

NEW BUSINESS

8-12-13

2013 ANNUAL APPOINTMENTS

One Year Appointments

Fence Viewer

Robert Whalen

Tree Warden

Christopher Peck

Moth Superintendent

Christopher Peck

Animal Control Officer

Jessica Gardner

Animal Inspector

Jessica Gardner

Alternate Animal Inspector

James Brown

Forest Fire Warden

Lance Benjamino

Alternate Wiring Inspector

John Hogan

Alternate Wiring Inspector

Michael Bell

Town Counsel

Daniel F. Murray

Veterans' Agent

Paul Provencher

Aug. 2. 2013 11:20AM

Selectmens Office Middleborough

No. 0391 r 2



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 8/12/13 William Fuller providing SERVICE of A.F.
NAME OF APPLICANT
ADDRESS OF APPLICANT 13 WEST END AVE
ASSESSORS MAP & LOT 152 15575
DAYTIME TELEPHONE 508 923 4044

NAME OF BUSINESS Allen Theatre
OWNER OF PROPERTY TO BE LICENSED HOWARD TAX TRUST
ADDRESS OF PROPERTY TO BE LICENSED 132 BURL ST.
ASSESSORS MAP & LOT 52P 15309

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand Furniture
- Class I License
- Class III License
- Common Voucher
- Entertainment
- 2nd Hand Clothing
- Class II License
- Liquor License Beer, Wine
- Automatic Amusement
- Other

Anticipated Start Date for August 27, 2013 - MARGAEN HANCOCK
Hours requested: 5:30-10PM POST CARDS from Hemen.

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain
YES, SIMILAR LICENSES AND SUBSEQUENT RENEWALS

Signature [Signature]
DATE OF HEARING 8/12/13

APPROVED/DEDINED

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

Please inform this department, as well as the Board of Selectmen, 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

Judy M. MacDonald

[Signature]



LANCE M. BENJAMINO
Fire Chief

MIDDLEBOROUGH FIRE DEPARTMENT

125 North Main Street
Middleborough, Massachusetts 02346



Tel: 508-946-2461
Fax: 508-946-2464

Middleborough Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

August 2, 2013

Dear Honorable Board,

I respectfully request the following vehicle be deemed surplus so it can be put out to bid or disposed of.

1. 1989 Maxim F-1500 Pumper (Engine 2) VIN# 1M9CAO2D7LM300008

This 1989 Maxim Pumper (Engine 2) has served Middleborough well over the past twenty-four (24) years but, is beyond its life expectancy as a fire engine. As you may be aware this vehicle was replaced with a 2013 E-One Rescue Pumper in June of this year.

I highly recommend this vehicle be put out to bid, disposed of, or scrapped.

Any questions, comments or concerns please contact me.

Respectfully,

A handwritten signature in cursive script that reads "Lance Benjamino".

Lance Benjamino
Chief of Department

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDDLEBOROUGH
BOARD OF SELECTMEN (BOARD OF HEALTH)**

NOTICE OF BETTERMENT AGREEMENT July 25, 2013.
NOTICE OF BETTERMENT

TO THE REGISTER OF DEEDS OF PLYMOUTH COUNTY

NOTICE is hereby given that the Board of Selectmen of the Town of Middleborough acting as a Board of Health pursuant to General Laws, Chapter 111, Section 127B 1/2 entered into a Betterment Agreement

Dated October 14, 2012 **with** Robert E. & Patricia E. Ahern
(insert date) **(insert name(s) of property owner(s))**

with respect to real estate located at 52 Fairview Street
(insert address of property)

in Middleboro, Massachusetts and described in a deed recorded in the Plymouth County

Registry of Deeds in Book 8317, **Page** 331
(insert book and page)

or filed as Document Number _____ **with the Plymouth**
(insert document number of deed)

District of the Land Court. The purpose of the Betterment Agreement is to authorize and enable the aforesaid property owner(s) to cause the said property to be serviced properly

by a septic system funded by financial assistance from the Town of Middleborough in the sum of up to and not exceeding

Sixteen Thousand Five Hundred Fifty & .00/100 Dollars (insert amount in writing) 16,550.00 (insert amount in numbers).

The aforesaid property owner(s) shall be responsible to pay the Town of Middleborough for all funds advanced to the owner(s) pursuant to the Betterment Agreement together with interest.

The Betterment Agreement and this Notice shall be subject to the provisions of Chapter 80 of the General Laws relative to the apportionment, division, reassessment and collection of Assessment, abatement and collections of assessments and to interest. The lien for betterment under Chapter 80, the Betterment Agreement and this Notice of Betterment Agreement shall take effect by operation of law on the day immediately following the due date of such assessment or apportioned part of such assessment.

This Notice of Betterment Agreement shall be a betterment under Chapter 80.

