

HEARINGS, MEETINGS, LICENSES

7-29-13

Jacqueline Shanley

From: Charles Cristello
Sent: Wednesday, July 17, 2013 8:56 AM
To: Attorney Dan Murray; Jacqueline Shanley
Cc: Andrew Danforth
Subject: RE: Rent Bd

Dan,

We have this on the agenda for 7:30 on July 29th for the Board to consider these changes to the Rules and Regs. If they agree we would then have to go through the formal process of changing the Rules and Regs which will include the appropriate notices both locally and with the state.

Charlie

From: Decas, Murray & Decas [<mailto:decasmurraydecas@yahoo.com>]
Sent: Tuesday, July 16, 2013 4:03 PM
To: Charles Cristello
Cc: Andrew Danforth
Subject: Rent Bd

July 16, 2013

Charles J. Cristello, Town Manager (*via email*)
RE: Rent Board Rules/Regulations – amendments

Dear Charlie:

Andrew Danforth thinks that the following amendments to the Rent Board Rules and Regulations would be satisfactory to address his organization's concerns regarding rent for resident-owned communities:

- Section 1 – definitions. Add new paragraph N as follows:

N. Resident Owned Park: A Mobile Home Park that is owned by a corporation or association where the (a) shareholders or members are individuals owning homes in the park and (b) over 51% of the owner of homes are shareholders or members of the park Owner.

- Section 1 – definitions. Replace paragraph M as follows:

M. Fair Net Operating Income: (1) Fair net operating income for a Mobile Home Park shall be that income which will yield, in the discretion of the Board, a reasonable return to the Owner of a Mobile Home Park, after all reasonable operating expenses. In consideration of whether the return is reasonable, the Board may consider any relevant evidence and standards, including, but not limited to: average returns for other similarly situated Parks, any operating expenses or debt service, any projected capital improvements, or any other factor that may be presented. The Board shall evaluate all evidence presented by any party regarding the fair net operating income.

(2) Fair net operating income for a Resident Owned Park shall be that income which will enable the Owner of the Park to pay or provide with respect to the Park for all operating expenses, capital expenses, contractual debt service and contractually mandated or shareholder/member approved reserves for capital expenses and operating expenses.

Very truly yours,
Daniel F. Murray
Town Counsel



July 8, 2013

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

RE: Hillcrest Manufactured Home Community

Dear Board Members:

I am writing in support of the amendments proposed by the Hillcrest Mobile Home Tenants Association, Inc. to the Town's Rent Control Rules & Regulations and to outline my needs as a current and prospective lender to the Association.

Resident Ownership Capital, LLC (d/b/a ROC USA Capital) has extended unsecured pre-development financing to the Association to help the homeowners determine the feasibility of acquiring the Hillcrest community. ROC USA Capital is the community lending arm of ROC USA, LLC, a national nonprofit focused exclusively on enabling lower-income homeowners to successfully buy, own and operate the manufactured home communities (MHC) in which they live. Since 2008, ROC USA Capital has delivered over \$60 million in long-term permanent financing to enable 2,000 homeowners purchase 21 MHC in 11 states. Much of this business has been done in Massachusetts, including having financed three resident-owned communities (ROC) in Plymouth County since June 2012.

ROC USA Capital's purpose is to support ROCs organized as nonprofit associations or housing co-ops. I hope to be able to provide acquisition financing to the Hillcrest Mobile Home Tenants Association once the feasibility of such an acquisition is determined and such a loan application is delivered to my office. For your information, ROC USA Capital requires its borrowers to operate these communities on a not-for-profit and democratic basis, and to offer each homeowner household the opportunity to be a voting member in the Association. At least fifty-one percent (51%) of homeowners in a given community must join the Association to secure our financing. Typically, the membership percentage is much greater.

The existence of Rent Control Rules & Regulations adds a consideration to my loan underwriting and Committee approval process. Therefore, I must be certain ROC USA Capital's standard lending requirements are recognized by the Board of Selectmen, which I understand serves as the Town's Rent Control Board.



Since ROC USA Capital's borrowers operate on a not-for-profit basis, and Hillcrest would be no exception, any annual net cash flow after payment of all routine operating costs and debt service on acquisition financing is re-invested in the community either for future capital improvements or as an operating reserve to offset future cost increases.

The amendments proposed by the Association to the definition of "Fair Net Operating Income" currently in the Rules & Regulations are exactly what ROC USA Capital needs to successfully underwrite acquisition financing. In particular, we support the inclusion of the following in the calculation of Fair Net Operating Income for a resident-owned community:

- a. Fixed annual debt service payments (principal and interest amortized over a period of up to 30 years);
- b. Fixed annual contributions to a Replacement Reserve Account for funding future capital improvements during the loan term (as a nonprofit borrower comprised of lower-income homeowners, the Association simply will not be able to fund needed future capital improvements without regular contributions to such an account);
- c. An annual allowance for vacancy/collection losses as 100% of scheduled lot rents in a given year are not always collected; and,
- d. A "debt service coverage ratio" or operating cushion/reserve of at least ten percent of annual debt service payments (this operating cushion over and above the fixed annual debt service payments to a lender is standard loan underwriting practice to ensure loan payments are made regardless of any variations from the annual operating budget during any given operating year).

Earlier this year, ROC USA Capital supported the above changes to the rent control process used in the City of North Adams, MA. The Wheel Estates Tenants Association, Inc. successfully acquired its 190-site community with over \$4 million in 10-year financing from ROC USA Capital upon approval of these changes by that Rent Control Board.

I encourage the Board to adopt the Association's proposed revisions, which reflect the conditions above, to the existing Rent Control Rules & Regulations so that they will become permanent for resident-owned communities in the Town. Thank you in advance for your consideration of this proposal.



I understand that the Board will be hearing testimony on these proposed amendments on July 29th. I would be pleased to appear before you at that meeting if it would benefit the Board's deliberations. In advance of the July 29th meeting, should you have any questions regarding ROC USA Capital's financing of resident-owned MHC, please feel free to contact me at (603) 724-8370, or by e-mail at msloss@rocusa.org.

Respectfully,

Michael Sloss

Michael Sloss
Managing Director, ROC USA Capital

**Town of Middleborough
Middleborough Board of Health**

**Tobacco and Nicotine Delivery Product Sales Permit
Regulation Restricting the Sale of Tobacco Products
And Nicotine Delivery Products**

A. Statement of Purpose:

The Board of Health of the Town of Middleborough, Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws and such other authority as it possess has enacted the following Regulations Affecting the Sale, Location, Vending and Distribution of Tobacco Products and Nicotine Delivery Products in the Town of Middleborough in the interest and preservation of public health effective July 1, 2012 pursuant to a vote of the Board of Health.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Middleborough Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

E-Cigarette: Any electronic Nicotine Delivery Product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and subject to the provisions of 247 CMR 6.00. Health care institution includes, but is not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices and dentist offices.

Minor: Any individual who is under the age of eighteen (18).

Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine Delivery Product includes, but is not limited to, e-cigarettes.

Permit Holder: Any person engaged in the sale or distribution of tobacco or nicotine delivery products directly to consumers who applies for and receives a tobacco and nicotine delivery product sales permit or any person who is required to apply for a tobacco and nicotine delivery product sales permit pursuant to these regulations, or his or her business agent.

Self-Service Display: Any display or RYO machine from which customers may select or make a tobacco product or a Nicotine Delivery Product without assistance from an employee or store personnel.

Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, kreteks, snuff, blunt wraps, loose tobacco or tobacco in any of its forms.

Bidis: A thin, often flavored Indian cigarette made of tobacco wrapped in a leaf.

Kreteks: A cigarette product composed of tobacco, ground cloves and other additives.

Snuff: A preparation of finely pulverized tobacco that can be drawn up into the nostrils by inhaling, also called smokeless tobacco.

Blunt Wraps: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes, any other tobacco product or Nicotine Delivery Product.

Roll-Your-Own (RYO) machine: A mechanical device, by whatever manufacturer made and by whatever name known, that is designed to roll and wrap tobacco into products.

D. Tobacco and Nicotine Delivery Product Sales to Minors Prohibited:

1. No person shall sell tobacco or nicotine delivery products or permit tobacco or nicotine delivery products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco or nicotine delivery products to a minor.

2. Required Signage

- a. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health.
- b. The owner or other person in charge of a shop or other place used to sell nicotine delivery products at retail shall conspicuously post a sign stating that "The sale of nicotine delivery products to minors under 18 years of age is prohibited.". The notices shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

3. Identification: Each person selling or distributing tobacco or nicotine delivery products shall verify the age of the purchaser by means of valid government-issued photographic identification containing the bearer's date of birth and that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.

