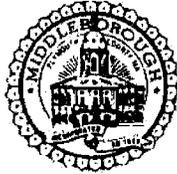


HEARINGS, MEETINGS, LICENSES

7/13/15



The Board of Selectmen, acting in its capacity as the Board of Health, will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, June 29, 2015 at 7:30 PM, for the purpose of adopting Body Piercing Regulations for the Town of Middleborough. Anyone wishing to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN

Publish: June 18 & 25, 2015

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

Advertiser #300074

Continued to 7.13.15 @ 7:20 PM

TOWN OF MIDDLEBOROUGH- BOARD OF HEALTH

BODY PIERCING REGULATIONS

RATIONALE: The Town of Middleborough is promulgating rules and regulations which provide minimum requirements to be met by any person performing body piercing upon any individual and for any establishment where body piercing is performed. These requirements shall include, but not be limited to, general sanitation of premises wherein body piercing is to be performed and sterilization of instruments. These rules and regulations are necessary to protect the public's health by preventing diseases, specifically including, but not limited to transmission of hepatitis B and/or human immunodeficiency virus.

In addition, these rules and regulations shall establish procedures for registration with the Middleborough Board of Health of all persons performing body piercing, for the requirement of minimal training standards for the prevention of disease transmission and for knowledge of anatomy and physiology, for regular inspection of premises wherein body piercing is performed, and for revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under this section. An annual, non-transferable registration fee set the Town of Middleborough shall be paid by any person or establishment registered under this section.

SECTION 1- DEFINITION

1. "Body piercing" shall mean any method of inserting a needle into the body to place jewelry in the body, other than in the earlobe, to place jewelry in the perforation produced by the needle. Establishments and/or individuals involved in the piercing of earlobes (only) using approved ear piercing guns are subject only to the General Rules and Regulations found under Section 2 of this ordinance.
2. "Body Piercer" shall mean any person who performs piercing of any part of body other than the earlobe which is pierced by use of an appropriate piercing gun.
3. "Board of Health Permit for Body Piercing" means issuance of a written Board of Health permit authorizing the person named therein to engage in the work of body piercing.
4. Operator shall mean any person who owns, controls, operates, conducts or manages any piercing establishment, whether actually performing the work of piercing or not.

5. "Minor" shall mean any person under the age of eighteen (18).
6. "Piercing Studio" shall mean any room or space where piercing is practiced or where the business of piercing is conducted or any part thereof.
7. "Antibacterial Solution" means any solution used to retard the growth of bacteria approved for application to human skin and includes all products so labeled.
8. "Germicidal Solution" means any solution which destroys germs, and is so labeled.
9. "Sterilization" means holding in an autoclave for thirty (30) minutes, at twenty (20) pounds pressure, at a temperature of 275 degrees Fahrenheit.
10. "Sanitary" means clean and free of agents of infection or disease.
11. "Sanitized" means effective bacterial treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on equipment.
12. "BOH" means the Middleborough Board of Health.

SECTION 2 - GENERAL RULES AND REGULATIONS REGARDING BODY PIERCING

1. No minors shall receive body piercing, ("minor" shall mean any person under the age of eighteen years), unless accompanied by a parent or legal guardian who has signed a consent form.
2. No piercing of the genitalia shall be allowed.
3. No piercing of animals shall be allowed in piercing studios.
4. Pre-procedural consultation to discuss body piercing, its risks and potential complications shall be required with each client. An informational pamphlet approved by the Health department and an informed consent form shall be signed by all clients. Clients shall be supplied a copy of the consent form and the consent form shall be kept on file by the body piercer. Clients should be told to consult with their physician regarding any medical condition which could be exacerbated by the piercing procedures (i.e., hemophilia, open sores, etc.).

