

NEW BUSINESS

6-4-12



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

May 22, 2012

Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

Re: Rental of Auditorium on 6/22/2012

Dear Honorable Members of the Board of Selectmen:

Enclosed please find a rental application for use of the Town Hall Grand Ball Room on June 22, 2012 from 5:00 p.m. to 8:30 p.m. from Shepherd's Path for a pre-kindergarten graduation ceremony.

Please be advised my daughter will be participating in the graduation ceremony on this date. I respectfully request the Board's permission to allow me as a Town official to act as the security service for the building for this event and to waive the security personnel fee for Shepherd's Path.

I sincerely appreciate your consideration in this regard. Should you have any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

Allison J. Ferreira
Town Clerk

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION 5/21/2012

ORGANIZATION/INDIVIDUAL SHEPHERDS PATH

ADDRESS 126 EAST GARDEN STREET

CITY, STATE, ZIP MIDDLEBOROUGH TEL # 508-946-9700

CO-APPLICANT (BARTENDING SERVICE) N/A

OWNER NAME _____

ADDRESS _____

CITY, STATE, ZIP _____ TEL # _____

DATE(S) OF EVENT 6/22/2012 APPROXIMATE NUMBER OF PARTICIPANTS 75
(ATTACH SEPARATE SHEET IF NECESSARY)

TIME OF DAY(S) REQUIRED 5:00 TO 8:30

Be sure to include any set-up or dismantling day(s)/time requirements.

BRIEFLY DESCRIBE TYPE OF ACTIVITY PRE-KINDERGARTEN GRADUATION

ASSIGNED SPACE MEETING ROOM GRAND BALLROOM GROUNDS If using grounds, will building access be required for sanitary facilities? _____

*Note - There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? N/A Licensing fee of \$ _____ plus \$100.00 required at time of application. This will be refunded if license denied prior to event or activity.

Food will be served N/A Name of Caterer _____ Telephone # _____

*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings FEW PROPS

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$500.00 Check # _____ (must be tendered with application and will be returned within two-weeks if no damage to building, grounds or equipment has been reported).

Rental Cost 100.00 One-day alcoholic beverage license fee N/A Personnel Cost N/A Total Cost 100.00

Name of Designated Town Official volunteering to perform security service Allison Ferreira

Signature of Volunteer Allison J. Ferreira

Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____

I/we _____ hereby acknowledge return of our \$500.00 bond payment.

**APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL**

In connection with my/our planned use of the Town Hall and/or grounds, I/we hereby agree to the following:

I/we agree to abide by all conditions as set forth in this application and the rules and regulations as established by the Board of Selectmen.

I/we agree that no activities unrelated to this purpose will be conducted on the premises.

I/we agree to hold harmless and indemnify and defend the Town of Middleborough, its agents, servants, employees and volunteers from and against any and all claims for injury to any person and/or damage to or loss of any personnel property of any nature arising out of my/our contracted use of the property or facilities of the Town for this function and that which may occur outside of the Town Hall premises or arise from activities which occur on or about the Town Hall premises.

I/we agree to assume total responsibility for assuring that:

- a. the participants at the meeting/event will conduct themselves in a safe and orderly fashion;
- b. no dangerous or unlawful activities will take place on the premises or grounds;
- c. no Town or other property will be removed from the building or grounds;
- d. participants will confine themselves to the specified areas of the building and grounds designated for the event;
- e. participants will leave the building and grounds in a clean and orderly condition;
- f. the participants will promptly leave the premises at the time scheduled for their departure.
- g. participants will abide by all rules and regulations as established by the Board of Selectmen

I/we agree to refrain from placing signs or decorations anywhere on the premises except as specified below. And if allowed will not place or cause to be placed in contradiction to the rules and regulations.

I/we understand that Town employees and/or designated volunteers in attendance at the scheduled event/meeting, except as specified below, are there for the sole purpose of providing participants with access to the portion of the building and grounds that have been set aside for their use. If payment for custodial services has been made, please note here.

I/we agree to abide by all requests of Town employees and designated volunteers who are present at the event pertaining to the use of the building and grounds.

I/we hereby certify that no alcoholic beverages of any type will be consumed at the event/activity, unless authorized and appropriate licensing has been obtained in advance and as established by the rules and regulations.

I/we agree to provide a security deposit in the amount of \$500.00 refundable to me/us within two weeks after the event if, in the sole judgement of the Board of Selectmen, I/we have fully complied with the terms of this Agreement and the Rules and Regulations.

I/we require/request use of the following

Chair set up X PA system/Podium set up _____ Piano _____

I/we agree to the following additional conditions:

WE WILL SET UP AND PUT BACK CHAIRS

The governing body of the renting organization named below met on _____ 201__ and, a quorum being present, authorized the individual named below to sign this agreement. The minutes of that meeting, or a letter of authorization from the President of the renting organization, are attached to this agreement.

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL

By signing below I/we acknowledge receipt of a copy of the rules and regulations and agree to abide by them and any other conditions established in this application.



Authorized Signature of Organization

DENISE PETRUSKI

Name ---Please Print

Individual Signature

Name—Please Print

Signature of Owner – Co-Applicant (Bartending Service)

Business Name—Please Print

Original to be kept with security bond/deposit in the Selectmen's office. Two copies given to applicant (one for your records and the other given to the custodian/security personnel in charge of the event/activity.)

**TOWN OF MIDDLEBORO
INSURANCE REQUIREMENTS
FOR
USE OF TOWN OWNED FACILITIES**

Name of Organization: SHEPHERDS PART
Address: 126 EAST GROVE STREET
City, State, Zip: MIDDLEBORO MA 02346

Description of Function: PRE K - CENADATION

Location of Town Facility: MIDDLEBORO
Date and Time of Use: JUNE 22, 2012 5-8130

A. Workers Compensation Insurance

Insurance Company: THE HARTFORD
Policy #: 76 WEG KR 5168
Policy Term: 2/12/12 - 2/2/13

Coverage A Statutory, Commonwealth of Massachusetts
Coverage B \$500,000 per insuring agreement

B. Commercial General Liability Insurance

Insurance Company: PHILADELPHIA INSURANCE COMPANY
Policy #: 31316
Policy Term: 2/22/12 - 2/22/13

Each Occurrence	\$1 Million
Fire Damage (any one fire)	Policy Minimum
Medical Expense	Policy Minimum
Personal Injury & Advertising Injury	\$1 Million
General Aggregate	\$1 Million **
Products/Completed Operations Aggregate	\$1 Million

**applies solely to Town of Middleboro activities

C. Commercial Automobile Liability:

Insurance Company: ARBELLA
Policy #: _____
Policy Term: _____

Combined Single Limit, Bodily Injury
& Property Damage \$1 Million

Applicable to: "owned, non-owned & hired automobiles"

D. *Other Insurance Requirements:*

Type of Insurance (i.e. liquor liability, etc) _____

Insurance Company: _____ *N/A*

Policy #: _____

Policy Term: _____

Limits of Liability _____ \$

Additional Conditions:

- a. Except for the Workers' Compensation coverage, the Town of Middleboro is included on all policies as an additional insured.
- b. The Town of Middleboro, Office of the Town Manager, will be provided at least a 30 day advance written notice of cancellation, material change in coverage, or intention not to renew.
- c. The insurance coverage referenced above is provided on the "occurrence" form of coverage.
- d. If an "Acord" form of certificate is used, this document must be attached to the Acord form and referenced as a special policy provision in the Description of operations section of the Acord form.
- e. Terms and conditions contained on any form to which this document is attached will not reduce the coverage or minimize the benefit of this document to the Town of Middleboro.

I, a licensed insurance agent/broker, have the authority to bind the insurance companies listed above to the terms of this agreement.

Date: 5/21/2012

Signed: Dawn McSherry

Agency: EASTERN INSURANCE GROUP

Address: 71 CANVER ROAD
PLYMOUTH MA 02360

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION 3/12/2012

ORGANIZATION/INDIVIDUAL RANDY TOWNSEND

ADDRESS 756 PLYMOUTH ST.

CITY, STATE, ZIP MIDDLEBORO, MA 02346 TEL
774-766-7218

CO-APPLICANT (BARTENDING SERVICE) BARTENDING SERVICE OF NEW ENGLAND

OWNER NAME BILL FULLER

ADDRESS P.O. BOX 425

CITY, STATE, ZIP MIDDLEBORO, MA 02346 TEL
508-923-4744

DATE(S) OF EVENT 11/10/2012 APPROXIMATE NUMBER OF PARTICIPANTS 150
(ATTACH SEPARATE SHEET IF NECESSARY)

TIME OF DAY(S) REQUIRED 4:00pm TO 12:00am

Be sure to include any set-up or dismantling day(s)/time requirements.