4. All retail sales of tobacco or nicotine delivery products must be face-to-face between the seller and the buyer.
(Exemption for approved vending machine.)

E. Tobacco and Nicotine Delivery Product Sales Permit:

1. No person shall sell or otherwise distribute tobacco or nicotine delivery products at retail within Middleborough without first obtaining a Tobacco and Nicotine Delivery Product Sales Permit issued annually by the Middleborough Board of Health. Only owners of establishments with a permanent, non-mobile location in Middleborough are eligible to apply for a permit and sell tobacco products or nicotine delivery products at the specified location in Middleborough.

2. As part of the Tobacco and Nicotine Delivery Product Sales Permit application process, the applicant will be provided with the Middleborough Board of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco and nicotine delivery product sales about state and local laws regarding the sale of tobacco and nicotine products as indicated in this regulation.

3. Each applicant who sells tobacco is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a Tobacco and Nicotine Delivery Product Sales Permit can be issued.

4. The fee for a Tobacco and Nicotine Delivery Product Sales Permit shall be determined by the Middleborough Board of Health annually. All such permits shall be renewed annually by January 1. Renewal applications are to be submitted to the Health Department by November 30th prior to expiration of existing permits.

5. A separate permit is required for each retail establishment location selling tobacco or nicotine delivery products.

6. Each Tobacco and Nicotine Delivery Product Sales Permit shall be displayed at the retail establishment in a conspicuous location.

7. No Tobacco and Nicotine Delivery Product Sales Permit holder shall allow any employee to sell tobacco products or nicotine delivery products until such employee reads this regulation and state laws regarding the sale of tobacco and signs a statement that is written in the primary language of the employee that he/she has read and understands the regulation and applicable state and local laws, a copy of which will be placed on file in the office of the employer.

8. A Tobacco and Nicotine Delivery Product Sales Permit is non-transferable. A new owner/operator of an establishment that sells tobacco or nicotine delivery products must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.

9. Issuance of a Tobacco and Nicotine Delivery Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation and with the understanding that compliance checks may be conducted on a periodic basis.

10. A Tobacco and Nicotine Delivery Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired.

F. Free Distribution:

No commercial entity shall distribute or furnish or cause to be furnished or distributed without charge, any nicotine delivery products, cigarettes, cigars or other tobacco products in any public place or any event open to the public. A public place means public streets, sidewalks, buildings, parks, playgrounds and other public property or places of public assembly.

G. Out-of-Package Sales:

1. No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

2. Roll-Your-Own machines are prohibited.

H. Self-Service Displays:

All self-service displays of tobacco products and/or nicotine delivery products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked. The only self-service displays that are permissible are displays located in facilities that ensure that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

I. Vending Machines:

All tobacco and/or nicotine delivery product vending machines are prohibited. The only vending machines that are permissible are machines equipped with lock-out devices, located in facilities that no person younger than eighteen (18) years is present, or permitted to enter at any time, and that hold valid liquor licenses. A lock-out device locks out sales from the vending machine unless a release mechanism is triggered by an employee. The release mechanism must not allow continuous operation of the vending machine and must be out of reach of all consumers and in a location accessible only by employees.

J. Prohibition of the Sale of Tobacco and Nicotine Delivery Products by Health Care Institutions:

No health care institution located in Middleborough shall sell or cause to be sold tobacco or nicotine delivery products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

K. Prohibition of the Sale of Tobacco and Nicotine Delivery Products by Educational Institutions:

No educational institution located in Middleborough shall sell or cause to be sold tobacco or nicotine delivery products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

L. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.
- b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco and Nicotine Delivery Product Sales Permit may be suspended for up to 15 consecutive business days.
- c. In the case of three or more violations within a thirty-six (36) month period, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Product Sales Permit may be suspended for up to thirty (30) consecutive business

days or the Board of Health may revoke the Tobacco and Nicotine Delivery Product Sales Permit.

2. For a violation of Sections D.(2) Required Signage, D.(3) Identification, D.(4) Face-to-Face Sales, E. Tobacco And Nicotine Delivery Product Sales Permit G. Free Distribution, H. Out of Package Sales, I. Self-Service Displays, J. Vending Machines, K. Prohibition of the Sale of Tobacco and Nicotine Delivery Products by Health Care Institutions, or L. Prohibition of the Sale of Tobacco and Nicotine Delivery Products by Educational Institutions, the violator shall receive a fine of one hundred dollars (\$100.00) for each offense and for each day the offense occurs.

3. Refusal to cooperate with inspections pursuant to this regulation may result in the suspension of the Tobacco and Nicotine Delivery Product Sales Permit for up to thirty (30) consecutive business days or revocation of the Tobacco and Nicotine Delivery Product Sales Permit after a hearing before the Board of Health.

4. Any permit holder who engages in the sale or distribution of tobacco or nicotine delivery products directly to a consumer without a valid permit or while his or her permit is suspended may be subject to the suspension or revocation of the **Tobacco and Nicotine Delivery Product Sales permit** and/or fined accordingly after a Board of Health hearing. Subsequent violations may result in suspension or permanent revocation of the Tobacco and Nicotine Delivery Product Sales Permit, fines and/or legal action.

5. The Middleborough Board of Health shall provide notice of the intent to suspend or revoke a Tobacco and Nicotine Delivery Product Sales Permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefore in writing. **After a hearing, the Middleborough Board of Health may suspend or revoke the Tobacco and Nicotine Delivery Product Sales permit, seek fines, or set conditions on the business operation if the Board finds that a sale to a minor occurred.** For purposes of such suspensions or revocations, the Board shall make the determination to suspend or revoke notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products and nicotine delivery products shall be removed from the retail establishment location upon suspension of the Tobacco and Nicotine Delivery Product Sales Permit. Failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of this regulation.

Each day any violation exists shall be deemed to be a separate offense.

M. Enforcement:

Enforcement of this regulation shall be by the Middleborough Board of Health or its designated agent(s).

Any citizen who desires to register a complaint pursuant to the regulation may do so by contacting the Middleborough Board of Health or its designated agent(s) in the Health Department.

N. Severability:

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

O. Effective Date:

This regulation shall take effect on July 1, 2012

As approved by the Board of Health on June 18, 2012



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding
Health Officer

PH: 508-946-2408
FX: 508-946-2321

MEMO

TO: Board of Selectmen

FROM: Jeanne Spalding, Health Officer

DATE: July 24, 2013

RE: Tobacco Sales violations

All of the businesses with a Tobacco and Nicotine Delivery permit in Middleborough were subjected to a compliance check for tobacco sales to a minor on June 23rd. Out of the thirty one businesses currently licensed, five sold to the minor during the compliance check which is a violation of the Board of Health Regulation for "Tobacco and Nicotine Delivery Product Sales Permit Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products", Section D. Tobacco and Nicotine Delivery Product Sales to Minors Prohibited:

1. No person shall sell tobacco or nicotine delivery products or permit tobacco or nicotine delivery products to be sold to a minor;

The following businesses were found to be in violation:

- DEV Satya d/b/a Sunoco, S. Main St.
- Arslan S. More Inc. d/b/a Middleboro Shell, 63 Bedford St.
- Capeway Convenience Store, 578 Wareham St.
- Cumberland Farms #2292, 87 E. Grove St.
- Super Petroleum, Inc. 381 W. Grove St.

Of these, Super Petroleum was in violation just 3 years ago so this would be considered under the first offense but they have sold in the past.

L. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days.
- b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco and Nicotine Delivery Product Sales Permit may be suspended for up to 15 consecutive business days.

It is the Health Department's recommendation that the five businesses receive a fine of \$100. each, that the businesses that have not been cited recently have their tobacco permit suspended for 3-5 days at the Board's discretion when and for how long and Super Petroleum, that has sold in the previous 3 year time frame have the tobacco permit suspended for the full seven days. All tobacco and nicotine delivery products are to be removed from the site during the suspension period.

In addition, the Health Dept requests the businesses provide a written plan to mitigate future violations.



TOWN OF MIDDLEBOROUGH

HEALTH DEPARTMENT

Jeanne Spalding
Health Officer

PH: 508-946-2408
FX: 508-946-2321

MEMO

TO: Board of Selectmen

FROM: Jeanne Spalding, Health Officer

DATE: July 24, 2013

RE: Shell Mart, 63 Bedford St. violation of order letter of June 17, 2013 regarding Food Code

This business has been referred to the Board for violations to the food code and failure to respond to the Health Dept's. order of June 17, 2013.