5. Patrons who admit to or are obviously under the influence of alcohol or other judgement altering drugs shall not receive a body piercing.
6. Body piercers shall not be under the influence of any substance, legal or illegal which might impair their judgement or ability to properly perform body piercing.
7. Patrons shall receive verbal and written instructions on the cleaning, use of antiseptics and other specific instructions for each piercing after the piercing, including the signs and symptoms of complications.
8. Appropriate disinfectants must be used to disinfect the surface of the skin in the area to be pierced, prior to piercing.
9. Infections and adverse reactions of any kind suspected from the application of piercing, which become known to the body piercer, shall be reported to the Middleborough Board of Health within 24 hours and the patron referred to a physician for examination.
10. Body piercers who receive needle stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA guidelines on the reporting and follow up on needle stick injuries. OSHA guidelines for needle stick follow up shall be posted in employee area. (Code of Federal Regulations 29 CFR 1910.1030 (f)).
11. It is required that body piercers receive the series of Hepatitis vaccinations and tetanus doses or booster shot.
12. The gun used for the piercing of ear lobes only must be disinfected with an EPA-approved disinfectant such as madicide or a similar product.

Failure to comply with any of the above regulations may result in immediate revocation of the permit to operate.

SECTION 3 - BODY PIERCER REGISTRATION.

1. No person, or body piercer shall perform body piercing, display a sign or in any other way advertise or purport to be a body piercer unless that person holds a valid permit with the Middleborough Board of Health.
2. An applicant for registration or renewal shall pay a fee as established by the Middleborough Board of Health and shall show to the satisfaction of the Middleborough Health Department that the applicant:
 - a. Has complied with the applicable rules on the Middleborough Board of Health.
 - b. Upon application, has provided evidence in the form of a drivers license/state Identification card or federal identification card that applicant is not less than 18 years of age. A photocopy of the I.D. shall be on file.
 - c. Upon application, has signed a form consenting to abide by the rules and regulations and recommended procedures on the prevention of disease transmission in body piercing, sanitation, sterilization, handling of infections, universal body fluid precautions) sharp and biologic waste disposal and wound care as stated in the Federal Register of EPA Rules and Regulations on Bloodborne Pathogens.
 - d. Upon application, shall notify the Middleborough Board of Health in writing of the regular address of the place where the person performs or intends to perform body piercing and shall keep the permit conspicuously posted in the place of business at all times. Body piercers shall operated only out of facilities licensed to perform body piercing. Body piercers shall be required to demonstrate proper sanitary procedures and to develop and submit their policy on infection control to the Middleborough Board of Health.

SECTION 4- MINIMAL TRAINING

Body piercers and their employees must show evidence or current certification and completing of courses in the first two areas) prior to receipt of a permit.

1. Basic Training in First Aid and advanced CPR as well as proof of attendance at required renewal courses.

2. Completion of a course on Prevention of Disease Transmission and Blood borne Pathogens, conducted by an instructor trained and sufficiently knowledgeable to teach this OSHA course. Such knowledge shall include the requirements of standards 29 CFR 19010.1030.
3. Completion of human anatomy and Physiology College level 1 and 2.
4. Body piercing permits shall expire on December 31 of each year.
5. The place of business shall meet all other department requirements.
6. Liability Insurance is required for Body Piercers.
7. Body piercers must present evidence of at least one year of apprenticeship experience with no history of their piercing causing short or long term health problems. Apprentices must register with the Middleborough Health Department when beginning the apprenticeship and comply with 1 through 3
8. Apprentices must apply for an apprenticeship permit from the Board of Health

SECTION 5- FACILITIES AND EQUIPMENT

1. FACILITY

- a. A body piercing facility shall be inspected and approved by the Middleborough Health Department.
- b. Facilities must be located in area zoned for business.
- c. No person is to operate a body piercing facility without first obtaining a permit from the Board of Health
- d. Facility design, furniture, lighting, plumbing, water and sewage must be in accordance with local ordinances.
- e. With the exception of service animals (e.g. guide dogs); no animals shall be allowed on the premises.
- f. The floor and all other surfaces shall be, at all times maintained in a clean condition. The walls and ceilings shall be kept clean in good repair at all times. Light fixtures, decorative materials and similar equipment attached to the walls or ceilings shall be kept clean.

g. Adequate ventilation (such as air conditioning, etc.) to keep the area dry and air circulating should be used. ("Adequate Ventilation" shall mean a free and unrestricted circulation of fresh air throughout the body piercing studio and the expulsion of foul or stagnant air.) The use of a H.E.P.A. ventilation system is highly recommended.

h; Convenient, clean, and sanitary toilet and hand washing facilities shall be made accessible to customers. A sign shall be posted in the bathroom which forbids insertion or handling or piercing/jewelry. The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair. Single service hand towels or mechanical means for hand drying shall be provided.

i. In accordance with state regulations proper biologic waste and sharp disposal of single-use items and needles exposed to body fluids shall be required. Only medical grade sharps containers that are puncture-resistant, with tight-fitting-lids acceptable.

j. Body piercers shall be equipped with appropriate sterilizing equipment. (i.e. a working steam autoclave). Autoclaves must be spore tested monthly by independent laboratories to insure they are working adequately.

k. Body piercers shall be equipped with appropriate cleansing equipment.