BRIEFLY DESCRIBE TYPE OF ACTIVITY WEDDING RECEPTION

ASSIGNED SPACE _____ MEETING ROOM GRAND BALLROOM _____ GROUNDS If using
grounds, will building access be required for sanitary facilities? _____

*Note - There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? YES Licensing fee of \$ 50.00 plus \$100.00 required at
time of application. This will be refunded if license denied prior to event or activity.

Food will be served YES Name of Caterer DANE DELANEY Telephone # 508-759-7600
*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings PORTABLE OVEN +
PORTABLE BURNERS

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$500.00 Check # _____ (must be tendered with application and will be returned within two-
weeks if no damage to building, grounds or equipment has been reported).

Rental Cost ~~\$100.00~~ One-day alcoholic beverage license fee ~~\$50.00~~ Personnel Cost _____ Total Cost _____

Name of Designated Town Official volunteering to perform security service _____

Signature of Volunteer _____

Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL

By signing below I/we acknowledge receipt of a copy of the rules and regulations and agree to abide by them and any other conditions established in this application.

Authorized Signature of Organization
Randy Townsend

Individual Signature

Name --Please Print
RANDY TOWNSEND

Name --Please Print

Signature of Owner – Co-Applicant (Bartending Service)

Business Name—Please Print

Original to be kept with security bond/deposit in the Selectmen's office. Two copies given to applicant (one for your records and the other given to the custodian/security personnel in charge of the event/activity.)

**TOWN OF MIDDLEBORO
INSURANCE REQUIREMENTS
FOR
USE OF TOWN OWNED FACILITIES**

Name of Organization: RANDY TOWNSEND
Address: 756 PLYMOUTH ST.
City, State, Zip: MIDDLEBORO, MA 02346

Description of Function: WEDDING RECEPTION

Location of Town Facility: TOWN HALL GRAND BALLROOM
Date and Time of Use: 11/10/12 4pm - 12am

A. Workers Compensation Insurance

Insurance Company: _____
Policy #: _____
Policy Term: _____

Coverage A Statutory, Commonwealth of Massachusetts
Coverage B \$500,000 per insuring agreement

B. Commercial General Liability Insurance

Insurance Company: _____
Policy #: _____
Policy Term: _____

Each Occurrence	\$1 Million
Fire Damage (any one fire)	Policy Minimum
Medical Expense	Policy Minimum
Personal Injury & Advertising Injury	\$1 Million
General Aggregate	\$1 Million **
Products/Completed Operations Aggregate	\$1 Million

**applies solely to Town of Middleboro activities

C. Commercial Automobile Liability:

Insurance Company: _____
Policy #: _____
Policy Term: _____

Combined Single Limit, Bodily Injury
& Property Damage \$1 Million

Applicable to: "owned, non-owned & hired automobiles"

D. *Other Insurance Requirements:*

Type of Insurance (i.e. liquor liability, etc) LIQUOR LIABILITY

Insurance Company: _____

Policy #: _____

Policy Term: _____

Limits of Liability \$ _____

Additional Conditions:

- a. Except for the Workers' Compensation coverage, the Town of Middleboro is included on all policies as an additional insured.
- b. The Town of Middleboro, Office of the Town Manager, will be provided at least a 30 day advance written notice of cancellation, material change in coverage, or intention not to renew.
- c. The insurance coverage referenced above is provided on the "occurrence" form of coverage.
- d. If an "Acord" form of certificate is used, this document must be attached to the Acord form and referenced as a special policy provision in the Description of operations section of the Acord form.
- e. Terms and conditions contained on any form to which this document is attached will not reduce the coverage or minimize the benefit of this document to the Town of Middleboro.

I, a licensed insurance agent/broker, have the authority to bind the insurance companies listed above to the terms of this agreement.

Date: _____

Signed: _____

Agency: _____

Address: _____

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION 5/28/2012

ORGANIZATION/INDIVIDUAL Stacey Ann LeRoy Foundation

ADDRESS P.O. Box 44

CITY, STATE, ZIP Middleboro MA 02346 TEL 508 789 0544

CO-APPLICANT (BARTENDING SERVICE) New England Bar Service, Inc.

OWNER NAME William Fuller

ADDRESS _____

CITY, STATE, ZIP Middleboro MA 02346 TEL _____

DATE(S) OF EVENT 9/29/2012 APPROXIMATE NUMBER OF PARTICIPANTS _____
(ATTACH SEPARATE SHEET IF NECESSARY)

TIME OF DAY(S) REQUIRED 2:00 pm TO 1:00 am

Be sure to include any set-up or dismantling day(s)/time requirements.

BRIEFLY DESCRIBE TYPE OF ACTIVITY Fund raising event, light meal,
cash bar, casino games

ASSIGNED SPACE _____ MEETING ROOM GRAND BALLROOM _____ GROUNDS If using
grounds, will building access be required for sanitary facilities? _____

*Note - There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? _____ Licensing fee of \$ _____ plus \$100.00 required at
time of application. This will be refunded if license denied prior to event or activity.

Food will be served yes Name of Caterer TBD Telephone # _____

*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings _____

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$500.00 Check # _____ (must be tendered with application and will be returned within two-
weeks if no damage to building, grounds or equipment has been reported).

Rental Cost _____ One-day alcoholic beverage license fee _____ Personnel Cost _____ Total Cost _____

Name of Designated Town Official volunteering to perform security service _____

Signature of Volunteer _____

Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____

I/we _____ hereby acknowledge return of our \$500.00 bond payment.

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL

In connection with my/our planned use of the Town Hall and/or grounds, I/we hereby agree to the following:

I/we agree to abide by all conditions as set forth in this application and the rules and regulations as established by the Board of Selectmen.

I/we agree that no activities unrelated to this purpose will be conducted on the premises.

I/we agree to hold harmless and indemnify and defend the Town of Middleborough, its agents, servants, employees and volunteers from and against any and all claims for injury to any person and/or damage to or loss of any personnel property of any nature arising out of my/our contracted use of the property or facilities of the Town for this function and that which may occur outside of the Town Hall premises or arise from activities which occur on or about the Town Hall premises.

I/we agree to assume total responsibility for assuring that:

- a. the participants at the meeting/event will conduct themselves in a safe and orderly fashion;
- b. no dangerous or unlawful activities will take place on the premises or grounds;
- c. no Town or other property will be removed from the building or grounds;
- d. participants will confine themselves to the specified areas of the building and grounds designated for the event;
- e. participants will leave the building and grounds in a clean and orderly condition;
- f. the participants will promptly leave the premises at the time scheduled for their departure.
- g. participants will abide by all rules and regulations as established by the Board of Selectmen

I/we agree to refrain from placing signs or decorations anywhere on the premises except as specified below. And if allowed will not place or cause to be placed in contradiction to the rules and regulations.

I/we understand that Town employees and/or designated volunteers in attendance at the scheduled event/meeting, except as specified below, are there for the sole purpose of providing participants with access to the portion of the building and grounds that have been set aside for their use. If payment for custodial services has been made, please note here.

I/we agree to abide by all requests of Town employees and designated volunteers who are present at the event pertaining to the use of the building and grounds.

I/we hereby certify that no alcoholic beverages of any type will be consumed at the event/activity, unless authorized and appropriate licensing has been obtained in advance and as established by the rules and regulations.

I/we agree to provide a security deposit in the amount of \$500.00 refundable to me/us within two weeks after the event if, in the sole judgement of the Board of Selectmen, I/we have fully complied with the terms of this Agreement and the Rules and Regulations.

I/we require/request use of the following

Chair set up _____ PA system/Podium set up _____ Piano No

I/we agree to the following additional conditions:

We will set up chairs and tables.

The governing body of the renting organization named below met on _____ 201__ and, a quorum being present, authorized the individual named below to sign this agreement. The minutes of that meeting, or a letter of authorization from the President of the renting organization, are attached to this agreement.

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL

By signing below I/we acknowledge receipt of a copy of the rules and regulations and agree to abide by them and any other conditions established in this application.

Carol Pickering
Authorized Signature of Organization

Carol Pickering
Name ---Please Print

[Signature]
Individual Signature
Signature of Owner -- Co-Applicant (Bartending Service)

Name ---Please Print
The Bartending Service of N-E LLC
Business Name---Please Print

Original to be kept with security bond/deposit in the Selectmen's office. Two copies given to applicant (one for your records and the other given to the custodian/security personnel in charge of the event/activity.)

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS



PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION May 20

ORGANIZATION/INDIVIDUAL SEMCA

ADDRESS c/o Lisa Beaville 10 Crossing Dr. Apt. 103

CITY, STATE, ZIP Cum gratia, RI 02864 TEL # 401-524-7610

CO-APPLICANT (BARTENDING SERVICE) _____

OWNER NAME _____

ADDRESS _____

CITY, STATE, ZIP _____ TEL # _____

DATE(S) OF EVENT Sunday Nov. 9, 2012 APPROXIMATE NUMBER OF PARTICIPANTS 100
(ATTACH SEPARATE SHEET IF NECESSARY)

TIME OF DAY(S) REQUIRED 1pm TO 6pm

Be sure to include any set-up or dismantling day(s)/time requirements.