The violations to the food code were cited from an inspection conducted on 5/6/13. Out of date product was on found on the shelves, freezer unit was operating out of temperature requirements with food product compromised and a plan of correction was provided.

Followup inspection on May 7 indicated food product compromised from the freezer unit was not removed as required. In addition, the invoices to verify re-stocked product was requested by the inspector on the multiple site visits. The Health Officer also visited the site, requested the information, requested to speak with a person in charge such as a manager or owner, left a business card and instructions to be contacted, called the emergency and owner contact numbers provided on the permit applications and never received a call back.

Due to failure to respond to these repeated requests, the Health Dept. issued an order on June 17, 2013. The owner of this business still has not responded to the Health Dept. and as a result has been ordered to a hearing before the Board.

The Health Dept recommends suspension of the food service permit for a period of 5-7 days at the Board's discretion and a written mitigation plan from the owner that includes response information.



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding
Health Officer

PH: 508-946-2408
FX: 508-946-2321

June/17/13

*Arslan More Inc
Amjad Chaudhry
Middleboro Shell
63 Bedford Street
Middleborough Ma 02346*

RE: Violation of Food Code

Amjad Chaudhry,

The Middleborough Health Department conducted a routine food inspection on May 6, 2013. During this inspection it was found that the freezer unit was not in working order evidenced by thawing food product such as ice cream at temperature of 18°F and the container easily compressed indicating it was not frozen. During this time you agreed to remove the product and place an "out of order" sign on the door of the unit.

May 7, 2013, the Health Department re-visited the store to confirm compliance. The freezer unit was operating in compliance, however, the food product remained from the previous non-complaint condition rather than being removed as was required. Invoices were requested as the clerk in charge claimed the shelves have been "re-stocked," when it was evident that the food product was the same from the day before. It was agreed that the food would be removed and discarded and the Health Department would receive invoices for new product. The Health Department conducted another site inspection on May 8, 2013 to confirm compliance.

The freezer unit has since then been re-stocked. The Health Department has made several site visits and phone calls requesting invoices for the new product.

If the Health Department does not receive the freezer unit invoices with-in five (5) days from receipt of this letter you will be brought before the Board of Selectman regarding non-compliance of the Health Departments request for proper documentation relative to the violations encountered at the facility and the inability to get response from the owners/operators through the business or with the contact numbers both regular and emergency.

If you have further questions or concerns please contact me at 508-946-2408.

***Very truly yours,
For the Board of Health***

***Jeanne Spalding
Health Officer***

***Jessica Gardner
Animal/Health Inspector***

cc: Charles Cristello, Town Manager

Certified: 7009 3410 0000 6067 1473



July 2, 2013

Town of Middleborough

Massachusetts

Arslan More, Inc.
Amjad Chaudhry
Middleboro Shell
63 Bedford Street
Middleborough, MA 02346

BOARD OF SELECTMEN

RE: Tobacco Code Violation
Shell
63 Bedford Street

Sent Via Certified Return-Receipt Mail
7009 3410 0001 1399 4733 and U.S. Mail

Dear Mr. Chaudhry:

This letter is an official notification that on 6/23/13, at approximately 3:00 PM, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleborough", an employee at 'Shell' sold a tobacco product to a minor.

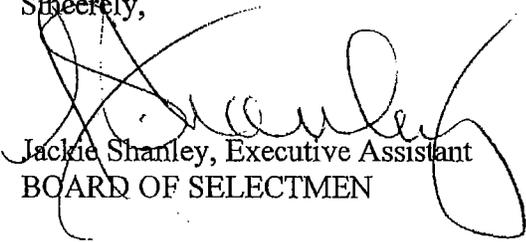
"It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days."

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, July 29, 2013 at 7:50 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact the Selectmen's office at 508-946-2405 if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Town Manager
Health Officer



Town of Middleborough

Massachusetts

BOARD OF SELECTMEN

July 1, 2013

Arslan More, Inc.
Amjad Chaudhry
Middleboro Shell
63 Bedford Street
Middleborough, MA 02346

RE: *Food Code Violation*
Shell
63 Bedford Street

Sent Via Certified Return-Receipt Mail
7009 3410 0001 1399 4733 and U.S. Mail

Dear Mr. Chaudhry:

This letter serves as official notification that the Board of Selectmen, acting as the Board of Health, will also hold a hearing on **Monday, July 29, 2013 at 7:55 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue on your non-compliance of the Board of Health Order dated 6/17/13.

Sincerely,

Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Town Manager
Health Officer

MTCP ID: _____

Tobacco Compliance Check Form

2011-2012

Section 1:

Establishment

Name: Shell

Address: 63 Bedford St.

City: Middleboro Zip Code: _____

Type of Establishment: Chain Independent Not Known

Survey Participants

ID of Purchaser: H

Age: 15 16 17

Sex: Male Female

Name of Adult Supervisor: Sonya

Time of Check: 3:00 am pm

Date of Check: 6-23-13

Day of the Week: Mon Tues Wed Thurs Fri Sat Sun

Style of Establishment (Check Only One):

| | | |
|---|--|---|
| <input type="checkbox"/> Convenience Store | <input type="checkbox"/> Grocery Store | <input type="checkbox"/> Bar |
| <input type="checkbox"/> Department Store | <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Private Club (VFW, Legion, etc.) |
| <input type="checkbox"/> Gas Station Only | <input type="checkbox"/> Pharmacy/Drug Store | <input type="checkbox"/> Restaurant |
| <input checked="" type="checkbox"/> Gas Mini-Mart | <input type="checkbox"/> Other (bowling alley, golf club etc.) | <input type="checkbox"/> Tobacco |

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, If No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product
- From a vending machine with a lockout device.
- Other

Describe: _____

Was the Purchaser asked for ID? Yes No

Yes No

Was this an ID-based check? Yes No

hair: Shoulder length Indian woman

Was the Purchaser asked his/her age? Yes No

Yes No

Yes No

Sex of Clerk: Male Female

Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for:

Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____

Chew/Dip Cigars Other _____

Brand: Chrome Cigarillo

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 0.53

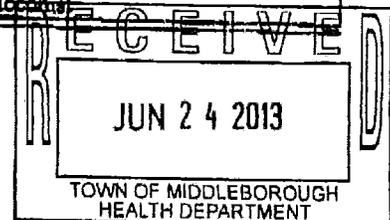
Was a receipt given? Yes No

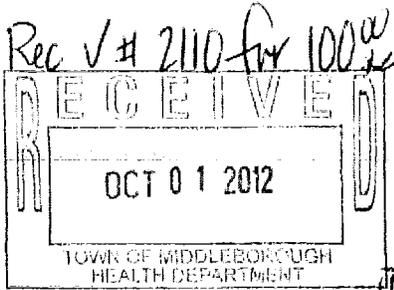
Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

| | | | |
|--|--|--|---|
| <input type="checkbox"/> Out of Business | <input type="checkbox"/> Temp. long term closure | <input type="checkbox"/> In operation, closed at time of visit | <input type="checkbox"/> Drive thru only |
| <input type="checkbox"/> Does not sell tobacco | <input type="checkbox"/> Unlocatable | <input type="checkbox"/> Unsafe to access | <input type="checkbox"/> Tobacco out of stock |
| <input type="checkbox"/> Inaccessible by youth | <input type="checkbox"/> Wholesale only/cartons | <input type="checkbox"/> Presence of police | <input type="checkbox"/> Permit Suspended |
| <input type="checkbox"/> Private club/personal residence | <input type="checkbox"/> Machine broken | <input type="checkbox"/> Youth inspector knows salesperson | <input type="checkbox"/> Other |
| | | <input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit | |





Town of Middleborough
Massachusetts

HEALTH DEPARTMENT
508-946-7408

20 CENTRE STREET
MIDDLEBOROUGH, MA 02346

TOBACCO SALES PERMIT

Permit Number: # 9-13

Fee \$100.00

TOBACCO LOCATION AND SALES

Name of Business: Arslan & Mone Inc dba Middleboro Shell

Location Address: 165 Bedford Street Middleboro MASS 02346

Mailing Address: SAME AS ABOVE

Name of Owner: Amjad Chaudhry

If a Corporation or Partnership Give Name, Title, and home address of officers or partner Amjad Chaudhry 100%

Telephone Number: 774-482-0879

Federal Tax I.D. Number/Social Security Number: 134-213-172

As the owner, manager, and/or operator who holds a State License to sell tobacco products, I did apply and receive a Middleborough Board of Health Tobacco Permit with the understanding that it is illegal to sell tobacco in any form to individuals under 18 years of age. I am aware that there are no exceptions. I will obtain photographic proof of age from all customers who look to be 25 years of age or younger before selling any tobacco products. I will train my sales staff to conduct tobacco sales legally. Tobacco products will be located so as to be in compliance with the Middleborough Tobacco Regulation.