2. WORK AREA

a. Each body piercing studio shall have a separate work area not used for any other purpose. No one shall be pierced at any other location in the studio other than the work area.

c. No customer should be allowed to perform their own piercing/insertions anywhere on the premises.

d. Work areas shall not be used as a corridor for access to other rooms.

e. The area where body piercing is to be applied must be performed in a separate room.

f. The floors, chairs and table tops where body piercing equipment and body piercing work is done should be non-porous. Carpet is not permitted as a floor covering in the work area where the body piercing is applied.

g. The work area should be well lighted. Work areas shall have at least fifty (50) foot candles of light measured at the height of the work table.

h. Facilities shall be equipped with sinks and basins with hot and cold running water in the room for the exclusive use of the piercers for washing their hands and preparing their clients for body piercing.

- i. A covered waste receptacle with disposable liner bags shall be located in the work area.
- j. No person shall smoke, consume any food or drink in the work area.
- k. No other activities, (such as hair styling, etc.) shall be performed in any facility designated for body piercing.

SECTION 6- OPERATION PROCEDURES FOR FACILITIES~ BODY PIERCERS

1. SANITARY PROCEDURES BEFORE BODY PIERCING

Body Piercers Shall:

- a. Complete all business transactions.
- b. Complete client consent forms and provide a copy to the client with informational pamphlet.

Regarding Piercers Jewelry:

- a. Client and piercer should have appropriate size and quality jewelry chosen before the procedure begins.
- b. Only appropriate jewelry should be used in piercing. Appropriate jewelry is made of implant grade, high quality surgical stainless steel (316 E series), solid 14k or 18k gold, niobium) titanium, platinum. Appropriate jewelry has no nicks, scratches, or irregular surfaces which might endanger the tissues.
- c. Ear studs or other jewelry designed for earlobe piercing are not appropriate jewelry for other body parts and must not be used by piercers.

2. HAND WASHING & GENERAL HEALTH

Before working on each patron, the body piercer shall:

- a. Inspect hands for small cuts and abrasions.
- b. Refrain from body piercing or handling equipment if they have open sores, weeping dermatitis or lesions on hands or arms until the condition has cleared.
- c. Refrain from body piercing until the condition has cleared, if they have a cold, flu or other communicable disease.
- d. Wash hands, wrists and up to elbows with antibacterial solution.

e. Dry hands thoroughly with single use disposable towel such as a paper towel or air dry under a heat dryer.

f. Put on medical-grade latex (or its equivalent) gloves.

SECTION 7- BODY PIERCING PROCEDURES

Body Piercers Shall:

a. Set up equipment in front of client.

b. Sealed autoclave bags containing any equipment required to be sterile, shall be opened in front of the client, and the autoclave bag discarded.

c. All jewelry contaminated with only airborne pathogens (not previously worn or contaminated) should be disinfected with a non-hazardous hard-surface disinfectant approved by the E.P.A. All jewelry contaminated or potentially contaminated with blood borne pathogens (previously worn by another person) should be autoclaved, stored in sterile indicator bags, sealed and dated.

d. All needles used in piercing must be pre-sterilized, used on one person, in one sitting, for single piercing and immediately disposed of in a medical sharps container.

e. All forceps, tubes, etc. must be pre-sterilized stored in sterile indicator bags, sealed and dated, used on one person, in one sitting. After one such use, they must be autoclaved and stored in sterile indicator bags, sealed and dated.