BRIEFLY DESCRIBE TYPE OF ACTIVITY Square & Round Dancing

ASSIGNED SPACE _____ MEETING ROOM GRAND BALLROOM _____ GROUNDS If using grounds, will building access be required for sanitary facilities? _____

*Note - There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? No, Licensing fee of \$ _____ plus \$100.00 required at time of application. This will be refunded if license denied prior to event or activity.

Food will be served Yes Name of Caterer _____ Telephone # _____
*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings LAPTOPS, SPEAKERS, COFFEE POTS
Attached wiring

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$500.00 Check # 1184 (must be tendered with application and will be returned within two-weeks if no damage to building, grounds or equipment has been reported).

Rental Cost One-day alcoholic beverage license fee _____ Personnel Cost _____ Total Cost _____

Name of Designated Town Official volunteering to perform security service _____

Signature of Volunteer [Signature]

Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____



APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL

By signing below I/we acknowledge receipt of a copy of the rules and regulations and agree to abide by them and any other conditions established in this application.

M. Breault
Authorized Signature of Organization

LISA BREVAULT
Name—Please Print

Individual Signature

Name—Please Print

Signature of Owner – Co-Applicant (Bartending Service)

Business Name—Please Print

Original to be kept with security bond/deposit in the Selectmen's office. Two copies given to applicant (one for your records and the other given to the custodian/security personnel in charge of the event/activity.)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/22/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	THE WEINER COMPANY, INC. ONE MCKINLEY SQUARE BOSTON, MA 02109 (617) 742-2444 (617) 742-7744 FAX	CONTACT NAME	
		PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED	SEMCA & AFFILIATED MEMBER CLUB C/O RON FOSTER 62 CARPENTER ROAD WALPOLE, MA 02081	INSURER(S) AFFORDING COVERAGE	
		INSURER A: HARTFORD FIRE INSURANCE COMPANY	NAIC # 19682
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES CERTIFICATE NUMBER: 103112 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	N	N	08SBAPM0235	1/7/2012	1/7/2013	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATUTORY LIMITS	\$
							OTH-ER	\$
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

REF: SEMCA HARVEST BALL TO BE HELD ON NOVEMBER 4, 2012 FROM 12:00 PM TO 6:00 PM.

CERTIFICATE HOLDER

CANCELLATION

MIDDLEBORO TOWN HALL 10 NICKERSON AVE MIDDLEBORO, MA 02346	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE OF THE WEINER COMPANY, INC. 

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** see attached*

**TOWN OF MIDDLEBORO
INSURANCE REQUIREMENTS
FOR
USE OF TOWN OWNED FACILITIES**

Name of Organization: Southeastern Mass. Callers Association
Address: 10 Crossing Drive Apt. 103
City, State, Zip: Cumberland, RI 02864

Description of Function: Square & Round Dancing

Location of Town Facility: Grand Ballroom of Town Hall

Date and Time of Use: Sunday, Nov. 4, 2012 (1-6 pm)

A. *Workers Compensation Insurance*
Insurance Company: _____
Policy #: _____
Policy Term: _____

Coverage A Statutory, Commonwealth of Massachusetts
Coverage B \$500,000 per insuring agreement

B. *Commercial General Liability Insurance*
Insurance Company: _____
Policy #: _____
Policy Term: _____

Each Occurrence	\$1 Million
Fire Damage (any one fire)	Policy Minimum
Medical Expense	Policy Minimum
Personal Injury & Advertising Injury	\$1 Million
General Aggregate	\$1 Million **
Products/Completed Operations Aggregate	\$1 Million

**applies solely to Town of Middleboro activities

C. *Commercial Automobile Liability:*
Insurance Company: _____
Policy #: _____
Policy Term: _____

Combined Single Limit, Bodily Injury
& Property Damage \$1 Million

Applicable to: "owned, non-owned & hired automobiles"



THE AMERICAN LEGION

Department of Massachusetts, Inc. District 10

Al Rullo
Middleborough Board of Selectman: Chairman
Middleborough Town Hall
Middleborough, Massachusetts, 02346
Dear Al;

I'm writing to ask Middleborough's Board of Selectman to support a quest that we are pursuing at Post 64. Ours is a named Post; it was named after Sergeant Simeon L. Nickerson who was awarded the Distinguished Service Cross in World War I.

One of our members, Bob Lessard has done all of the research on this subject. His research has included Corporal Michael J. O'Connell and Private Thomas A. Ryan who volunteered with Sergeant Nickerson. All three men were killed in action during their suicidal mission; which saved lives of their comrades. We believe that all three, who were living in Massachusetts, should be awarded the Medal of Honor, but selfishly I am concentrating my efforts on Sergeant Nickerson.

Bob has written Senator Brown and his staff has written the Veterans Records Office and the National Military Personnel Record Center (attached) asking them to research the combat experiences of these three heroes. I have enclosed a summary of Bob's research. Since then Bob has gotten articles published in the local newspaper; this has become a community project. Because of Bob it has also become very important to all of the members of our Post. I realize that back during World War I when the Distinguished Service Cross was established there was a lot of confusion on awarding that DSC or the Medal of Honor. It seems obvious to us that Sergeant Nickerson's actions during the battle that he should have been awarded the Medal of Honor.

John Lennotte, the American Legion State Commander, has written the entire Congressional Delegation asking them to write Senator Brown indicating that they are in support of this research. Senator Brown is helping but I'm guessing that a letter from our Town Officials giving their support of this research would add momentum and speed up the whole process.

I would like to thank-you in advance for your help in this matter; if you have any questions don't hesitate to call.

Robert K. Burke
District 10 Executive Committeeman
Commander Post 64 Middleborough

SCOTT P. BROWN
SENATOR

COMMITTEE ON
HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

ARMED SERVICES
VETERANS' AFFAIRS
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510

December 20, 2011

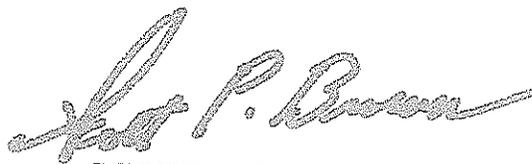
Chief Historian
U.S. Army Center of Military History
Fort Lesley J. McNair
Washington, DC 20319-5058

Dear Chief Historian,

My office is currently conducting research on the military service of three Middleboro, Massachusetts natives who served overseas during World War I. I am writing to ask for your assistance on background information regarding the service and/or achievements of Sergeant Simeon L. Nickerson, Corporal Michael J. O'Connell, Private Thomas A. Ryan and the 26th Division, 101st Infantry in which they served. The three soldiers were killed in action on July 23, 1918 in Epieds, France. Furthermore, any information on the battle fought in Epieds would be helpful as well.

Any information you can provide would be greatly appreciated. Thank you in advance for your assistance.

Sincerely,



SCOTT P. BROWN
United States Senator

Simeon L. Nickerson, Michael J. O'Connell
Thomas A. Ryan
BEYOND THE CALL OF DUTY

Sergeant Simeon L. Nickerson, Corporal Michael J. O'Connell and Private Thomas A. Ryan received the Distinguished Service Cross for volunteering their heroic actions on July 23, 1918. At the time, they were serving with Company D, 101st Infantry Regiment, 26th Division, A.E.F. near Epieds, France, according to their citations which were delivered under General Orders NO 116, W.D. 1918.

Sergeant Nickerson's is seen below, which has identical citation language for each of the three heroes.

Awarded Distinguished Service Cross:-"For extraordinary heroism in action near Epieds, France, July 23, 1918. Sergt. Nickerson, Corpl. M.J. O'Connell and Pvt. Thomas Ryan volunteered to cross an open field in front of their company, in order to ascertain the location of enemy machine-guns. While engaged in this courageous enterprise they were shot and killed. The heroic self-sacrifice of these three men saved the lives of many of their comrades who would have been killed had the company attempted to make the advance as a whole."

Since the deaths of these three heroes many have questioned as to why they weren't presented with the Medal of Honor for their volunteer self-sacrificing actions ABOVE AND BEYOND THE CALL OF DUTY. Members of American Legion Post 64 of Middleboro, which is named after Simeon L. Nickerson have posed that question since 1919, when the Post was founded.

The Distinguished Service Cross was instituted, according to military documents, on July 9, 1918. It is important to note that Nickerson, O'Connell and Ryan earned their DSC by their actions on July 23, 1918. These three men were members of the 26th Division, which issued only ONE Medal of Honor during the period of July 9 through September 25th. That MOH was issued posthumously to George Dilbooy of Company H of the 103rd Infantry for heroics on July 18, 1918.

Only one other Medal of Honor was earned in the 26th Division during WW1. PFC Michael J. Perkins of D Company of the 101st Infantry Regiment was awarded the MOH for his actions on 27 October 1918. Thus, the 26th Division saw only TWO of its men earn the Medal of Honor during WW1.