I understand that the Middleborough Board of Health and its agents will conduct unannounced compliance checks. I am aware that violations of any section of the Tobacco regulation may result in issuance of fines and/or the revocation of this permit. I understand that this permit must be renewed annually.

AMJAD CHAUDHRY
Name of Person Responsible for Permit (Print Name)

Amjad
Signature of Person Responsible for Permit

***COPY OF DEPARTMENT OF REVENUE TOBACCO SALES TAX PERMIT REQUIRED.**

NUMBER 9-13

FEE \$100.00

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDDLEBOROUGH

This is to Certify that: **Arslan & More, Inc. dba Middleboro Shell**
63 Bedford Street

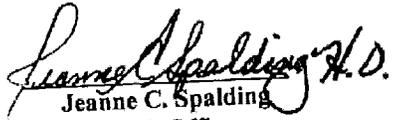
IS HEREBY GRANTED A PERMIT
For

The Sale of Tobacco and Nicotine Delivery Products

This permit is granted in conformity with the Statutes and ordinances relating thereto.

Permit Expires December 31, 2013

For the Board of Health


Jeanne C. Spalding
Health Officer

COPY



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding
Health Officer

PH: 508-946-2408
FX: 508-946-2321

June/17/13

*Arslan More Inc
Amjad Chaudhry
Middleboro Shell
63 Bedford Street
Middleborough Ma 02346*

RE: Violation of Food Code

Amjad Chaudhry,

The Middleborough Health Department conducted a routine food inspection on May 6, 2013. During this inspection it was found that the freezer unit was not in working order evidenced by thawing food product such as ice cream at temperature of 18°F and the container easily compressed indicating it was not frozen. During this time you agreed to remove the product and place an "out of order" sign on the door of the unit.

May 7, 2013, the Health Department re-visited the store to confirm compliance. The freezer unit was operating in compliance, however, the food product remained from the previous non complaint condition rather than being removed as was required. Invoices were requested as the clerk in charge claimed the shelves have been "re-stocked," when it was evident that the food product was the same from the day before. It was agreed that the food would be removed and discarded and the Health Department would receive invoices for new product. The Health Department conducted another site inspection on May 8, 2013 to confirm compliance.

The freezer unit has since then been re-stocked. The Health Department has made several site visits and phone calls requesting invoices for the new product.

If the Health Department does not receive the freezer unit invoices with-in five (5) days from receipt of this letter you will be brought before the Board of Selectman regarding non-compliance of the Health Departments request for proper documentation relative to the violations encountered at the facility and the inability to get response from the owners/operators through the business or with the contact numbers both regular and emergency.

If you have further questions or concerns please contact me at 508-946-2408.

***Very truly yours,
For the Board of Health***

***Jeanne Spalding
Health Officer***

***Jessica Gardner
Animal/Health Inspector***

cc: Charles Cristello, Town Manager

Certified: 7009 3410 0000 6067 1473



July 2, 2013

Town of Middleborough
Massachusetts

Super Petroleum, Inc.
Muftah Bugazia
381 West Grove Street
Middleborough, MA 02346

BOARD OF SELECTMEN

RE: Tobacco Code Violation
Super Petroleum, Inc.
381 West Grove Street

Sent Via Certified Return-Receipt Mail
7009 3410 0001 1399 4740 and U.S. Mail

Dear Mr. Bugazia:

This letter is an official notification that on 6/23/13, at approximately 1:28 PM, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleborough", an employee at 'Shell' sold a tobacco product to a minor.

Super Petroleum, Inc.

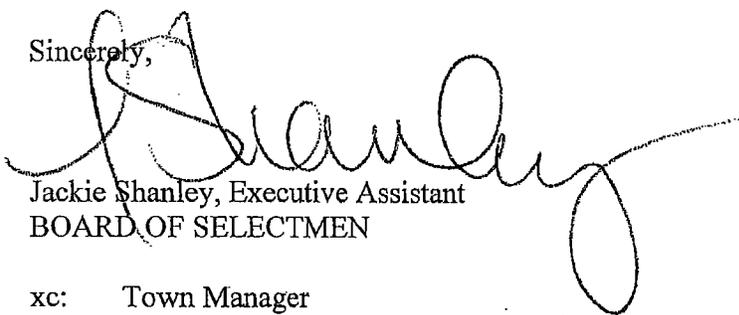
"It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days."

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, July 29, 2013 at 8:00 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

~~Please contact the Selectmen's office at 508-946-2405 if you need any further information.~~

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Town Manager
Health Officer

MTCP ID: _____

Tobacco Compliance Check Form

2011-2012

Section 1:

Establishment

Name: Super Petroleum
 Address: 12 Grove St
 City: Middleboro Zip Code: _____
 Type of Establishment: Chain Independent Not Known

Survey Participants

ID of Purchaser: H
 Age: 15 16 17
 Sex: Male Female
 Name of Adult Supervisor: Denja
 Time of Check: 1:28 am pm
 Date of Check: 6-23-13
 Day of the Week: Mon Tues Wed
 Thurs Fri Sat Sun

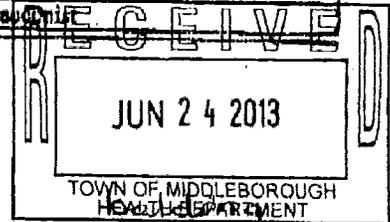
Style of Establishment (Check Only One):

| | | |
|---|--|---|
| <input type="checkbox"/> Convenience Store | <input type="checkbox"/> Grocery Store | <input type="checkbox"/> Bar |
| <input type="checkbox"/> Department Store | <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Private Club (VFW, Legion, etc.) |
| <input type="checkbox"/> Gas Station Only | <input type="checkbox"/> Pharmacy/Drug Store | <input type="checkbox"/> Restaurant |
| <input checked="" type="checkbox"/> Gas Mini-Mart | <input type="checkbox"/> Other (bowling alley, golf club etc.) | <input type="checkbox"/> Tobacco Only |

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.



Indian or Pakistani heavier set

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product.
- From a vending machine with a lockout device.
- Other

Describe: _____

Was the Purchaser asked for ID? Yes No

Was the Purchaser asked his/her age? Yes No

Was this an ID-based check? Yes No

Sex of Clerk: Male Female

Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for:

- Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____
- Chew/Dip Cigars Other: _____ Brand: _____

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 8.25 Was a receipt given? Yes No

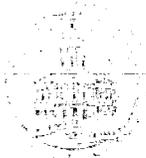
Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

| | | | |
|--|--|--|---|
| <input type="checkbox"/> Out of Business | <input type="checkbox"/> Temp. long term closure | <input type="checkbox"/> In operation, closed at time of visit | <input type="checkbox"/> Drive thru only |
| <input type="checkbox"/> Does not sell tobacco | <input type="checkbox"/> Unlocatable | <input type="checkbox"/> Unsafe to access | <input type="checkbox"/> Tobacco out of stock |
| <input type="checkbox"/> Inaccessible by youth | <input type="checkbox"/> Wholesale only/cartons | <input type="checkbox"/> Presence of police | <input type="checkbox"/> Permit Suspended |
| <input type="checkbox"/> Private club/personal residence | <input type="checkbox"/> Machine broken | <input type="checkbox"/> Youth inspector knows salesperson | <input type="checkbox"/> Other |
| | | <input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit | |

Double Fee!



REC # 2105 for 200.00

Town of Middleborough
Massachusetts

HEALTH DEPARTMENT
100 STATE ST
MIDDLEBOROUGH, MA 01502

7 CENTRE STREET
MIDDLEBOROUGH, MA 01502

TOBACCO SALES PERMIT

Permit Number: # 30-13

Fee \$100.00

TOBACCO LOCATION AND SALES

Name of Business: Super Petroleum, Inc.

Location Address: 381 West Grove St. Middleborough, Ma 02346

Mailing Address: 25 Braintree Hill office park # 409 Braintree ma
02184

Name of Owner: Muftah Bugalia

If a Corporation or Partnership Give Name, Title, and home address of officers or partner Muftah Bugalia

Telephone Number: 781-356-1960

Federal Tax I.D. Number/Social Security Number: _____

As the owner, manager, and/or operator who holds a State License to sell tobacco products, I did apply and receive a Middleborough Board of Health Tobacco Permit with the understanding that it is illegal to sell tobacco in any form to individuals under 18 years of age. I am aware that there are no exceptions. I will obtain photographic proof of age from all customers who look to be 25 years of age or younger before selling any tobacco products. I will train my sales staff to conduct tobacco sales legally. Tobacco products will be located so as to be in compliance with the Middleborough Tobacco Regulation.