Stephen J McKinnon, Chairman

Allin Frawley, Vice Chairman

Ben Quelle

Leilani Dalpe

John M. Knowlton

Board of Selectmen
Town of Middleborough

**Commonwealth of Massachusetts
County of Plymouth**

**On This _____ day of _____ 20____ before me the
undersigned Notary Public, personally appeared _____, proved
to me through satisfactory evidence of identification which was _____
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).**

**Signature of Notary
Jacqueline M. Shanley**

**(Seal)
My commission expires:**

I, the Clerk of the Board of Selectmen of the Town of Middleborough, Massachusetts, certify that at a meeting of the board held _____, 2013, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$ _____ borrowing authorized by the vote of the Town passed April 22, 2013 (Articles 9, 10 and 11) is hereby determined pursuant to G.L. c.44, §7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Forestry Vehicle	\$215,000	<u>15</u> Years
Sweeper	180,000	<u>15</u> Years
Public Works Department Truck	140,000	<u>15</u> Years
Library Compressor	30,000	<u>5</u> Years
Town Hall Annex and Council on Aging Carpeting	25,335	<u>5</u> Years
Parks Department Truck	25,000	<u>10</u> Years

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: _____, 2013

Clerk of the Board of Selectmen

Jacqueline Shanley

From: Judy MacDonald
Sent: Tuesday, July 30, 2013 12:14 PM
To: Jacqueline Shanley
Cc: Charles Cristello
Subject: WPAT Septic Betterment Loan
Attachments: 20130730115418113.pdf

Please place on the agenda for August 12, to have the Selectmen to vote and sign the septic betterment loan. See attachment

Judy M Mac Donald
Treasurer/Collector
Town of Middleborough
20 Centre Street 3rd Floor
Middleborough, MA 02346
(PH) 508-946-2421
Fax 508-947-5447
jmcdnld@middleborough.com

EDWARDS WILDMAN

EDWARDS WILDMAN PALMER LLP
111 HUNTINGTON AVENUE
BOSTON, MA 02199
+1 617 239 0100 main +1 617 227 4420 fax
edwardswildman.com

Kara K. Adams
+1 617 239 0387
fax +1 866 644 8575
kadams@edwardswildman.com

July 24, 2013

RECEIVED

JUL 29 2013

**TOWN OF MIDDLEBOROUGH
TREASURER / COLLECTOR**

OVERNIGHT COURIER

Judy MacDonald, Treasurer
Town of Middleborough
Town Hall Annex
20 Centre Street, 3rd Floor
Middleborough, MA 02346

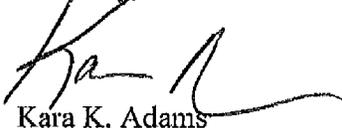
Dear Judy: (Massachusetts Water Pollution Abatement Trust
Community Septic Management Program Loan)

We have been notified that the Town is ready to close the Community Septic Management Program Loan relating to Loan Agreement No. T5-97-1077-K from the Massachusetts Water Pollution Abatement Trust. The closing for the loan will take place after we receive the executed documents, and disbursements will be made to you after the closing date based upon requisitions submitted to DEP and the Trust. We have been asked to have all necessary documents presigned.

Copies of the Loan Agreement and the Project Approval Certificate and Regulatory Agreement have been sent to you by the Trust. They should be signed by you or by any other authorized official in the case of the Project Approval Certificate and Regulatory Agreement. Please send me copies of the executed signature pages.

The Note and four copies each of the closing Certificate and the Selectmen's Vote are enclosed. Each should be signed and the Note and Certificates must be sealed. Please return all of them to me as soon as convenient. These documents will be held in escrow until the closing, which should take place after we receive and review items 1, 2 and 3 of our letter dated June 27, 2013. We will then return one complete set of documents to you. If you have any questions about the procedures or the documents, please call me.

Sincerely,



Kara K. Adams

Enclosures

cc: Lisa Dickinson

AM 22650779.1



Town of Middleborough

Massachusetts

BOARD OF SELECTMEN

August 12, 2013

Kenneth W. Virkler
122 Cedar Street
Middleboro, MA 02346

RE: 122 Cedar Street, Middleboro, MA - NOTICE TO VACATE

Dear Mr. Virkler:

Please be advised that the Town of Middleborough is the owner of the referenced property at 122 Cedar Street which you now occupy for residential purposes. The Town of Middleborough became the owner of the property by virtue of a judgment of the Land Court to foreclose the right to redeem the property from the Town's taking of the property for unpaid taxes.

Please be advised that you must vacate the referenced property. Any rights you may have to occupy the premises are hereby terminated. You are to vacate the premises not later than seven (7) days after your receipt of this notice. If you fail to vacate and remove your personal property in the time stated, the Town reserves its right to take appropriate action to remove you from the premises pursuant to law.