During February, 1917, a purge of the Medal of Honor saw the revocation of 911 awards of that Medal, according to various military sites. Was the newly designed Distinguished Service Cross used in some instances to replace the Medal of Honor by the 26th Division?

Did Pershing or someone in his command make a decision to issue the DSC in lieu of the Medal of Honor, due to the recent purge? Or, did politics play a role in the 26th Division in issuing only ONE Medal of Honor during the period of July 9 through September 25th, 1918?

A New York Times article dated October 15, 1918 headlined "AWARDS FOR VALOR MADE BY PERSHING" reports on the awarding of over 35 Distinguished Service Crosses by General Pershing. All the awards were for actions which occurred during the time frame between July 9 and September 25. The bulk of those DSC medals were earned by members of the 26th Division, including those awarded to Nickerson, O'Connell and Ryan.

Various sources reveal that General Pershing Commander of the American Expeditionary Forces had disdain for General Clarence Edwards, Commander of the 26th Division. Pershing's dislike for Edwards manifested itself in October 1918, when he removed him at the front.

Another New York Times article dated December 9, 1918 with the title "Gen. Edwards' Friends Want An Inquiry" reported how Pershing relieved Edwards of his command.... "while the division was actually under fire, and was ordered home." The story also questions Pershing's reasons... "which were either military or personal."

Other sources report that General Edwards had difficulties with Generals of other units while commanding the 26th Division. Reportedly, he generated problems with General Robert Lee Bullard of the 1st Division and Corps Commander General Hunter Liggett over various issues.

Could these political and personal problems have caused General Edwards and his command to adhere to some directive to issue the new DSC awards versus the Medal of Honor, thus depriving Nickerson, O'Connell and Ryan?

Or, was the Distinguished Service Cross issued to Nickerson, O'Connell and Ryan instead of the Medal of Honor due to paperwork restraints?

The 101st Infantry and the 26th Division were embroiled in the heat of battle for many days during the month of July. A report from the Adjutant General's statistical division in a Daily Report of Casualties and Changes dated July 31, 1918 revealed the deaths of Nickerson, O'Connell and Ryan, who were killed on July 23rd.

This daily report is dated some eight days after the three men were killed. The lateness of the report displays the chaotic circumstances at the time. Perhaps, leadership was too busy to handle the required information needed for submission for a Medal of Honor.

Private Ryan's military card, obtained from the Massachusetts National Guard Museum & Archives in Worcester, MA., displays, in addition to his Distinguished Service Cross, a posting of General Order # 74, which states:

“ Hqrs., 26th Div., dated Aug. 31, 1918. — ‘ For marked gallantry and meritorious service in the capture of Torcy, Belleau, Givry, Bouresches Woods, Rochet Woods, Hill 190, overlooking Chateau Thierry, Eterpilly, Bezuet, Epieds, Trugny, and La Fere Woods to the Jaulgonne-Fere-on Tardneois Road, during the advance of this division against the enemy from July 18th to 25th, 1918, in the second Battle of the Marne.”

Presumably, Nickerson and O'Connell received the same General Order as they were with the same Company and Division as Ryan. But, as one can see, the order mentions the dates of “**from July 18th to 25th, 1918.**” All three men had already been killed in action on July 23, 1918. Was Ryan's General Order paperwork a mistake due to overwork in the statistical branch?

The 26th Division had fought so valiantly during the July 18th through the 25th of July period that a French General issued General Orders for the 26th Division.

General Degoutte of the 5th French Army, according to sources, said in his G.O.:

“The operations carried out by the 26th American Division from July 18th to July 24th, demonstrated the fine soldierly qualities of this unit and of its leader, Gen. Edwards. Co-operating in the attack north of the Marne, the 26th Division fought brilliantly on the line of Torcy-Belleau, at Monthiers, Epieds and Trugny and in the forest of Fere, advancing more than 15 kilometers in depth in spite of the desperate resistance of the enemy.

I take great pleasure in communicating to Gen. Edwards and his valiant Division this expression of my great esteem, together with my heartiest congratulations for the manner in which they have served the common cause. I could not have done better in a similar occasion with my best troops.”

This praise of the 26th Division's battles add to the questions regarding the awarding of a DSC versus a Medal of Honor for the three heroes. Was the clerical staff of the 26th Division too overwhelmed to provide the necessary additional documentation for the MOH following the deaths of Nickerson, O'Connell and Ryan?

In recent times, the November/December issue of the VFW magazine under an article titled: “Who Was the Most Decorated U.S. Serviceman of WW1?” reported the creation of the DSC by Congress on July 9, 1918. The article mentions: “**The additional medals also addressed the notion among WW1 fighting men that the MOH had diminished in importance due to its over-distribution prior to WW1, particularly during the Civil War and the Indian Campaigns.**”

The language for the awarding of the DSC reads: "Awarded to a person who while serving in any capacity with the Army, distinguished himself or herself by extraordinary heroism not justifying to award of the Medal of Honor, while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing Armed Force in which the United States is not a belligerent party. **The act or acts of heroism must have been so notable and have involved risk of life so extraordinary as to set the individual apart from his or her comrades.**"

Sergeant Simeon L. Nickerson, Corporal Michael J. O'Connell and Private Thomas A. Ryan certainly performed their heroic actions under the highlighted last sentence in the DSC language seen above.

Their VOLUNTEER enterprise to draw enemy machine gun fire upon themselves was certainly "ABOVE AND BEYOND THE CALL OF DUTY." The wording for the awarding of the Medal of Honor is below.

In order to justify an award of the Medal of Honor, the individual must perform in action a deed of personal bravery or self-sacrifice above and beyond the call of duty, so conspicuous as clearly to distinguish him for gallantry and intrepidity above his comrades, involving risk of life or the performance of more than ordinary hazardous service, the omission of which would not justly subject him to censure as for shortcoming or failure in the performance of his duty. The recommendations for the decoration will be judged by this standard of extraordinary merit, and incontestable proof of the performance of the service will be exacted. (Act of 9 July 1918, 40 Stat. 870; 10 U.S.C. 1403; M.L. 1919, sec. 903).

Nickerson, O'Connell and Ryan, according to their DSC citation, which bears witness to their heroic deed **ABOVE AND BEYOND THE CALL OF DUTY** volunteer efforts, certainly fulfill all the language of the Medal of Honor.

Did they not "so conspicuous as clearly to distinguish (them) for gallantry and intrepidity above (their) comrades.." ??

"Involving risk of life or the performance of more than ordinary hazardous service, the omission which would not justly subject (them) to censure as for shortcoming or failure in the performance of his duty," all three men certainly fell into this category.

Their DSC citation is telling: "...volunteered to cross an open field in front of their company to ascertain the location of enemy machine-guns." In other words, these three volunteered to become living targets!!

"While engaged in this courageous enterprise they were shot and killed."

The citation wording as witness states further: ... **"The heroic self-sacrifice of these three men saved the lives of many of their comrades, who would have been killed had the company attempted to make the advance as a whole."**

The question remains, **WHY DIDN'T THESE THREE MEN RECEIVE THE MEDAL OF HONOR?**

Their **ABOVE AND BEYOND THE CALL OF DUTY** self-sacrificing gallantry as witnessed in their DSC award and the precise language of the MOH certainly lends credence to a request for a Medal of Honor for Simeon L. Nickerson, Michael J. O'Connell and Thomas A. Ryan.

Realization that there may be time restraints for awarding the Medal of Honor, a request is made that Congressional waivers be applied for the three men.

In recent history, Freddie Stowers, a black combatant who died in WW1 on Sept 28, 1918, was awarded a Medal of Honor some 91 years later.

Other late recipients of the Medal of Honor include: Vernon Baker, Daniel K Inouye and Shizuya Hayshi of WW2, Bruce Crandall and Ed Freeman of the Vietnam War are among several who received the Medal of Honor years after their courageous actions due to various circumstances.

Sergeant Simeon L. Nickerson, Corporal Michel J. O'Connell and Private Thomas A. Ryan certainly deserve the utmost consideration for the Medal of Honor. As seen above, their actions described in their Distinguished Service Cross citation begs for an upgrade to the Medal of Honor for their heroics **Above and Beyond The Call of Duty.**

Jacqueline Shanley

From: Deborah Gaul <dgaul@mbtaadvisoryboard.org>
Sent: Wednesday, May 30, 2012 11:27 AM
To: Deborah Gaul
Subject: MBTA Advisory Board Members
Attachments: Draft Resolution(5-1-12).doc; Resolution cover letter.doc

Importance: High

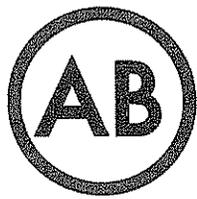
Dear Advisory Board Member:

Attached please find a cover letter and draft resolution approved at the last MBTA Advisory Board. We are asking all of the members of the Advisory Board to present it to their fall town meetings, Boards of Selectmen or City Councils for an affirmative vote. We believe that the Governor and the Legislature need to reengage on the issue of transportation funding in the fall and early winter. Remember that the recent fare increase and service cut debate was about fixing a one year problem and the underlying transportation funding problems facing the Commonwealth have not been fixed. We are asking all the communities in the MBTA Service District to weigh in on this issue through the resolution, so that our voices may be heard.