I understand that the Middleborough Board of Health and its agents will conduct unannounced compliance checks. I am aware that violations of any section of the Tobacco regulation may result in issuance of fines and/or the revocation of this permit. I understand that this permit must be renewed annually.

Shana Warren
Name of Person Responsible for Permit (Print Name)

[Signature]
Signature of Person Responsible for Permit

*COPY OF DEPARTMENT OF REVENUE TOBACCO SALES TAX PERMIT REQUIRED.

NUMBER 30-13

FEE \$100.00

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDDLEBOROUGH

This is to Certify that: **Super Petroleum, Inc.**
381 West Grove Street

IS HEREBY GRANTED A PERMIT
For

The Sale of Tobacco and Nicotine Delivery Products

This permit is granted in conformity with the Statutes and ordinances relating thereto.

Permit Expires December 31, 2013

For the Board of Health


Jeanne C. Spalding
Health Officer



July 2, 2013

Capeway Convenience Store
Peter & Anthony Coletti
578 Wareham Street
Middleborough, MA 02346

Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

RE: Tobacco Code Violation
Capeway Convenience Store
381 West Grove Street

Sent Via Certified Return-Receipt Mail
7009 3410 0001 1399 4757 and U.S. Mail

Dear Mr. Coletti:

This letter is an official notification that on 6/23/13, at approximately 4:00 PM, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleborough", an employee at 'Shell' sold a tobacco product to a minor.

Capeway Convenience Store

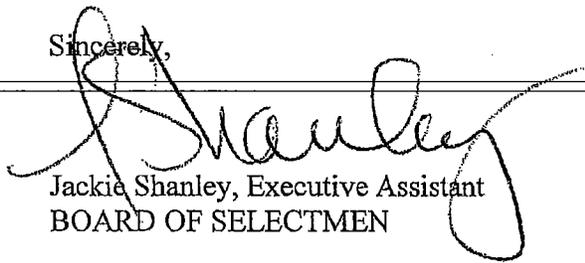
"It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days."

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, July 29, 2013 at 8:10 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact the Selectmen's office at 508 946-2405 if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Town Manager
Health Officer

MTCP ID: _____

Tobacco Compliance Check Form

2011-2012

Section 1:

Establishment

Name: Capeway Convenience Store

Address: 578 Wareham St

City: Middleboro Zip Code: _____

Type of Establishment: Chain Independent Not Known

Survey Participants

ID of Purchaser: H

Age: 15 16 17

Sex: Male Female

Name of Adult Supervisor: _____

Time of Check: 4:00 am pm

Date of Check: 6-23-13

Day of the Week: Mon Tues Wed

Thurs Fri Sat Sun

Style of Establishment (Check Only One):

| | | |
|---|--|---|
| <input checked="" type="checkbox"/> Convenience Store | <input type="checkbox"/> Grocery Store | <input type="checkbox"/> Bar |
| <input type="checkbox"/> Department Store | <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Private Club (VFW, Legion, etc.) |
| <input type="checkbox"/> Gas Station Only | <input type="checkbox"/> Pharmacy/Drug Store | <input type="checkbox"/> Restaurant |
| <input type="checkbox"/> Gas Mini-Mart | <input type="checkbox"/> Other (bowling alley, golf club etc.) | <input type="checkbox"/> Tobacconist |

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product.
- From a vending machine with a lockout device.
- Other

Describe: _____

Was the Purchaser asked for ID? Yes No

Was the Purchaser asked his/her age? Yes No

Was this an ID-based check? Yes No

Sex of Clerk: Male Female

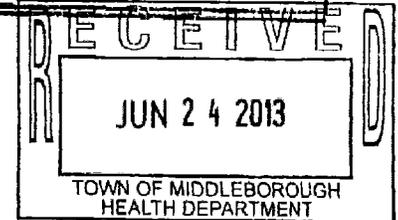
Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for: Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____
 Chew/Dip Cigars Other _____ Brand: B+W

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 6.90 Was a receipt given? Yes No

Purchaser made payment using \$1 bills \$5 bill(s) \$5 bill and \$1 bills/or change \$10 bill(s) \$20 bill change

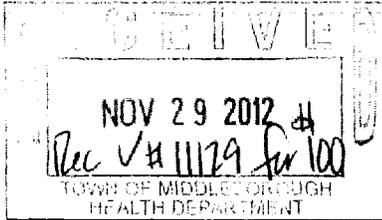


* blonde
glasses

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

| | | | |
|--|--|--|---|
| <input type="checkbox"/> Out of Business | <input type="checkbox"/> Temp. long term closure | <input type="checkbox"/> In operation, closed at time of visit | <input type="checkbox"/> Drive thru only |
| <input type="checkbox"/> Does not sell tobacco | <input type="checkbox"/> Unlocatable | <input type="checkbox"/> Unsafe to access | <input type="checkbox"/> Tobacco out of stock |
| <input type="checkbox"/> Inaccessible by youth | <input type="checkbox"/> Wholesale only/cartons | <input type="checkbox"/> Presence of police | <input type="checkbox"/> Permit Suspended |
| <input type="checkbox"/> Private club/personal residence | <input type="checkbox"/> Machine broken | <input type="checkbox"/> Youth inspector knows salesperson | <input type="checkbox"/> Other |
| | | <input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit | |



Town of Middleborough
Massachusetts

HEALTH DEPARTMENT
508-946-2408

70 CENTRE STREET
MIDDLEBOROUGH, MA 02346

TOBACCO SALES PERMIT

Permit Number: # 24-13

Fee \$100.00

TOBACCO LOCATION AND SALES

Name of Business: CapeRay Convenience

Location Address: 578 Wareham St

Mailing Address: _____

Name of Owner: Robert & Anthony Coletti

If a Corporation or Partnership Give Name, Title, and home address of officers or partner _____

Telephone Number: 508-946-9088

Federal Tax I.D. Number/Social Security Number: 043697227

As the owner, manager, and/or operator who holds a State License to sell tobacco products, I did apply and receive a Middleborough Board of Health Tobacco Permit with the understanding that it is illegal to sell tobacco in any form to individuals under 18 years of age. I am aware that there are no exceptions. I will obtain photographic proof of age from all customers who look to be 25 years of age or younger before selling any tobacco products. I will train my sales staff to conduct tobacco sales legally. Tobacco products will be located so as to be in compliance with the Middleborough Tobacco Regulation.

I understand that the Middleborough Board of Health and its agents will conduct unannounced compliance checks. I am aware that violations of any section of the Tobacco regulation may result in issuance of fines and/or the revocation of this permit. I understand that this permit must be renewed annually.

Kristen Coletti
Name of Person Responsible for Permit (Print Name)

Kristen Coletti
Signature of Person Responsible for Permit

***COPY OF DEPARTMENT OF REVENUE TOBACCO SALES TAX PERMIT REQUIRED.**

NUMBER 24-13

FEE \$100.00

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDDLEBOROUGH

This is to Certify that:

Capeway Convenience
578 Wareham Street

IS HEREBY GRANTED A PERMIT
For

The Sale of Tobacco and Nicotine Delivery Products

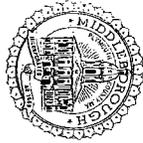
This permit is granted in conformity with the Statutes and ordinances relating thereto.

Permit Expires December 31, 2013

For the Board of Health


Jeanne C. Spalding
Health Officer

Bob
This had been returned to the office, so the health officer was going to have it hand-delivered. I had also sent it by U.S. mail + it was not returned.
Jacie



Board of Selectmen
Middleborough, MA 02346

CERTIFIED MAIL™



7009 3410 0001 1399 4764

ROCKTON MA 023
JUL 2013 PM 2



0004225527
MAILED FROM ZIP CODE 02346
\$06.40
JUL 05 2013

JFK

(48)

Sunoco
Vijay Brahmhatt
NIXIE 023463090-1N 07/15/13

CRANBERRY CAPITAL
OF THE WORLD



RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
UNABLE TO FORWARD

1st NOTICE _____
4th NOTICE _____
RETURNED _____





July 2, 2013

Town of Middleborough
Massachusetts

Sunoco
Vijay Brahmhatt
157 S. Main Street
Middleborough, MA 02346

BOARD OF SELECTMEN

RE: Tobacco Code Violation
Sunoco
157 S. Main Street

Sent Via Certified Return-Receipt Mail
7009 3410 0001 1399 4764 and U.S. Mail

Dear Mr. Brahmhatt:

This letter is an official notification that on 6/23/13, at approximately 2:25 PM, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleborough", an employee at ~~'Shell'~~ sold a tobacco product to a minor.