SECTION 8- DISINFECTION ROUTINE

Body Piercers Shall:

a. Put on fresh gloves for disinfection routine.

b. Move in such manner to avoid re-contamination of surfaces.

c. Discard disposable items and remove from areas.

d. Remove plastic barrier film (if used) and disinfect surface areas, drawer pulls, cabinetry, telephones, lamps, chairs) sinks, ultrasonic tanks, tables, chairs, floor area and any other surfaces that might have become contaminated.

e. Dispose of single use (disposable) lap cloths.

f. Remove gloves, wash hands and discard gloves.

- g. Double bag or use bio-hazard bags and discard materials after each client.
- h. Discard materials in medically appropriate manner.
- i. All reusable non-sterilizable implements such as marking pen should be nonporous and disinfected after each use with an EPA approved hard-surface disinfection liquid. Non-spray wipes for surfaces and liquids for soaking jewelry are preferred over spray disinfectants which may disperse pathogens into the air.
- j. Cleansing with ultrasonic cleaners should be the rule for removal of bacitracin or other triple antibiotic solutions, blood and other particles from a used contaminated implement (i.e. jewelry, forceps, insertion tapers, and pliers) followed by steam autoclave.
- k. Steam autoclave must be used on all equipment that may come in contact with the client or the jewelry (i.e. receiving tubes) rubber bands, insertion tapers, forceps, files, gauge wheels, pliers, etc.). Equipment shall be bagged, dated and sealed and stored in a non-porous, dark dry cool place such as a medical Credenza) etc. Spore indicators shall be used with each load to ensure spore eradication. Instruments shall be autoclaved at a temperature of 273 degrees F under pressure of 20 PSI for 30 minutes from start. Autoclaves shall be spore tested by independent laboratories at least once every month to induce efficacy. Immersion in cold germicidal solutions provides incomplete sterilization and is inappropriate.
- l. Appropriate ear piercing guns should only be used for piercing ear lobes and shall not be used for piercing any other body part.
- m. Iodine, antiseptics and other ointments used shall be applied with single use applicators. Applicators that have touched a client once may not be used to retrieve antiseptics, iodine, etc. from containers and shall be disposed of after single use.

DISPOSAL OF WASTE IN ACCORDANCE WITH INFECTIOUS WASTE REGULATIONS

- 1. Bar setups, piercing needles) razor blades or other sharp instruments which are not to be sterilized shall be disposed of in medically approved sharp containers that are puncture resistant and have tight fitting lids.
- 2. Containers of sharp wastes shall be sent to a facility where they are either incinerated or otherwise rendered nonhazardous.

3. Disposable waste shall be placed in easily cleanable, closed containers with tight fitting lids, to prevent leakage or spoilage.
4. Waste containers shall be kept closed when not in use.
5. Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.
6. An appropriate medical waste disposal firm shall be contracted to remove all waste.

SECTION 8- MOBILE ESTABLISHMENTS:

1. Mobile piercing studios shall not be allowed to operate in the Town of Middleborough.

SECTION 9- FEES

1. A permit fee in the amount established by the Town of Middleborough shall be required of all persons registering as:
 - body piercers (see application)
 - body piercer apprentices (see application)
 - body piercing establishments (see application)
2. Payment of fees shall be made at the Town Middleborough of Health Department, 20 Centre Street, Middleborough, MA.02346 CHECK MADE PAYABLE TO THE TOWN OF MIDDLEBOROUGH.

SECTION 10- ENFORCEMENT PROCEDURES:

The body piercers permit to operate shall be suspended immediately upon notice to the holder (without a hearing) when the Middleborough Health Department has reason to believe that an imminent health hazard exists.

1. In all other instances of violation of the provisions of this administrative regulation the Middleborough Board of Health shall serve the permit holder a written notice specifying the violation and afford the registrant or certificate holder a reasonable opportunity to correct the same.

- a. Whenever an applicant has failed to comply with any written notice issued under the provisions of this administrative regulation the body piercing permit shall be suspended.
- b. Any person whose permit has been suspended may make a request in writing for public hearing before the Board of Health
- c. For serious or repeated violations of any of the requirements of this administrative regulation or for interference with the Middleborough Health Department in the performance of its duties, or for persons found guilty of any crime related to body piercing, the body piercers permit may be permanently revoked after a public hearing before the Middleborough Board of Health.
- d. Every person who shall perform body piercing without a permit may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and 'as the district court may see fit to impose, the maximum penalty for each violation, or offense brought in such a manner, shall be three hundred dollars.
- e. Body piercing of minors - Every person who shall perform body piercing on any minor under the age of eighteen, (18) without the written consent and presence of a parent or legal guardian for parts other than the genitalia areas of minors which shall not be pierced, may be penalized by indictment or on complaint brought in the district \court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense brought in such a manner, shall be three hundred dollars.