I hope that you will take action on this request. We need to stop lurching from crisis to crisis and find a long-term solution to our transportation funding needs.

Thanks for your help. Please feel free to contact me with any questions or concerns.

Paul Regan
Executive Director
MBTA Advisory Board
177 Tremont Street
Boston, MA 02111
phone: 617-426-6054
fax: 617-451-2054
MBTAAdvisoryboard.org



The MBTA Advisory Board

May 29, 2012

Dear MBTA Advisory Board Member Communities:

At a recent meeting of the MBTA Advisory Board, your representatives sought a way to be heard on the critical transportation issues facing Eastern Massachusetts. We agreed that by any objective measure transportation funding is inadequate and does not reflect the role and importance of roads, bridges and transit to cities and towns today. Despite news stories, editorials, conferences and actual protests in the streets, there has been little movement towards a real solution to our transportation woes.

We recently finished a process started by MassDOT to raise fares and cut service at the MBTA. Almost everyone agrees that the Regional Transit Authorities (RTA's) are underfunded and have been for years. There is a strong effort this year to better fund Chapter 90, but that funding will not make up for the years that communities could not afford to maintain their local roads and bridges. Finally, if you are a community that has tried to go through the Metropolitan Planning Organization (MPO) process, you know that only a fraction of the proposal submitted actually gets funding. Taken together, the signs are clear that there is a crisis in transportation and that the Massachusetts communities are bearing the brunt of it.

Your fellow members of the MBTA Advisory Board voted to ask each of our 175 members to consider a resolution calling on the governor and the Legislature to develop a comprehensive and long-term solution to the transportation crisis. Enclosed is a draft resolution that the MBTA Advisory Board is asking each Town Meeting, Board of Selectmen and City Council to consider. We are asking you to pass a version of this resolution between now and next November to keep attention focused on our transportation needs. Tell the Governor and the Legislature that Massachusetts Communities have roads and bridges to maintain, projects we need build and a reliable transit system to serve our citizens. Please pass your resolution and tell Beacon Hill to move past the gridlock.

Sincerely,

Paul Regan
Executive Director

Enclosure



SPECIAL TOWN MEETING WARRANT

Middleborough, Massachusetts

To Bruce Gates, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School, on Monday, June 11, 2012 at 7:00 P.M.**, to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source, to supplement and/or adjust departmental budgets for Fiscal Year 2012, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, the Water Enterprise Unreserved/Retained Earnings account, or other available source to fund sick leave buy-backs, or act anything thereon.

Given, under our hands at Middleborough, this 7th day of May, 2012.

Alfred P. Rullo, Jr., Chairman

Allin Frawley, Vice Chairman

Steven P. Spataro

Ben Quelle

Stephen J. McKinnon
BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the **24th day of May, 2012**, that date being more than fourteen days before the time specified for said meeting.

BRUCE GATES
Police Chief

SPECIAL TOWN MEETING MOTIONS - JUNE 11 2012

ARTICLE 1. (Finance Committee)

I move that \$10,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Law Department Special Counsel Account #530400:

I further move that \$4,156 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Town Clerk Regular Pay Clerical F.T.Account #511101:

I further move that \$20,793 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Police Department Regular Pay Officers Account #511126:

I further move that \$15,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the DPW Tree Warden Remove & Trim Trees Account #529500:

I further move that \$16,490 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Administrative Office Building Building Repairs & Maint. Account #543000:

~~ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.~~

There are no unpaid bills to address. I move to postpone this article indefinitely.

ARTICLE 3. (Board of Selectmen)

I move that the Town vote to transfer the sum of \$40,786 from the Employee Benefits Health & Life Insurance Account # 517400 to fund sick leave buy-backs in the following departments:

Police Department	#519700	\$10,390
Fire Department	#519700	\$19,310
Library	#519700	\$11,086

This article funds the sick leave buy-backs for three retiring town employees.

STM 2012
ARTICLE 1

TO: CHARLES CRISTELLO
TOWN MANAGER

FROM: IRENE HUDSON
ADMIN. ASSIST. TO THE CHIEF

DATE: FEBRUARY 22, 2012

RE: CAREER INCENTIVE

The following summarized the \$12,383.00 Police Department 2012 Spring Town Meeting request for Career Incentive increases:

\$11,452.00	Fall 2011 Town Meeting Warrant request for Career Incentive was \$31,452.00. The Police Department received \$20,000.00. Shortfall of \$11,452.00.
\$ 17.00	Officer Savage raise
<u>\$ 914.00</u>	Officer Graham temporary promotion
\$12,383.00	Total

Please let me know if you have any questions. Thank you.

STM 2012
ARTICLE 1

TO: CHARLES CRISTELLO
TOWN MANAGER

FROM: IRENE HUDSON
ADMIN. ASSIST. TO THE CHIEF

DATE: FEBRUARY 22, 2012

RE: POLICE BUYBACK

The following summarizes the \$18,800.00 Police Department 2012 Spring Town Meeting request for sick leave, vacation and personal buyback:

Charles Robichau, Resignation for Retirement Purposes a/o 11-26-11

~~\$10,390.00 Sick leave buyback~~
\$ 3,352.00 Vacation
\$ 670.00 Personal Leave
~~\$14,412.00~~

Antonio Botta, Resigned 01-02-12

\$4,388.00 Vacation

~~Total: \$18,800.00~~

Please let me know if you have any questions. Thank you.

Charles Cristello

STM 2012
ARTICLE 1

From: Allison Ferreira
Sent: Friday, June 01, 2012 11:30 AM
To: Charles J. Cristello (ccristello@middleborough.com)
Subject: Town Clerk Budget
Charlie,

Below is the additional funding I would need for the Town Clerk budget at Town Meeting:

- 1) Gayle Gamache – reimbursement for 4 weeks unused vacation time (Account #01.161.511101.0.0) \$3,716.00
- 2) My step increase for FY12 - (Account #01.161.511111.0.0) \$160.60
- 3) Reimbursement for Schools/Training (Account #01.161.519400.0.0) \$279.00

TOTAL = \$4,155.60

Please let me know if you have any questions or concerns.

Thanks,
Allison

Allison J. Ferreira
Town Clerk
Town of Middleborough
20 Centre Street
Middleborough, MA 02346
(508) 946-2415 phone
(508) 946-2308 fax
afferreira@middleborough.com

MEMORANDUM

STM 2012
A + Ue 1

To: Town Manager

From: Caroline R. LaCroix, Assistant to the Town Manager *CRL*

Re: FY12 Administrative Office Building Budget

Date: June 1, 2012

The administrative office building budget, building repairs and maintenance line item, account number 01.193.543000 has been reviewed in anticipation of year end. A shortfall of \$16,490.00 is anticipated to fund the following building repairs and maintenance of the town hall and bank building.

Vendor	Cost	Completion Date
EHS - Exterminator	2,150.00	June
Yankee Sprinkler	2,200.00	Completed
Specialized Heating & AC	4,500.00	June
Albert R. Gamache	2,000.00	Completed
Kahian's Carpet One, Inc.	500.00	Completed
Seimens Industry Inc.	1,320.00	Completed
Ron's Citgo	200.00	June
Plasse Masonry, LLC	1,620.00	June
Emergency Service Calls	2,000.00	June
TOTAL	\$ 16,490.00	

Thank you for your consideration of this request.

STM 2012
ARTICLE 3

TO: CHARLES CRISTELLO
TOWN MANAGER

FROM: IRENE HUDSON
ADMIN. ASSIST. TO THE CHIEF

DATE: FEBRUARY 22, 2012

RE: POLICE BUYBACK

The following summarizes the \$18,800.00 Police Department 2012 Spring Town Meeting request for sick leave, vacation and personal buyback:

Charles Robichau, Resignation for Retirement Purposes a/o 11-26-11

\$10,390.00 Sick leave buyback
~~\$ 3,352.00 Vacation~~
~~\$ 670.00 Personal Leave~~
~~\$14,412.00~~

Antonio Botta, Resigned 01-02-12

~~\$4,388.00 Vacation~~

Total: \$18,800.00

Please let me know if you have any questions. Thank you.

STM 2012
Article 3

OK

From: Lance Benjamino
Sent: Thursday, January 26, 2012 12:09 PM
To: Charles Cristello
Subject: Sick Leave Buy Back

Charlie,

As you may be aware Lt. John Bryant officially retired on January 23, 2012. Pursuant to Article 7, Sec 1 (b) of the contract between the Town and the Firefighters I had to pay his Sick Leave Buy Back in the sum of \$19,309.92.