SUNOCO

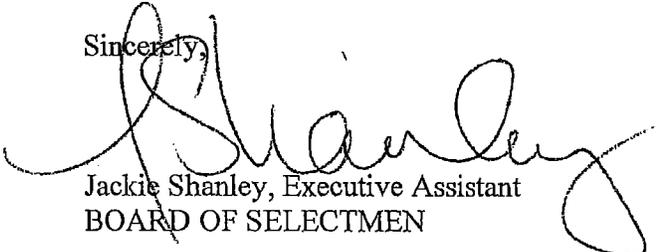
"It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days."

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, July 29, 2013 at 8:20 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact the Selectmen's office at 508 946-2405 if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Town Manager
Health Officer

MTCP ID: _____

Tobacco Compliance Check Form

2011-2012

Section 1:

Establishment

Name: Sunoco
 Address: 5 Main St
 City: Middleboro Zip Code: _____
 Type of Establishment: Chain Independent Not Known

Survey Participants

ID of Purchaser: H
 Age: 15 16 17
 Sex: Male Female
 Name of Adult Supervisor: Sonia
 Time of Check: 2:25 am pm
 Date of Check: 6-23-13
 Day of the Week: Mon Tues Wed
 Thurs Fri Sat Sun

Style of Establishment (Check Only One):

| | | |
|---|--|---|
| <input type="checkbox"/> Convenience Store | <input type="checkbox"/> Grocery Store | <input type="checkbox"/> Bar |
| <input type="checkbox"/> Department Store | <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Private Club (VFW, Legion, etc.) |
| <input type="checkbox"/> Gas Station Only | <input type="checkbox"/> Pharmacy/Drug Store | <input type="checkbox"/> Restaurant |
| <input checked="" type="checkbox"/> Gas Mini-Mart | <input type="checkbox"/> Other (bowling alley, golf club etc.) | <input type="checkbox"/> Tobacco only |

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product.
- From a vending machine with a lockout device.
- Other

Describe: _____

Was the Purchaser asked for ID? Yes No

Was this an ID-based check? Yes No

Was the Purchaser asked his/her age? Yes No

Sex of Clerk: Male Female

Approximate age of clerk: Teen Young Adult Adult Older Adult

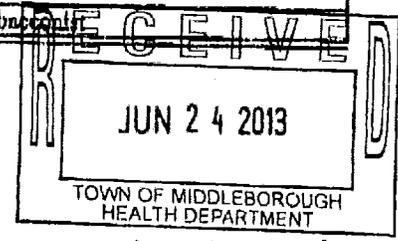
Type of tobacco asked for:

- Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____
- Chew/Dip Cigar Other _____ Brand: Black + Mild

Was the sale made? Yes No

If "Yes" how much did the product cost: \$ 0.73 Was a receipt given? Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/ or change \$10 bill(s) \$20 bill change

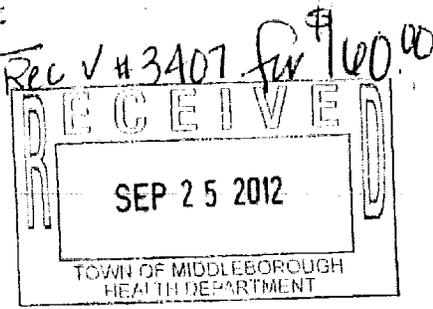


adult male
 middle eastern
 dark hair

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

| | | | |
|--|--|--|---|
| <input type="checkbox"/> Out of Business | <input type="checkbox"/> Temp. long term closure | <input type="checkbox"/> In operation, closed at time of visit | <input type="checkbox"/> Drive thru only |
| <input type="checkbox"/> Does not sell tobacco | <input type="checkbox"/> Unlocatable | <input type="checkbox"/> Unsafe to access | <input type="checkbox"/> Tobacco out of stock |
| <input type="checkbox"/> Inaccessible by youth | <input type="checkbox"/> Wholesale only/cartons | <input type="checkbox"/> Presence of police | <input type="checkbox"/> Permit Suspended |
| <input type="checkbox"/> Private club/personal residence | <input type="checkbox"/> Machine broken | <input type="checkbox"/> Youth inspector knows salesperson | <input type="checkbox"/> Other |
| | | <input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit | |



Food # 2213
Milk # 17-13

Health Department
508-946-2408
TOWN OF MIDDLEBOROUGH

Permit # _____
Date: _____

FOOD ESTABLISHMENT PERMIT APPLICATION
(Application must be submitted at least 30 days before the planned opening date)

- 1) Establishment Name: Don Setya Inc. DBA sumoco
- 2) Establishment Address: 157 E Main Street Middleboro MA 01506
- 3) Establishment Mailing Address (if different): _____
- 4) Establishment Telephone # 5089471521 Fax# _____ Email _____
- 5) Applicant Name & Title: Vijay Raghunathan
- 6) Applicant Address: 89 E Gowen Street Apt #19 Middleboro MA 02346
- 7) Applicant Telephone # 6317934484 24 Hour Emergency # _____
- 8) Owner Name & Title (if different from applicant): _____
- 9) Owner Address (if different from applicant): _____
- 10) Establishment Owner By: An Association A Corporation An Individual
 A Partnership Other legal entity _____
- 11) If a corporation or partnership, give name, title and home address of officers or partner.

12) Person Directly Responsible for Daily Operations (Owner, Person in Charge, Supervisor, Manager, etc.)

Name & Title: Vijay Raghunathan

Address: _____

Telephone # _____ Fax # _____ Email _____

Emergency Telephone # _____

13) District Or Regional Supervisor (if applicable)

Name & Title: _____

Address: _____

Telephone # _____ Fax # _____ Email _____

Permit No. 22-13 Food
17-13 Milk

Fee \$150.00 Food
\$10.00 Milk
\$160.00 Total

THE COMMONWEALTH OF MASSACHUSETTS
Town of Middleborough
Board of Health
PERMIT TO OPERATE A FOOD ESTABLISHMENT

In accordance with Regulations promulgated under authority of Chapter 94, Section 305A and Chapter 111, Section 5 of the General Laws a Permit is hereby grant to:

DEV SATYA d/b/a Sunoco

Whose place of business is: 157 South Main Street

Type of business and any restrictions: Limited & Retail Food

To operate a food establishment in Middleborough

Permit Expires: December 31, 2013

COPY
For the Board of Health
Jeanne C. Spalding, H.D.
Jeanne C. Spalding,
Health Officer



July 2, 2013

Cumberland Farms
Richard Fournier
87 East Grove Street
Middleborough, MA 02346

Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

RE: Tobacco Code Violation
Cumberland Farms
87 East Grove Street

Sent Via Certified Return-Receipt Mail
7009 3410 0001 1399 4771 and U.S. Mail

Dear Mr. Fournier:

This letter is an official notification that on 6/23/13, at approximately 2:44 PM, during a routine compliance check to enforce the Town of Middleborough's Board of Health "Rules and Regulations Relative to the Sale, Vending, and Distribution of Tobacco within the Town of Middleborough", an employee at 'Shell' sold a tobacco product to a minor.

Cumberland Farms

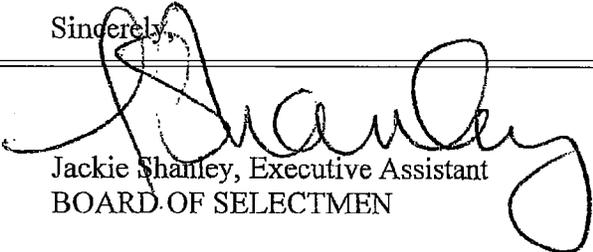
"It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. For Section D (1) (Tobacco and Nicotine Delivery Product Sales to Minors Prohibited), each violation will be viewed as a separate violation, the violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and may include up to 7 day suspension consecutive business days."

Your hearing in front of the Middleborough Board of Selectmen, acting as the Board of Health, has been scheduled for **Monday, July 29, 2013 at 8:30 PM** in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

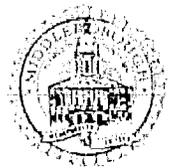
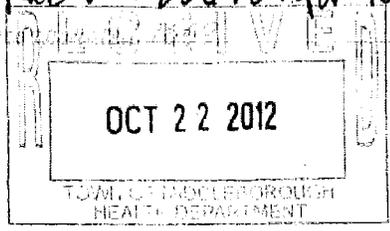
Please contact the Selectmen's office at 508 946-2405 if you need any further information.