Very truly yours,

Town of Middleborough Board of Selectmen

**SUPPLEMENTAL AGREEMENT NO. 1
TO**

**CLEANING, PAINTING AND MISCELLANEOUS REPAIRS OF
FIRE TOWER ELEVATED WATER STORAGE TANK
MIDDLEBOROUGH, MA**

OWNER: Board of Selectmen
Town of Middleborough, MA

CONTRACTOR: Rockwood Corporation
Lyons Falls, NY

ENGINEER: Amory Engineers, P.C.
Duxbury, MA

In accordance with the terms of the Contract, the Engineer and the Owner directed the Contractor to proceed with the following changes from the Contract Documents:

Description of Change

1. The Contractor shall eliminate exterior cleaning and overcoat work from the underside of the tank bowl and the tank support legs as directed.
2. The Contractor shall repair/rehabilitate/remove antenna support structure components as directed.
3. The Contractor shall replace all turn-buckles for sway rod cross bracing as directed.

Amount of Supplemental Agreement

1. The Contractor shall delete Item 1 and add Items 2 and 3 under the Description of Change for no change in contract price.

Statement of the Engineer

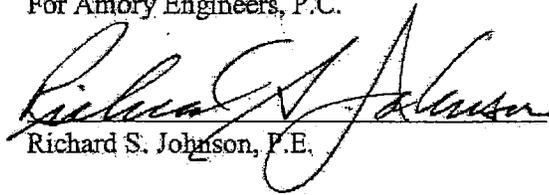
1. In order to complete Items 2 and 3, work was eliminated from the Contract. Although the coating system of the underside of the tank bowl and tank support legs is in fair condition; structurally there appears to be no appreciable metal loss or structural stability deterioration. Therefore, it was determined that the more pressing work at the tank included Items 2 and 3.
2. There are fourteen antennas, with support structures, mounted to this tank. Most of the attachment brackets/support systems are in poor shape. Repair / rehabilitation / removal were determined on an individual antenna basis.

3. During the process of replacing all of the retaining pins for the sway rod cross bracing it was determined that replacement of the turnbuckles was required due to deterioration and "seizing" of the cross buckle to the sway rod.

Change to contract value due to Supplemental Agreement No. 1 = \$ 0.00

(No Change in Contract Price)

For Amory Engineers, P.C.



Richard S. Johnson, P.E.

ACCEPTED FOR CONTRACTOR:

APPROVED FOR OWNER:



Signature

Secretary

Title

1 Aug 13

Date

Board of Selectmen
Town of Middleborough, MA

Date



Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

August 6, 2013

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

Re: **Acorn Ridge Estates, Veronica Lane** - Approval of Surety Expenditure for
Completion of an Abandoned Subdivision:

Honorable Board:

The Planning Board requests that you authorize the expenditure of surety monies held for completion of Acorn Ridge Estates (Veronica Lane) in Middleborough. Attached please find a copy of the Subdivision Control Law, MGL Chapter 41, Section 81U setting forth the procedure.

As of July 23, 2013, the Town Treasurer Office holds \$9,507.04 to complete Acorn Ridge Estates, however over \$60,000 will be required to complete the subdivision. The residents have requested that Acorn Ridge Estates be accepted at Town Meeting and have agreed to provide the remaining \$51,000 needed to complete the subdivision through the betterment process. A portion of the surety will be used to create the roadway as-built/layout plan for Town Acceptance. The Town Manager and Town Counsel are currently working with the residents of Acorn Ridge Estates to prepare the proper documents necessary for approval at Town Meeting.

This project has been in default of its March 20, 1992 Completion Date and the developer Bar – Joe, Inc., Joseph Abbanato and Barry Oliviera (deceased), have not performed any construction activities since 1993. The developer did not respond to the Planning Department's June 22, 1998 letter (sent certified mail), requesting that they complete the subdivision or the project will be sent out to bid, see attached. No work has occurred on the site for over 20 years and it appears that Acorn Ridge Estates, Veronica Lane has been abandoned.

Should you have any questions, please do not hesitate to contact the Planning Department.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Labonte", is written over a horizontal line that extends to the right.

Michael J. Labonte, Chairman
Middleborough Planning Board

cc: Daniel F. Murray, Esq.



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

August 12, 2013

Jane Lopes, Chairwoman
Middleborough Community Preservation Committee
20 Centre Street
Middleborough, MA 02346

RE: Town of Middleborough Community Preservation Act Application

Dear Ms. Lopes:

On Monday, August 12, 2013 the Board of Selectmen voted to support the Conservation Commission's application for Community Preservation Act Funding to be used to acquire parcels of land in Middleborough, known as the "Lion's Head" property. The Conservation Commission has identified this parcel of land, which has significant frontage on the Nemasket River a direct tributary to the Wild & Scenic Taunton River, as being an important piece of land to be acquired for conservation as open space. If acquired this will add to the area of parcels that are currently protected and which are being actively protected. The Conservation Commission hopes to also supplement the purchase of this property with grant money from the state LAND Grant program.

Sincerely,

Stephen J. McKinnon, Chairman
Board of Selectmen