Section 17.0 Retention of Records

17.1 The owner of a body piercing parlor/shop shall maintain proper records for each patron. A record of each patron shall include:

- a) The date on which he/she was pierced;
- b) his/her name, address, telephone number and age;
- l) photo identification as proof of age (e. g., driver's license, military identification), a copy of which shall be maintained for each patron;
- c) The location and design of the piercing; and,
- D) The name of the body piercer.

17.2 These records shall be permanently entered in a book with

pre-numbered pages, kept solely for this purpose. Records that cannot be physically stored in this pre-numbered book (e. g., copies of proof of age as required in section 17.1(b)(i)above) may be stored elsewhere in the facility. These records shall be available for inspection by the Department of Health. These records shall be maintained for a minimum of five (5) years after the date on which the patron was tattooed.

Section 18.0 Denial, Suspension or Revocation of Registration

18.1 The Health Department is authorized to deny an application, revoke or suspend a registration for failure of an applicant or registrant to comply with the provisions of the rules and regulations herein.

18.2 Whenever an action shall be proposed to deny an application, revoke or suspend a registration, the Health Department shall notify the person by certified mail, setting forth the reason(s) for the proposed action.

18.3 The applicant or registrant shall be given an opportunity for public hearing before the Middleborough Board of Health.

18.4 If it is determined that a person is violating any provisions of the rules and regulations herein, the Health Dept. may issue an order to secure compliance.

Section 19.0 Deficiencies & Plans of Correction

19.1 The Health Dept. shall notify the governing body or other legal authority of a facility of violations of these rules and regulations through a notice of deficiencies which shall be forwarded to the facility within fifteen (15) days of inspection of the facility. If the Health Dept. determines that immediate action is necessary to protect the health, welfare, or safety of the public, she/he may issue an immediate compliance order.

19.2 A facility that has received a notice of deficiencies shall submit a plan of correction to the licensing agency within fifteen (15) days of the date of the notice of deficiencies. The plan of correction shall detail any requests for variances as well as document the reasons therefore.

19.3 The licensing agency shall be required to approve or reject the plan of correction submitted by a facility in accordance with section 19.2 (above) within fifteen (15) days of receipt of the plan of correction.

19.4 If the licensing agency rejects the plan of correction, or if the facility does not provide a plan of correction within the fifteen (15) day period stipulated in section 19.2 above, or if a

facility whose plan of correction has been approved by the licensing agency fails to execute its plan within a reasonable time; the licensing agency may invoke the sanctions referenced in section 18.0 herein. 19.5 If the facility is aggrieved by the sanctions of the licensing agency, the facility may appeal the decision and request a public hearing.

SECTION 11 - SEVERABILITY

If any section, paragraph, sentences, clause, phrase or word of this ordinance shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations~

SECTION 12 Effective Date: _____

TOWN OF MIDDLEBOROUGH

BODY PIERCING APPLICATION

Body Piercer () \$200.00
Body Piercer Apprentice () \$100.00
Body Piercing Facility () \$200.00

Date: _____

Permit#: _____

New Application: ()

Renewal: ()

1. Name: _____
(Last Name) (First Name) (Middle)

2. Date of Birth: _____
(Month) (Day) (Year)

3. Identification Card:
State Driver's License: _____

State Identification Card: _____

4. Facility Name: _____

5. Facility Address: _____

6. Facility Telephone: _____

7. Provide the following:

A. Evidence of course completion in Preventing Disease Transmission. (Applicant must show a dated certificate of completion from either American Red Cross or Association.

B. Evidence of current certification in First Aid/CPR. (Applicant must show a dated certificate of completion of a course in First Aid/CPR which demonstrates the required course was completed within the last two (2) years).