Can you please see that this is included in the STM?

Thank you,

Lance Benjamino
Chief of Department
125 North Main Street
Middleborough, MA 02346
508-946-2461
Firechief@middleborough.com

STM 2012
ARTICLE 3

For the special

-----Original Message-----

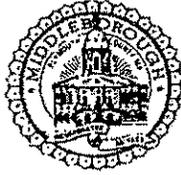
From: Danielle Bowker [mailto:dbowker@sailsinc.org]
Sent: Monday, December 12, 2011 2:51 PM
To: Charles Cristello
Subject: Sick Leave BuyBack

Charlie,

I know that we talked about the sick leave buy-back that we'll be needing to put in. I didn't include that on the budget anywhere. That amount was 11085.58

Danielle Bowker
Director
Middleborough Public Library
508-946-2470
508-946-2473 (fax)

I GoodSearch for SAILS. You can too!
Raise money just by searching the Internet or shopping online with
GoodSearch - www.goodsearch.com - powered by Yahoo!



ANNUAL TOWN MEETING WARRANT

Middleborough, Massachusetts

To Bruce Gates, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School**, on **Monday, June 11, 2012, at 7:30 P.M.**, to act on the following articles:

ARTICLE 1. To hear the report of any committee or officer of the Town, to appoint any committee, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum of money by taxation or from available funds in the treasury to defray expenses of the Town for the fiscal year beginning on July 1, 2012, relating to all or any of its officers, boards or departments and for purposes authorized by law, or act anything thereon.

ARTICLE 3. To see if the Town will vote to transfer from the income from the sales of gas and electricity a sum of money to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2013, or act anything thereon.

ARTICLE 4. To see if the Town will vote to transfer \$96,654 from the receipts reserved for the Water Pollution Abatement Trust Loan Repayment Account in order to meet the Town's obligation for payment of the Water Pollution Trust Loan, or act anything thereon.

ARTICLE 5. To see if the Town will vote pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, to authorize and/or reauthorize establishment of one or more revolving funds for the purpose of funding certain activities and operations of certain departments and programs of the Town during Fiscal Year 2013, or act anything thereon.

PROGRAM	EXPENDING AUTHORITY	SOURCE	AMOUNT TO BE EXPENDED
Municipal Fire Alarm System	Fire Chief	Fees	Not to exceed \$15,000
Hazardous Materials Incident			
Training & Materials	Fire Chief	Fees	Not to exceed \$50,000
Recycling Program	Public Works Sup.	Fees	Not to exceed \$2,500
Composting Bin Program	Public Works Sup.	Fees	Not to exceed \$2,500
Herring Fishery Program	Herring Fishery Com	Fees	Not to exceed \$10,000
Recreation and Sports Program	Park Commission	Fees	Not to exceed \$100,000
Zoning Map, Bylaws and			
Subdivision Rules & Regulations	Town Clerk	Fees	Not to exceed \$2,500

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund one or more collective bargaining agreements, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and /or transfer \$221,618.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for the purpose of reimbursing Town employees and retired Town employees and other persons enrolled in the Town's non-Medicare health insurance plans for some of the increases in health insurance HMO and PPO co-payments paid by said employees and retirees and other persons in excess of the amounts of such co-payments applicable during Fiscal Year 2012, and to pay any related costs, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and /or transfer \$48,336.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for the purpose of reimbursing retired Town employees and other persons enrolled in the Town's Medicare health insurance plans for some of the health insurance premiums and co-payments paid by said retirees and other persons after Fiscal Year 2012, and to pay any related costs, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate the sum of \$220,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C, or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$117,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase new police cruisers, new portable radios, and new tasers for the Police Department, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$490,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a new engine and a new command vehicle for the Fire Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$302,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a new loader and a new dump truck for the Public Works Department and a new utility truck for the Water Department, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$88,293.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to engineer and permit the expansion of the Council on Aging parking lot, replace windows and carpeting in the Town Hall Annex, to make roof repairs to the Public Library, and to repair the Town Hall Cupola, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer \$318,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace, burners, boilers, and HVAC units, and to study the feasibility of converting from steam heat to hot water heat at the Elementary Complex, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer \$30,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace part of the floor tiles at Middleborough High School, or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer \$175,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase staff/classroom computers, printers, and fileservers, LCD projectors and instructional technology, and computer network infrastructure for the School Department, or act anything thereon.

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer \$50,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to study the feasibility of renovating and expanding the police station in its current location, or act anything thereon.

ARTICLE 18. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2013, with each item to be considered a separate appropriation:

Appropriations:

From FY 2013 estimated revenues for Committee Administrative Expenses \$13,000

Reserves:

From FY 2013 estimated revenues for Historic Resources Reserve \$26,000
From FY 2013 estimated revenues for Community Housing Reserve \$26,000
From FY 2013 estimated revenues for Open Space Reserve \$26,000
From FY 2013 estimated revenues for Budgeted Reserve \$150,000
, or act anything thereon.

Inserted by the Community Preservation Committee

ARTICLE 19. To see if the town will vote to amend the Zoning By-law by making the following changes as part of a recodification:

- ITEM 1. Delete the following sections of the current Zoning By-law in their entireties, including amendments thereof:
 - Section I Purpose
 - Section II Definitions
 - Section III Establishment of Districts
 - Section IV Use Regulation
 - Section V Area Regulations
 - Section VI General Regulations
 - Section VII Administration

Section VIII	Inlands Wetland District
Section IX	Development Opportunities (DO) District
Section X	Adult Mobile Home Parks
Section XI	Flood Plain District – Regulation of Flood Hazard Areas
Section XII	Water Resource Protection Districts By-Law (WRPD)
Section XIII	General Use District
Section XIV	Associate Member - Planning Board
Section XV	Adult Entertainment District
Section XVI	Open Space & Resource Preservation Development District
Section XVII	Business District
Section XVIII	Commercial Development (CD) District

ITEM 2. Substitute the following new Sections therefore:

Section 1.0	Purpose and Authority
Section 2.0	Districts
Section 3.0	Use Regulations
Section 4.0	Dimensional Requirements
Section 5.0	General Regulations
Section 6.0	Special Regulations
Section 7.0	Special Residential Regulations
Section 8.0	Overlay District Regulations
Section 9.0	Administration and Procedures
Section 10.0	Definitions

The full text of the new Sections being available for review at the office of the Town Clerk , or act anything thereon.

ARTICLE 20. To see if the Town will vote to amend the Zoning By-laws by deleting Section XI in its entirety and substituting the following new section therefore:

**SECTION XI
FLOOD PLAIN OVERLAY DISTRICT (FPD)**

- A. **PURPOSE.** It is the purpose of this Section to promote the public health, safety and general welfare and to minimize losses by provisions designed to:
1. Restrict or prohibit uses which are dangerous to health, safety or property due to water or erosion hazards or which cause damaging increases in erosion, erosion hazards, flooding or flood velocities;
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Discourage individuals from buying lands which are unsuited for intended purposes because of flood hazard;
 4. Control filling, grading and mineral extraction which may increase flood damage;
 5. Regulate the construction of levees, jetties and other works which may increase flood damage to lands which may be subject to flooding;
 6. Ensure public safety through reducing the threats to life and personal injury;
 7. Eliminate new hazards to emergency response officials;
 8. Prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding;
 9. Avoid the loss of utility service which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
 10. Eliminate costs associated with the response and cleanup of flooding conditions; and,

11. Reduce damage to public and private property resulting from flooding waters.

- B. **APPLICABILITY.** The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Middleborough designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Middleborough are panel numbers 25023C0303J, 25023C0304J, 25023C0308J, 25023C0309J, 25023C0311J, 25023C0312J, 25023C0313J, 25023C0314J, 25023C0316J, 25023C0317J, 25023C0318J, 25023C0319J, 25023C0328J, 25023C0329J, 25023C0336J, 25023C0337J, 25023C0338J, 25023C0339J, 25023C0343J, 25023C0431J, 25023C0432J, 25023C0433J, 25023C0434J, 25023C0442J, 25023C0451J, 25023C0452J, 25023C0453J, 25023C0454J, 25023C0456J, 25023C0458J, 25023C0459J, 25023C0461J, 25023C0462J, 25023C0466J, and 25023C0467J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission.
- C. **BASE FLOOD ELEVATION AND FLOODWAY DATA.**
1. **Floodway Data.** In Zones A, and AE, along watercourses that have not had a regulatory floodway designated the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is less, within unnumbered A Zones.
- D. The Flood Plain District is hereby established as an overlay district. All development in the District, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with the Wetlands Protection Act, Chapter 131 Section 40 of the Massachusetts General Laws and with the following:
1. The section of the Massachusetts' State Building Code which addresses floodplain areas (currently 780 CMR);
 2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 3. Inlands Wetlands Restriction, DEP (currently 310 CMR 13.00); and,
 4. Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.00, Title 5)
- E. The boundaries of the Flood Plain District shall be determined by scaling distances in the said Maps except where elevations are provided in Zone AE. Where there appears to be a conflict between a mapped boundary and actual field conditions FEMA should be consulted for formal review and map revision. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- F. **Notification of Watercourse Alteration.** In a riverine situation, the Town Planner shall notify the following of any alteration or relocation of a watercourse:
1. Adjacent Communities
 2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