Sincerely,


Jackie Shanley, Executive Assistant
BOARD OF SELECTMEN

xc: Town Manager
Health Officer

Rec # 286189 for 100.00



CRANBERRY CAPITAL OF THE WORLD

RDS

Town of Middleborough
Massachusetts

HEALTH DEPARTMENT
508-946-2408

20 CENTRE STREET
MIDDLEBOROUGH, MA 02346

TOBACCO SALES PERMIT

Permit Number: #13-13

Fee \$100.00

TOBACCO LOCATION AND SALES

Name of Business: Cumberland Farms #2292

Location Address: 87 East Grove St.
Cumberland Farms Inc.

Mailing Address: Tax Department
100 Crossing Boulevard

Name of Owner: Framingham, MA 01702

If a Corporation or Partnership Give Name, Title, and home address of officers or partner
List attached

Telephone Number: 508-923-0325

Federal Tax I.D. Number/Social Security Number: 04-2843586

As the owner, manager, and/or operator who holds a State License to sell tobacco products, I did apply and receive a Middleborough Board of Health Tobacco Permit with the understanding that it is illegal to sell tobacco in any form to individuals under 18 years of age. I am aware that there are no exceptions. I will obtain photographic proof of age from all customers who look to be 25 years of age or younger before selling any tobacco products. I will train my sales staff to conduct tobacco sales legally. Tobacco products will be located so as to be in compliance with the Middleborough Tobacco Regulation.

I understand that the Middleborough Board of Health and its agents will conduct unannounced compliance checks. I am aware that violations of any section of the Tobacco regulation may result in issuance of fines and/or the revocation of this permit. I understand that this permit must be renewed annually.

Richard Fournier
Tax Manager

Name of Person Responsible for Permit (Print Name)

Signature of Person Responsible for Permit

*COPY OF DEPARTMENT OF REVENUE TOBACCO SALES TAX PERMIT REQUIRED.

MTCP ID: _____

Tobacco Compliance Check Form

2011-2012

Section 1:

Establishment

Name: Cumberland Farms
 Address: 87 E Grove St
 City: Middleboro Zip Code: _____
 Type of Establishment: Chain Independent Not Known

Survey Participants

ID of Purchaser: H
 Age: 15 16 17
 Sex: Male Female
 Name of Adult Supervisor: Sonyia
 Time of Check: 2:44 am pm
 Date of Check: 6-23-13
 Day of the Week: Mon Tues Wed
 Thurs Fri Sat Sun

Style of Establishment (Check Only One):

| | | |
|---|--|---|
| <input checked="" type="checkbox"/> Convenience Store | <input type="checkbox"/> Grocery Store | <input type="checkbox"/> Bar |
| <input type="checkbox"/> Department Store | <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Private Club (VFW, Legion, etc.) |
| <input type="checkbox"/> Gas Station Only | <input type="checkbox"/> Pharmacy/Drug Store | <input type="checkbox"/> Restaurant |
| <input type="checkbox"/> Gas Mini-Mart | <input type="checkbox"/> Other (bowling alley, golf club etc.) | <input type="checkbox"/> Tobaccoist |

Section 2:

Was Compliance Check completed? Yes No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product.
- From a vending machine with a lookout device.
- Other

Describe: _____

Was the Purchaser asked for ID? Yes No
 Was the Purchaser asked his/her age? Yes No

Was this an ID-based check? Yes No

Sex of Clerk: Male Female Approximate age of clerk: Teen Young Adult Adult Older Adult

Type of tobacco asked for: Cigarettes Brand of cigarettes asked for: Marlboro Newport Other: _____
 Chew/Dip Cigars Other _____ Brand: Black + mild

Was the sale made? Yes No

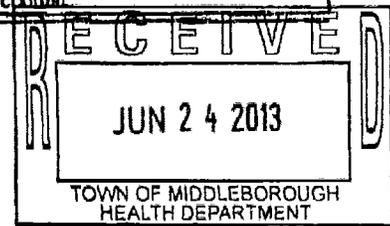
If "Yes" how much did the product cost: \$ 1.69 Was a receipt given? Yes No

Purchaser made payment using: \$1 bills \$5 bill(s) \$5 bill and \$1 bills/or change \$10 bill(s) \$20 bill change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

| | | | |
|--|--|--|---|
| <input type="checkbox"/> Out of Business | <input type="checkbox"/> Temp. long term closure | <input type="checkbox"/> In operation, closed at time of visit | <input type="checkbox"/> Drive thru only |
| <input type="checkbox"/> Does not sell tobacco | <input type="checkbox"/> Unlocatable | <input type="checkbox"/> Unsafe to access | <input type="checkbox"/> Tobacco out of stock |
| <input type="checkbox"/> Inaccessible by youth | <input type="checkbox"/> Wholesale only/cartons | <input type="checkbox"/> Presence of police | <input type="checkbox"/> Permit Suspended |
| <input type="checkbox"/> Private club/personal residence | <input type="checkbox"/> Machine broken | <input type="checkbox"/> Youth inspector knows salesperson | <input type="checkbox"/> Other |
| | | <input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit | |



long brown hair

NUMBER 13-13

FEE \$100.00

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDDLEBOROUGH

This is to Certify that: **Cumberland Farms #2292**
87 East Grove Street

IS HEREBY GRANTED A PERMIT
For

The Sale of Tobacco and Nicotine Delivery Products

This permit is granted in conformity with the Statutes and ordinances relating thereto.

Permit Expires December 31, 2013

For the Board of Health



Jeanne C. Spalding
Health Officer

BRIDGEWATER-RAYNHAM SAND & STONE
1453 PLYMOUTH STREET
BRIDGEWATER, MA 02324
508 597-5448
FAX 508 697-8182

July 11, 2013

Board of Selectmen:

We are asking for your consideration on the current truck route to and from Harju's Bog permit #07-4 to be changed to the following: leaving bog taking a right onto Rocky Meadow, to immediate left onto Wall Street, then left onto Plymouth Street, right onto Carmel Street, left onto Plympton Street, to a right onto Thompson Street.

Thank you for your consideration.

Joseph A. Arruda
Bridgewater-Raynham Sand & Stone

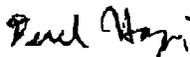
D & D HARJU CRANBERRIES LLC

253 France Street
Middleboro, MA 02346

July 24, 2013

Derek and Dana Harju of D & D Harju Cranberries LLC give permission to Joseph Arruda to speak on our behalf about changing the current truck route to the new proposed route.

Very truly yours,



Derek Harju
Managing Partner

June 29, 2013

Selectmen,

Please note the following:

The Permit Extension Act of 2010 – Section 173 of Chapter 240 of the Acts of 2010 (the “Act”) applies to all Earth Removal permits under the Town’s Earth Removal By-law which were in effect or in existence during the tolling period (8/15/08 to 8/15/10). This allows for the automatic extension period of two years.

The Harju’s requested, and were granted, a one-year extension on their original three-year permit in December 2010 bringing the permit valid through 12/17/11. With the automatic Permit Extension Act of 2010, the permit is currently valid until 12/17/13.

PERMIT STICKERS TO BE CORRECTED:

After Mr. Arruda had left the meeting here in the office a few weeks ago, I called him to be sure that he didn’t use the permit number 07-2 as shown on the site sign photo provided by Mr. Lessard. Unfortunately, I read the wrong number to him over the phone, telling him to use 07-4, when, in fact, the number on the permit is 07-3. I called Mr. Arruda on Wednesday, 7/24/13, to apologize and explain. The stickers will be corrected.

SITE SIGN TO BE CORRECTED:

After reviewing the photo of the current site sign submitted by DPW Director Chris Peck on Friday, 7/26/13, I called Mr. Arruda. It appears that Dana & Derek Harju had corrected the name on the sign, but not the permit #. Mr. Arruda will contact Dana & Derek Harju and advise them to correct the number so that it reads #07-03.

Jackie



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

December 8, 2010

Glenn D. Amaral, P.L.S.
GAF Engineering, Inc.
Middleboro, MA 02346

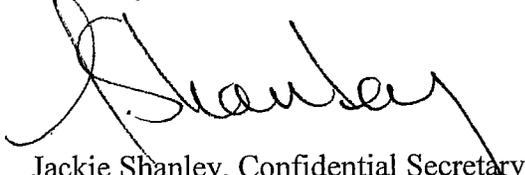
RE: Earth Removal Permit Extension - Dana & Derek Harju

Dear Mr. Amaral:

As you are aware, at its meeting held on December 6, 2010, the Board of Selectmen voted to approve a one-year extension of the Harju Earth Removal Permit for the property located off Rocky Meadow, Map 62 Lot 1336.

