, title, signature and date:

Robert Busby, IRIS, TA Manager

X _____

DATE: _____

Jacqueline Shanley

From: Jacqueline Shanley
Sent: Friday, June 22, 2012 1:10 PM
To: kotowski@bc.edu
Subject: FW: earthquake sensor

—
Alissa,

Please see letter of support we now have from Soule Homestead.

Jackie

Jackie Shanley
Confidential Secretary to Board of Selectmen
Town of Middleborough
10 Nickerson Ave.
Middleborough, MA 02346
508 946-2405 Tel.
508 946-0058 Fax
jshanley@middleborough.com

From: Soule Homestead [<mailto:info@soulehomestead.org>]
Sent: Friday, June 22, 2012 1:11 PM
To: Jacqueline Shanley
Subject: RE: earthquake sensor

Hi Jackie,

Here goes, Soule Homestead Education Center is happy to host the Earthquake Sensor project.

The sensor equipment will be housed in a plastic pipe (about the size of an oil drum) which will be mounted on a 4' x 4' x 8" concrete slab about 7' underground and then buried. It will be totally powered by a small pole mounted solar panel erected next to the sensor.

The equipment will be located on the top of the hill in the middle of the field about 200 yds. directly North East from the stream crossing.(about 1/4 mile North East from the barn)

Thanks, Frank Albani, Director SHEC

Please visit our website for program and event information at www.soulehomestead.org

Soule Homestead Education Center
46 Soule St.
Middleboro, MA 02346
(508) 947 6744

From: Jacqueline Shanley [mailto:jshanley@middleborough.com]
Sent: Friday, June 22, 2012 12:46 PM
To: info@soulehometstead.org
Subject: FW: earthquake sensor

Frank,

Please scroll down and see Town Counsel's comments. Would someone be able to email me an Soule Homestead's approval of this request? We were trying to accommodate this young lady and get the matter on the agenda immediately, but without all the required information, I'm concerned that the Board won't be in a position to vote Monday.

Thanks.

Jackie
Jackie Shanley
Confidential Secretary to Board of Selectmen
Town of Middleborough
10 Nickerson Ave.
Middleborough, MA 02346
508 946-2405 Tel.
508 946-0058 Fax
jshanley@middleborough.com

From: Jacqueline Shanley
Sent: Friday, June 22, 2012 11:30 AM
To: 'kotowski@bc.edu'
Subject: FW: earthquake sensor

Alissa,

Please see comments below from Town Counsel. It would be best if you could address all of these matters and have the information prepared and submitted asap for Monday evenings meeting. I may not be in the office Monday during the day, therefore, I may not see any emails prior to the meeting Monday night.

I would address these outstanding matters and provide 7 copies to me before the meeting begins Monday night. You may leave the copies in my office Monday, but let someone here know it is material for the meeting so that I am sure to see it. You can also bring it to the meeting and hand it to me. The Board is generally not comfortable making decisions without having a chance to review the material. Ultimately, it may choose to take the matter under advisement or vote it subject to the information coming forth later.

I will email Soule Homestead to try and be helpful and see if they can send me something in writing indicating that they support your request, but I would also advise you to try and reach them on your own in case I don't reach someone.

Jackie

Jackie Shanley

Confidential Secretary to Board of Selectmen
Town of Middleborough
10 Nickerson Ave.
Middleborough, MA 02346
508 946-2405 Tel.
508 946-0058 Fax
jshanley@middleborough.com

From: Decas, Murray & Decas [<mailto:decasmurraydecas@yahoo.com>]
Sent: Friday, June 22, 2012 10:57 AM
To: Jacqueline Shanley
Subject: earthquake sensor

June 22, 2012

Jackie Shanley, Secretary to Board of Selectmen
(*via email*)

RE: Earthquake Sensor contract – permit

Dear Jackie:

You asked me to review the referenced matter. I have the following:

- I think the Board should be given a description of the equipment to be installed and that the description should be referenced in and attached to the permit.
- The location of the equipment installation should be identified in the permit. The permit has a place for this information.
- ¶1 – The start of the permit period should be stated. The form says an unspecified date in 2009 is the start.
- I recommend that the Soule Homestead lessee should in writing authorize the Board on behalf of the Town to allow the installation as set forth in the permit.
- ¶6 – There should be clarification/statement as to whether electrical power will be used.