3. NFIP Program Specialist

Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110

- G. COMPLIANCE. No structure or land shall be used and no structure shall be located extended, converted or structurally altered without full compliance with the terms of this Section, the State Building Code and other applicable regulations.
- H. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Section to repeal, abrogate or impair any existing easement, covenants or deed restrictions. However, where this Section imposes greater restrictions, the provision of this Section shall prevail.
- I. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood and erosion protection required by this Section is considered reasonable for regulatory purposes and is based on scientific methods of study. Larger floods may occur. This Section does not imply that areas outside the Flood Hazard District boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Section shall not create liability on the part of the Town of Middleborough or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.
- J. REGULATORY FLOOD PROTECTION ELEVATION FOR MIDDLEBOROUGH. Within Zone A where the base flood elevation is not provided for on documents referred to in Subsection 8.1.2, the applicant shall produce any already existing, reasonable base flood elevation data and such data shall be submitted to the Buildings Inspector for development criteria.
- K. PERMITTED USES. The following uses which have low flood damage points and do not threaten other lands during times of flood are encouraged within the Special Hazard Areas (Zones A and AE), provided they are not prohibited by any other zoning regulations or other Bylaws and do not require storage of materials, structures, flood control works, or substantial filling or grading. But no use shall be permitted which adversely affects the capacity of the channels of floodways of streams, drainage ditches or any other drainage facility or system. (See FEMA List)
1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
 2. Forestry and nursery uses.
 3. Conservation of water, plants and wildlife.
 4. Wildlife management area, foot, bicycle and/or horse paths.
 5. Temporary non-residential structures used in connection with fishing, growing harvesting, storage or sale of crops raised on the premises.
 6. Buildings lawfully existing prior to the adoption of these provisions.
 7. Municipal uses such as water works, pumping stations and other essential services.
 8. Outdoor recreational uses including fishing, boating, play areas, beaches, beach cabanas not suitable for dwellings, boardwalks and steps to permit access across swamps or marshes, pavilions and other similar small platforms, lifeguard stations, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, temporary structures for sale for food and refreshments, arts and crafts.
 9. Residential uses such as lawns, gardens, parking areas and structures for storage not designed for human habitation.

L. OTHER USE REGULATIONS

1. Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. In Zone AE, along watercourses within the Town of Middleborough, that have a regulatory floodway designated on the Plymouth county FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. All subdivision proposals must be designed to assure that:
 - a. Such proposals minimize flood damage;
 - b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and,
 - c. Adequate drainage is provided to reduce exposure to flood hazards.
4. Existing and proposed contours of site and elevations of existing and proposed structures must be included on plan proposal.
5. There shall be established a routing procedure which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Inspector for comments which will be considered by the appropriate permitting Board prior to issuing applicable permits.

M. FLOOD PLAIN (OVERLAY) DISTRICT DEFINITIONS: For the purposes of Section XI, the following terms are defined below:

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AI-30, AE, A99, VI-30, VE, or V. BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT: Section XI, the Flood Plain District.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency administering the National Flood Insurance Program. FEMA provides a Nation wide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in

violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME (MOBILE HOME): A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, new construction means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD: See Base flood.

REGULATORY FLOODWAY: See Floodway.

SPECIAL FLOOD HAZARD AREA: An area having special flood and/or flood-related erosion hazards and shown on an FIRM as Zone A, AO, AI-30, AE, A99, AH, V, VI-30 or VE.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance coverage purposes, means a walled and roofed building other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A: The one hundred (100) year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available Federal, State, local or other data.

ZONE AE (for new and revised maps): The one hundred (100) year floodplain where the base flood elevation has been determined.

ZONE AH AND ZONE AO: The one hundred (100) year floodplain with flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99: Areas to be protected from the one hundred (100) year flood by federal flood protection system under construction. Base flood elevations have not been determined.
 ZONE X: Areas identified in the community flood insurance study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ARTICLE 21. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation to allow the Rent Board to impose reasonable fees for the employment of outside consultants under the provisions of General Laws Chapter 44, Section 53G in connection with its review of petitions for rent adjustments under the Town's Rules and Regulations for Mobile Home Park Accommodations, Rents, and Evictions, or act anything thereon.

ARTICLE 22. To see if the Town will vote to rescind the Underground Fuel Storage – Testing for Leaks By Law, or act anything thereon.

ARTICLE 23. To see if the Town will vote to rescind the Fuel Oil Storage and Gasoline Storage By-Laws in their entireties and substitute the following new By-Law:

Fuel Oil and Gasoline Storage

The fee for a new or amended license for keeping, storage, manufacture or sale of fuel oil under Chapter 148, Section 13 shall be Fifty Dollars (\$50.00). The fee for an annual certificate of registration for keeping, storage, manufacture or sale of fuel oil under Chapter 148, Section 13 shall be Thirty Dollars (\$30.00). The fee for a new or amended license for keeping, storage, manufacture or sale of gasoline under Chapter 148, Section 13 shall be Thirty Dollars (\$30.00) per nozzle. The fee for an annual certificate of registration for keeping, storage, manufacture or sale of gasoline under Chapter 148, Section 13 shall be Twenty-Five Dollars (\$25.00) per nozzle, or act anything thereon.

ARTICLE 24. To see if the Town will vote to adopt the following by-law:

Non-Criminal Disposition By-Law

Section 1. Violation of any Town by-law identified in Section 2 hereof may in the discretion of the Town officer who is the appropriate enforcing person be enforced in the manner provided under Section 21D of Chapter 40 of the Massachusetts General Laws. The enforcing person taking cognizance of a violation of any such by-law which the enforcing person is empowered to enforce, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours not later than twenty-one days after the date of such notice. The non-criminal fine for each such violation shall be the amount identified in Section 2 hereof.

Section 2. The by-laws which are subject to this by-law and related penalties/fines are as follows:

<u>By-law</u>	<u>Penalty/Fine</u>
By-law regarding use of highways and streets (Adopted under Article 5 of March 7, 1927 Town Meeting)	\$ 20.00
By-law regarding disorderly conduct (Adopted under Article 7 of March 7, 1927 Town Meeting)	\$ 20.00

By-law regarding disorderly conduct (Adopted under Article 7 of October 3, 1972 Town Meeting)	\$ 50.00
By-law regarding public consumption of alcoholic beverages (Adopted under Article 7 of November 26, 1973 Town Meeting)	\$ 50.00
By-law regarding public profanity (Adopted under Article 8 of October 28, 1968 Town Meeting)	\$ 20.00
By-law regarding obstruction of roadway with snow or ice (Adopted under Article 11 of March 13, 1972 Town Meeting)	\$ 50.00
By-law regarding public use of marijuana (Adopted under Article 17 of May 26, 2009 Town Meeting)	\$300.00

Section 3.

The phrase “enforcing person” as used in this by-law shall mean any Town of Middleborough police officer with respect to any violation.

Section 4.

The provisions of Section 21D of Chapter 40 of Massachusetts General Laws shall apply to enforcement actions under this by-law, or act anything thereon.

ARTICLE 25. To see if the Town will vote to adopt the following by-law:
Regulation of Licenses for Purchase, Sale or Barter
of Junk, Old Metals or Second Hand Articles

Section 1: Every person or party who is a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles shall have a license issued by the Board of Selectmen. The license issued by the Board of Selectmen shall be subject to applicable provisions of General Laws Chapter 140 including without limitations Section 54 and Sections 202 to 205 inclusive.

Section 2: Any person or party holding a license or who is required to have a license pursuant to this by-law (hereafter “licensee”) who in the course of business buys, trades for, barterers for or otherwise acquires precious metals, jewelry or gemstones shall hold such items for a period of thirty (30) days from the date of acquisition of the items before selling, trading, bartending or otherwise disposing of the items. During the thirty (30) day period, a licensee shall not melt or otherwise alter the appearance of such items.

Section 3: A licensee shall submit to the Middleborough Chief of Police a weekly report of all precious metals, jewelry or gemstones acquired by the licensee during the week prior to the report. Reports shall be written in English and legible. Reports shall include as to each such item: (1) a description of each item; (2) the date the item was acquired; and (3) the name, address, date of birth and driver’s license number/state of issue of the person from whom the item was acquired. A weekly report shall be submitted on Monday or Tuesday of each week and shall include all such items acquired during the week prior to the date the report is submitted (Sunday through Saturday inclusive).

Section 4: A licensee may store and transmit reports required under Section 3 electronically subject to approval of the format of the reports by the Chief of Police.