C. Proof of completion of a course in Anatomy and Physiology

D. Proof of one (1) year of apprenticeship training.

APPLICANT/BODY PIERCER STATEMENT OF CONSENT:

I understand that this registration expires on June 30th of this year. I understand that any notice required to be given by the Middleborough Board of Health to me may be given by mailing the notice to the address of the last place of business facility address) of which I have notified the Middleborough Board of Health. I have received a copy of the Middleborough Board of Health's regulations and recommended infection control procedures regarding body piercing. I agree to abide by these regulations and procedures. I agree to work only out of facilities that are in compliance with Middleborough Board of Health requirements. I agree to post the following valid and updated documents conspicuously in my place of business at all times:

Certificate of Registration for all body piercers working in the facility,

A signed copy of an agreement to comply with Middleborough Board of Health Rules and Regulations for Body Piercing, which contains the Recommended Procedures and Infection Control Practices for Body Piercing.

A signed copy of compliance with Middleborough Board of Health Recommended Procedures and Infection Control Practices for Body Piercing.

I hereby certify, under pains and penalties of perjury, that to the best of my knowledge, the information provided on this application is complete and accurate and not misrepresented in any way.

Date

Signature

Name and Title (print)

Office Use Only: Approved Effective Date: _____ Registration

Fee Paid: _____

Disapproved, Comment: _____

CLIENT'S CONSENT FORM

A client consent form for receiving body piercing MUST contain at least the following information and must be kept on file by the Body Piercer for a minimum of three years.

Clients Name _____

Record of Clients Form of Identification NOTE: for your own protection, make a photocopy of both sides of the identification card). Photo ID only. IF YOU HAVE ANY DOUBTS ABOUT THE AUTHENTICITY OF THE IDENTIFICATION, DO NOT PIERCE THE CLIENT!

Signed statements from the client which include the following:

I certify that I am at least 18 years of age and have provided legitimate identification to validate this.

I am not currently under the influence of alcohol or drugs that might impair my judgement.

I have:

- reviewed ordinance section on sanitary procedures for body piercing,
- been informed of the risks of receiving body piercing, including the possibility of allergic reaction to jewelry,
- been given a care/instruction sheet on how to take care of my body piercing,
- been informed of procedures for reporting any complications with the piercing to the body piercer and to medical personnel.

Client's Signature _____



The Middleborough Board of Selectmen will hold a public hearing on Monday, July 13, 2015 at 7:30 PM in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, for the purpose of discussing an application filed by Xtreme Power Cycles, LLC. for a Class II Automobile Dealer's (Internet Sales Only) License for the premises located at 668 Wareham Street, Middleboro, MA, Assessors Map 109, Lot 3139. Anyone desiring to be heard on this matter should appear at the time and place designated.

Allin Frawley
Leilani Dalpe
John M. Knowlton
Diane Stewart
Stephen J. McKinnon
BOARD OF SELECTMEN

Publish: June 25, 2015

Private party responsible for payment

Town responsible for payment

Please provide Selectmen's office with amount due.

MEMO

TO: Board of Selectmen
FROM: Jackie Shanley, Executive Assistant
DATE: 7/13/15
RE: CORI

A handwritten signature in black ink, appearing to read 'Jackie Shanley', written in a cursive style. The signature is positioned to the right of the 'FROM:' line and partially overlaps the 'DATE:' line.

There is nothing on file with the Criminal History Board for Kate McIlhargey that would be of any concern relative to granting this license.

Thank you.
Jackie



Town of Middleborough
20 Centre Street, Second Floor
Middleborough, Massachusetts 02346

Robert J. Whalen
Building Commissioner
Tel. 508-946-2426
Fax 508-946-2305

July 7, 2015

Middleborough Board of Selectmen
Middleborough Town Offices
10 Nickerson Ave
Middleborough, MA 02346

RE: Class II License for property located at 668 Wareham Street, Assessors Map: 109
Lot: 3139.

Dear Honorable Board,

I have reviewed the application by Xtreme Power Cycles LLC for a ClassII automobile dealer's license (Internet sales Only)

This property is located within the General Use Zoning District so the proposed use is allowed.