Very truly yours,

Daniel F. Murray
Town Counsel
DFM/s
12-103-4

NEPA SCOPING SESSION

Traffic:

1. Review of the Mashpee Wampanoag Tribe's "Project First Light' Transportation Study" by Howard Stein-Hudson Associates (HSH) dated May 21st, indicates that they have only studied traffic impacts in the immediate vicinity of the project and only within the City of Taunton. **Route 24 between I-495 and Rte 140 has not been but must be studied. Similarly, I-495, Routes 44, 18, 28, 79 and 105 as well as the Middleborough Rotary must also be part of the impact and alternatives assessment.**
2. Adequate evaluation of traffic impacts beyond the City of Taunton is necessary to accurately assess the project's impacts, identify alternatives and evaluate mitigation for the impacted roads. **Middleborough and Lakeville as well as other surrounding Towns will be adversely impacted by the traffic to the casino, especially in light of the Tribe's failure to mitigate Route 24 from I-495 to Route 140.**
3. Route 24's current congestion exists despite the Galleria Mall operating at a level well below its capacity, which will drastically change with the construction of a nearby casino. **The Impact assessment must consider this.**
4. Route 24 is the main route for commuters travelling from New Bedford and Fall River to Boston. If Rte 24 is further impacted by congestion from the casino's development, existing commuters will seek alternate routes through the surrounding communities on their way to and from their jobs.
5. Route 24's congestion will be a significant obstacle for vehicles travelling to the casino from the north as well as on I-495 and Rte 44 from Cape Cod and the south shore. It is very likely that **patrons and employees** will bypass Rte 24 to access the casino via the "back roads" i.e. Route 44, the Middleborough Rotary, Middleborough Ave, Route 105 and Route 79. On a Friday afternoon when I-495 is also backed up with Cape traffic, vehicles may exit Route 24 at Route 104 in Bridgewater and Raynham and travel throughout the area. **These roads must be studied in the EIS.**

Water:

1. The Assawompsett Pond Complex (APC), consisting of 5 ponds, is the drinking water supply for the Cities of Taunton and New Bedford but it is located in the Towns of Middleborough, Lakeville, Freetown and Rochester. The increase in water withdrawal by the City of Taunton to serve the proposed casino project will be from the APC and will impact neighboring communities. **The amount and character of the water withdrawal and its impact on management of the APC must be evaluated in the EIS.**
2. Taunton manages the APC's water levels through control of an earthen dam located on the north end of Assawompsett pond at the headwaters of the Nemasket River. The ponds are the largest natural water body in the State.
3. The APC is the anadromous fishery spawning ground for herring running up the Taunton and Nemasket Rivers; is rich in archaeological and historic resources; and, contains a number of homes surrounding three of the ponds.
4. During 2010, the APC experienced extensive flooding, seriously impacting the host communities. Residents near the APC had been complaining for months prior to the floods, that they felt the City of Taunton was maintaining the ponds' water at too high of a level.
5. As a result of the floods, an advisory committee with representatives of the host communities, water suppliers, state officials and the areas' legislators was created to study the flooding events and develop actions for future flood mitigation. Dr. Neil Fennessey of the U of MASS, advised that a decision support system and operations management plan for the APC and the Nemasket River needed to be developed in order to adequately manage the Pond Complex, particularly during prolonged drought or flooding. Identifying the "firm yield," or the daily water withdrawal rate that can be reliably maintained during a prolonged drought including impact to the herring fisheries, would be the essential first step to address water supply needs and the study would help water supply managers' plan and prepare for floods.
6. The study has not been done to date; in the interim, only a temporary protocol has been established between Taunton, New Bedford and the host communities. The EIS should evaluate in detail the full impacts of the casino's demand on the city of

Taunton public water supply system and its subsequent impact on the APC, the Nemasket River and the surrounding Towns. This evaluation should utilize the parameters recommended by Dr Fennessey to establish an operations and management protocol that will reliably supply water to the casino complex at full build and the spinoff development that it may create.