Section 5: A licensee shall take a color photograph of all persons from whom the licensee acquires precious metals, jewelry or gemstones. A licensee shall also take a color photograph of all precious metals, jewelry and gemstones acquired by the licensee. The licensee shall retain the color photographs of the persons and items for not less than thirty (30) days from the date of acquisition of the items depicted in the photographs and shall make the photographs available for review by members of the Middleborough Police Department upon request.

Section 6: Definitions

As used in this by-law the following words and phrases shall have the following meanings:

“precious metals”, items containing gold, silver or platinum in whatever form;

“jewelry”, items containing precious metals, sometimes set with gemstones, intended for wear for personal adornment, including without limitation watches, pocket watches and other devices for keeping time;

“gemstones”, diamonds or other precious stones consisting of mineral or petrified material and used or suitable for use in jewelry.

Section 7: Whoever violates any provision of this by-law shall be subject to a fine of Three Hundred Dollars (\$300.00) for each violation, or act anything thereon.

ARTICLE 26. To see if the Town will vote to accept Section 33A of General Laws Chapter 138 which will allow the Board of Selectmen as licensing authority to authorize licensees under General Laws Chapter 138, Section 12 to sell alcoholic beverages between the hours of 1:00 a.m. and 2:00 a.m. on Sundays, the last Monday in May and on Christmas Day or on the day following when said day occurs on Sunday, or act anything thereon.

ARTICLE 27. To see if the Town will vote to accept Section 33B of General Laws Chapter 138 which will allow the Board of Selectmen as licensing authority to authorize licensees under General Laws Chapter 138, Section 12 to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas Day or on the day following when said day occurs on Sunday, or act anything thereon.

ARTICLE 28.

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase and/or eminent domain the following described properties in Middleborough, said properties to be used in connection with a municipal water system well site:

- a) A parcel of land off Cross Street now or formerly owned by Alfred J. Gomes and Dorothy Lucas, containing 11.20 acres of land more or less, shown as Lot 3922 on Assessors Map 040 and described in a deed recorded in the Plymouth County Registry of Deeds in Book 2582, Page 323;
- b) A parcel of land off Cross Street now or formerly owned by Brett and Lynn Deboyes containing 0.18 acres of land more or less and being a part of Lot 2341 on Assessors Map 040 and abutting land described above as being now or formerly owned by Gomes and Lucas. The parcel is part of the land described in a deed recorded in the Plymouth County Registry of Deeds in Book 16778, Page 095;
- c) A parcel of land off Cross Street now or formerly owned by Douglas and Marylou Green containing 1.60 acres of land more or less and being part of Lot 4623 on Assessors Map 040 and abutting land described above as being now or formerly owned by Gomes and Lucas. The parcel is part of the land described in a deed recorded in the Plymouth County Registry of Deeds in Book 6640, Page 040;

- d) A parcel of land off Cross Street now or formerly owned by Leo P. Nelson, Sr. and Leo P. Nelson, Jr. containing 0.54 acres of land more or less and being part of Lot 3029 on Assessors Map 040 and abutting land described above as being now or formerly owned by Gomes and Lucas. The parcel is part of the land described in a deed recorded in the Plymouth County Registry of Deeds in Book 6526, Page 215;
- e) A permanent access and utility easement in land on and off Cross Street now or formerly owned by Leo P. Nelson, Sr. and Leo P. Nelson, Jr. over land shown as Lot 3029 on Assessors Map 040, described in a deed recorded in the Plymouth County Registry of Deeds in Book 6526, Page 215, being of variable width and running from the easterly side of Cross Street to the westerly line of land described above as being now or formerly owned by Gomes and Lucas; and
- f) A temporary construction easement over land described above as now or formerly owned by Leo P. Nelson, Sr. and Leo P. Nelson, Jr. of variable width and abutting the permanent access and utility easement described above,

to transfer the management and control of a parcel of land on Cross Street shown as Lot 3788 on Assessors Map 40 containing 1.40 acres more or less to the Board of Selectmen for the purpose of conveying said parcel to Douglas and Marylou Green in exchange for said parcel owned by Green described above in (c), and to authorize the Board of Selectmen to exchange said parcels on terms and conditions as the Board determines and to raise and appropriate a sum of money by borrowing, by transfer from the water development charge portion of the retained earnings of the Water Enterprise Fund and/or from another source to pay for acquisition of the properties and construction of the well and well site and access utility easement, or act anything thereon.

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to acquire easements in a parcel of land by gift, purchase or eminent domain in connection with the a drainage outlet pipe and water quality swale located at 29 Stone Street, Middleborough, MA, such parcel being shown on a plan entitled "Drainage Easement Plan, 29 Stone Street, Middleboro, MA" dated March 2012 prepared by Outback Engineering as follows:

Parcel #	Property Owner
E-1	Robert G. and Lynne A. Hession

, or act anything thereon.

ARTICLE 30. To see if the Town will vote to authorize the Board of Selectmen to convey a part of the Town's well site property off Plymouth Street in North Middleborough, sometimes known as the Mizaras or Kalow well site shown as Lot 5173 on Assessors Map 10, containing about seven acres to Bertarelli Bros., Inc., or some other party, in exchange for a parcel of land abutting the well site, containing an equal amount of land as the said land to be conveyed to Bertarelli Brothers, Inc., being a part of Lot 5077 on Assessors Map 10, such exchange to be on terms and conditions as the Board determines, to transfer the management and control of said part of the well site to the Board of Selectmen for the purpose of making conveyance of the part of the well site as part of the land exchange, to authorize the Board of Selectmen to acquire the land to be conveyed by Bertarelli Brothers, Inc. by eminent domain and/or by deed, to authorize the Board of Selectmen to petition the General Court for legislation to authorize the conveyance and use of the part of the well site to be conveyed to Bertarelli Bros., Inc. for purposes other than public water supply/public water supply protection/aquifer protection, to authorize the Board of Selectmen to acquire by purchase and/or eminent domain a permanent access and utility easement in land owned by Bertarelli Brothers, Inc. shown as Lot 5077 on Assessors Map 10 and to raise and appropriate a sum of money by borrowing or otherwise to purchase the access and utility easement, or act anything thereon.

ARTICLE 31. Voter ID By Law:

Effective July 1, 2012, all registered voters shall be required to show valid photo identification at all town only elections and at town meeting.

Valid photo identification shall be determined by the Registrar of Voters and the list of acceptable identification shall be posted publically with all warrants and specimen ballots.

In the event that valid photo identification is not presented at an election, a provisional ballot shall be provided.

Provisional ballot shall be counted upon the presentation of valid identification to the Town Clerks office within three business days of the election.

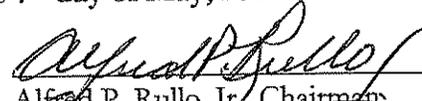
By Petition

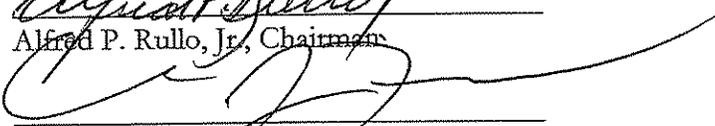
ARTICLE 32. To see if the Town will vote to rescind the vote taken under Article 23 of the warrant for the June 14, 1993 Special Town Meeting that the Board of Selectmen shall be the Rent Board for the purpose of regulating rents, minimum standards for the use or occupancy of mobile home park accommodations and evictions of tenants therefrom pursuant to the provisions of Chapter 703 of the Acts of 1985, to authorize the Board of Selectmen to appoint a five (5) member Rent Board pursuant to the provisions of Chapter 703 of the Acts of 1985 for such terms as the Board of Selectmen determines, to provide that the Board of Selectmen shall by appointment fill any vacancies in the Rent Board, to provide that the Board of Selectmen shall cease to be the Rent Board under Chapter 703 of the Acts of 1985 from and after

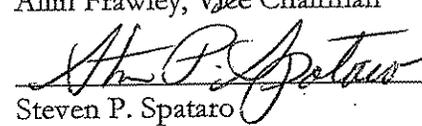
December 1, 2012 and that the members of the Rent Board appointed by the Board of Selectmen shall take office on December 1, 2012, or act anything thereon.

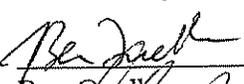
By Petition

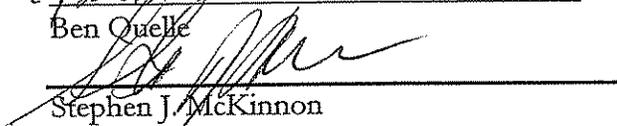
Given, under our hands at Middleborough, this 7th day of May, 2012.


Alfred P. Rullo, Jr., Chairman


Allin Frawley, Vice Chairman


Steven P. Spataro


Ben Quelle


Stephen J. McKinnon

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the 24th day of May, 2012, that date being more than seven days before the time specified for said meeting.


BRUCE GATES
Police Chief