I would support this request

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer



Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

PHONE: 1-508-946-2406
FAX: 1-508-946-2309

MEMORANDUM

TO: Board of Selectmen
Ruth Geoffroy, Planning Director
Robert Buker, Health Officer
Robert Whalen, Building Commissioner

FROM: Patricia J. Cassady, Conservation Agent 

DATE: July 6, 2015

RE: Request for Class II Automobile Dealer's License Application (Internet Sales Only) Xtreme Power Cycles, LLC
668 Wareham Street, Map 109, Lot 3139

After reviewing the above-mentioned property I have a few comments:

- 1) There are *no* wetlands on the property
- 2) The property is *not* mapped under the Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program.
- 3) The property is *not within* a floodplain or bordering land subject to flooding.
- 4) The property is *not within* a Water Resource Protection Area.

If you have any questions regarding this matter don't hesitate to contact me.

pjc

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405
Fax: 508-946-0058

Town of Middleborough
Massachusetts
Board of Selectmen

MEMORANDUM

TO: Planning Board
Conservation Commission
Robert Whalen, Building Commissioner
R. Buker, Health Officer

FROM: Jackie Shanley
Executive Assistant to the Board of Selectmen

DATE: June 30, 2015

SUBJECT: **Class II Automobile Dealer's License Application (*Internet Sales Only*)**
Xtreme Power Cycles, LLC
668 Wareham Street, Map 109, Lot 3139

Attached is a request to change ownership of a Class II Automobile Dealer license (Internet Sales Only).

This application will be heard by the Board of Selectmen at its meeting on **July 13, 2015 at 7:30PM.**

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, July 8, 2015 by 12 Noon.**

Thank you.

Attachments



Town of Middleborough

Massachusetts

Board of Selectmen

Anthony Bertelli

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 3-25-2015
NAME OF APPLICANT Kate E McElhargy
ADDRESS OF APPLICANT 75 TARA TERRACE BOUANE MA 02532
ASSESSORS MAP & LOT 109-3139
DAYTIME TELEPHONE _____

McElhargy

NAME OF BUSINESS XTREME POWER CYCLES LLC
OWNER OF PROPERTY TO BE LICENSED _____
ADDRESS OF PROPERTY TO BE LICENSED 668 WAREHAM ST
ASSESSORS MAP & LOT 109-3139 UNIT 3
MIDDLEBOROUGH, MA 02346

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand _____
- Class I License _____
- Class III License _____
- Class II License *INTERNET* **SALES ONLY**
- Entertainment _____
- WRPD _____
- Earth Removal Permit _____
- Liquor License _____
- Junk Dealer _____
- Other _____

Anticipated Start Date for Business: 5-1-2015
Days & Hours of Operation: M-F 9-6 SAT 9-5 SUN-CLOSED

Has the applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain: NO

Signature *[Handwritten Signature]*

DATE OF HEARING: _____ APPROVED/DENIED _____

Do not write below line: To be Completed by Treasurer/Collector: _____

Please inform this department as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO

[Large Handwritten Signature]

THE COMMONWEALTH OF MASSACHUSETTS

Town of Middleborough

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

CLASS II

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a INTERNET SALES ONLY class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Xtreme Power Cycles LLC

Business address of concern. No. 668 WAREHAM ST UNIT 3 St.,
MIDDLEBOROUGH, M.A. 02346 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?

CORPORATION

3. If an individual, state full name and residential address.

N/A

4. If a co-partnership, state full names and residential addresses of the persons composing it.

N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President KATE ELLEN McILharghey 75 TARA TERR BOYANR, MA 02532

Secretary KATE ELLEN McILharghey 75 TARA TERR BOYANR, MA 02532

Treasurer KATE ELLEN McILharghey 75 TARA TERR BOYANR, MA 02532

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES (INTERNET SALES ONLY)

Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

668 Wareham Street interior Shop and dedicated office.

8. Are you a recognized agent of a motor vehicle manufacturer? NO (Yes or No)

If so, state name of manufacturer N/A

9. Have you a signed contract as required by Section 58, Class 1? NO (Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? NO (Yes or No)

If so, in what city - town N/A

Did you receive a license? N/A (Yes or No) For what year? N/A

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO (Yes or No)

Sign your name in full. Kate E. McIlhargue (Duly authorized to represent the concern herein mentioned)

Residence 75 Tara Terrace, Bourne, MA 02532

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)