This permit is now valid until December 17, 2011.

Sincerely,


Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

Attachment

cc: Board of Selectmen
Town Manager
DPW Superintendent

*EXPIRES
12/17/13
With the 2yr
Permit EXT. ACT*

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
02 JAN 2008 09:34AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 35462 Pg 136-139

Conditions for Earth Removal

DANA & DEREK HARJU
Off Rocky Meadow Street
Middleborough, Massachusetts
Assessors Map 062 and Lots 2091, 1336, 2247 & 745
192,743+ cubic yards

1. This permit is valid for three (3) years and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen after meeting with the applicant.
2. Hours of operation are limited from 7:30 A.M. to 4:30 P.M. Operation is only allowed on Monday through Friday. Motors of earth removal equipment, including trucks hauling material to and from the site, are not to be started or run until 7:30 A.M. Trucks are not to line up before the start time or sit idling. There will be no jake braking.
3. No operation is allowed on Saturday, Sunday or Town Hall observed holidays:

| | |
|------------------------|------------------------|
| New Year's Day | Labor Day |
| Martin Luther King Day | Columbus Day |
| Presidents Day | Veteran's Day |
| Patriots Day | Thanksgiving Day |
| Memorial Day | Day after Thanksgiving |
| July 4 th | Christmas Day |
4. All excavated areas not part of the bogs will be topsoiled and planted per the specification on the plan or at the direction of the Board. All top and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. A minimum of four inches of topsoil must be put back in place.
5. Excessive erosion is to be controlled as determined by the Board of Selectmen or its agent.
6. An initial review to confirm compliance with permit conditions and restrictions must be performed by the Board's Agent before the commencement of any earth removal activities. The fee for this review is \$ 400.00 , due and payable at the time the permit holder notifies the Board's Agent that all requirements of the permit which must be done prior to commencement of work have been accomplished, and the permit holder is ready for the Agent to perform the initial review.

7. Quarterly reviews must be performed by the Board's Agent every three months following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit. The fee for each such review is \$ 400.00, due and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permittal project.
8. The plans, entitled, "Plan to Accompany Application for Earth Removal Application – Off Rocky Meadow Street – Middleborough, MA ", dated November 1, 2007 is incorporated herein by reference and is part of this permit, and must be adhered to strictly. Failure to do so constitutes a violation of this condition of the Permit. A copy of the Plan and Order of Conditions must be kept on the lot at all times when the lot is being worked, pursuant to this permit.
9. A bond, or acceptable alternative surety, in the amount of \$ 50,000.00 will be required to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.
10. Standard highway signs warning of heavy trucks entering the highway shall be erected as directed by the Board of Selectmen or their Agent and be in place prior to commencement of removal operations.
11. The Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.
12. The permit holder is advised that no work may commence until he has filed a Notice of Intent under Chapter 131, Section 40, and received an Order of Conditions from the Conservation Commission. A violation of the Order of Conditions issued by the Conservation Commission shall be a violation of this permit.
13. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.
14. Any spillage on public ways or private property shall be cleaned up by the permit holder or its agent.
15. All access to and from the permitted property will be as follows: Begin by turning right out of the site on Rocky Meadow Street, then travel 0.4 mi. to Purchase Street. Turn left onto Purchase Street. Then travel 1.5 mi. to South Main Street (Route 58), turn right or left.

16. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find that the permittee, or any agent of the permittee, violates any condition of this permit.
17. No refining or screening of material is allowed on the permitted property except the screening of sand and loam to be used for on-site cranberry bogs, gravel for on-site roadways and loam for final on-site grading and seeding.
18. The Town Manager is authorized to act as the Selectmen's Agent in the administration and enforcement of this permit.
19. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Board's Agent to assist in dust control.
20. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the board. The Board may, in its discretion, hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.
21. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.
22. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the record plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as shown in the plan.
23. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Selectmen. Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.
24. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.
25. Gates will be installed on the haul road to prevent unauthorized access to the property. A two by three foot sign shall be erected on the gate displaying the permit number, the name and phone number of the permit holder's agent and the name and phone number of the Board of Selectmen's Agent, together with the words "NO TRESPASSING-EARTH REMOVAL IN PROGRESS".

- 26. All trucks hauling from the site must display a sign on the rear of the truck in an area that will be unobstructed and clearly in view displaying the words "TOWN OF MIDDLEBOROUGH PERMIT # 07-3 .
- 27. A copy of this Earth Removal Order of Conditions shall be filed with the Registry of Deeds by the Permit holder as a notice to all that these conditions restrict work on the lot under the permit.
- 28. A Certificate of Compliance will be issued by the Board of Selectmen when the project is completed. The Certificate of Compliance will operate to release the lot from the conditions of the permit and terminate the permit. The Certificate of Compliance must also be filed with the Registry of Deeds by the permit holder.

Marsha Brunelle
 Marsha Brunelle, Chairwoman
 BOARD OF SELECTMEN

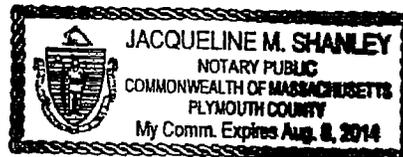
12.17.07
 Date

Commonwealth of Massachusetts
 County of Plymouth

On this 17th day of December, 2007, before me the undersigned Notary Public, personally appeared Marsha Brunelle, proved to me through satisfactory evidence of identification which was/were personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose(s).

Jacqueline M. Shanley
 Signature of Notary

(Seal)
 My commission expires Aug. 8, 2014



Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street

Middleborough, MA 02346

Phone 508-946-2481 Fax 508-946-2484

Christopher Peck
D. P. W. Director

July 26, 2013

Mr. Stephen J. Mackinnon, Chairman
Board of Selectmen
10 Nickerson Avenue
Middleborough, Ma 02346

Subject: Harju Earth Removal Project #07-3

Dear Board Members,

At the request of the Board I have reviewed the status and condition of both the earth removal site sign and the truck identification stickers for correct permit number and size.

After visiting both the earth removal site off Rocky Meadow Street and the offices of Bridgewater-Raynham Sand (BRS) I found that the sign at the site was labeled with permit #07-02 while the trucks were labeled with permit #07-04. The site sign is visible from Rocky Meadow Street and the stickers attached to the trucks are clearly visible. (Please see attached pictures and sticker)

However, the permit number issued to this earth removal is #07-03 therefore both the site sign and truck stickers should be changed to reflect the current permit #07-03.

As mentioned in my previous letter the Board should be aware that the DPW office has received numerous complaints from residents along this route about start times, dust, and noise. The complaints have led to our department having to spend sometimes hours at a time investigating which trucks are in violation. The alteration of the trucking route may increase the number of complaints from residents along the proposed route as well as increase the possibility of road damage due to the lengthening of the truck route.

Please give me a call if you have any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "C. Peck", written over the typed name.

Christopher Peck
Director of Public Works

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



DIVISIONS

Highway
Sanitation
Insect & Pest Control
Tree Warden
Wastewater
Water

Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street

Middleborough, MA 02346

Phone 508-946-2481 Fax 508-946-2484

Christopher Peck
D. P. W. Director

July 15, 2013

Mr. Stephen J. Mackinnon, Chairman
Board of Selectmen
10 Nickerson Avenue
Middleborough, Ma 02346

Subject: Harju Earth Removal Project #07-3 Proposed Trucking Route Alteration

Dear Board Members,

The contractor hauling material from the Harju earth removal project, Joe Arruda is requesting an alteration to the trucking route. Currently the truck route requires trucks access and exit the site from the access point on Rocky Meadow Street continue to Purchase Street take a left onto Purchase Street and exit Middleborough into Carver. Although I have not received any information on the proposed route I am assuming based on the route recently being and used that Mr. Arruda would like to use Rocky Meadow Street, left onto Wall Street, left onto Plymouth Street, right onto Carmel Street, continue onto Plympton Street, right onto Thompson Street (Route 105).

The Board should be aware that the DPW office has received numerous complaints from residents along this route about start times, dust, and noise. The complaints have led to our department having to spend sometimes hours at a time investigating which trucks are in violation. The alteration of the trucking route may increase the number of complaints from residents along the proposed route as well as increase the possibility of road damage due to the lengthening of the truck route.

Please give me a call if you have any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "C. Peck".

Christopher Peck
Director of Public Works