Other Impacts:

The Town of Middleborough as a Town abutting the City of Taunton is also concerned with impacts that the proposed casino will have on:

- a. Housing
- b. Schools
- c. Police and fire as they relate to traffic response, crime and mutual aid demands
- d. Existing businesses and entertainment venues
- e. Local vendors
- f. Public health including mental health, substance abuse and compulsive gambling

A detailed comment letter identifying all possible impacts of the resort casino for this EIS Scope will be submitted by the Town of Middleborough.

CHAIRMAN'S TESTIMONY AT NEPA SCOPING SESSION

1. The Mashpee Wampanoag Tribe has already entered into an Intergovernmental Agreement in 2007, for this very same project, in the Town of Middleborough. The IGA had no escape clause for either party. It appears that the Tribe's intention is to abandon its contractual obligations to the Town of Middleborough because the agreed upon improvements to mitigate impacts of a destination resort casino to the regional transportation network were too burdensome. The Department of the Interior should not be party to the Mashpee Wampanoag Tribe's attempt to circumvent or abandon their contractual obligations to Middleborough.
2. While the subject of tonight's hearing is Taunton, the Town of Middleborough has not received any verifiable documentation that the land it controls in Middleboro has been removed from the tribes application for land into trust. The town has requested this documentation several times in writing from the Tribe and the Bureau of Indian Affairs and as of today we have not received any such documentation. If Middleboro remains as a location on the Tribe's application then the development of the Middleboro land is a possibility and such development would generate its own environmental impacts which must be addressed. We have expressed our concerns with respect to this issue to the BIA, including our concerns about the Tribes willingness to be open and comply with our request for documentation. The lack of response of the Tribe on this very simple and straight forward request and the Tribes unilateral breaking of the valid agreement with the Town of Middleboro makes us wonder what this Tribe is hiding.
3. For example the current proposal for the City of Taunton, as indicated in the Tribe's preliminary traffic information by Howard Stein Hudson dated May 8 and May 21, 2012, would mitigate traffic impacts only in the immediate vicinity of the casino site and only within the City of Taunton. Rte 24 is the primary highway providing access for 78% of the casino's traffic from Rte 24 north of the site and I-495. It experiences serious congestion on a daily basis and the casino will increase Rte 24's traffic by 25% according to preliminary numbers, which appear low in comparison to the promises the Tribe has publicly made in Taunton respecting the profitability of this enterprise. The mitigation proposed by the Tribe in the City of Taunton omits discussion of the Rte 24 impacts completely, in an apparent attempt to abandon the Tribe's earlier express commitment to spend at least \$172 million to maintain the integrity of critical traffic arteries. The gridlock that the Taunton casino will create on Rte 24 between I-495 and Rte 140 will have a devastating impact on the surrounding communities from both vehicles travelling to the casino, and vehicles trying to travel through the Rte 24 corridor to other destinations. It appears that it is the Tribe's intent that these impacts to Rte 24 will be mitigated by the taxpayers of Massachusetts; or, the surrounding Towns who will experience a significant increase in traffic and gridlock on their own local roads.
4. The Town of Middleborough is concerned with the ongoing Commonwealth of Massachusetts Compact negotiations with the Mashpee Wampanoag Tribe with respect to the proposed Casino in Taunton. The Tribe does not yet have reservation land in trust, exempt from state and local laws and regulations; we question whether the State has the ability to enter into a binding compact exempting the Tribe from State and Local regulation. Whatever actions that the State takes must be pursuant to State law including assurance that there is compliance with the Massachusetts Environmental Policy Act. This has been done in other states including California, where the compact requires that a Tribal Environmental Impact Report be prepared and provision is made to require mitigation for communities surrounding a tribal casino.

5. The comments submitted by the Town of Middleborough and its officials this evening are preliminary; they are based on a total lack of information provided by the Mashpee Wampanoag Tribe with respect to impacts of the proposed Taunton Casino on the surrounding communities and the region. The Land in Trust Application has not been made available at this time in contrast to the situation when the Town of Middleborough was the "Ancestral Homeland" of Mashpee Wampanoags and was the proposed location of their 'casino du jour' in 2007. As a result, the Town reserves the right to supplement and expand on these comments as the process proceeds.