

NEW BUSINESS

9-17-12

2nd Hand : Consignment

LICENSE APPLICATION

Date: Sept. 11 2012

Name of Business: Boutique Azalita

Name of Applicant/Petitioner: Donna M. Rapchaw

Address/Location for Permit Use: 449 Center St Middleborough, MA

Assessor's Map and Lot# for Permit Use: 50N - 5184 02346

Address of Applicant/Petitioner: 449 24 Di Castro Lane, Stoughton, MA 02072

F.I.D. # of Applicant/Petitioner: 46-0953204

Daytime Telephone: 774-218-3221

Email Address: dmp103158@hotmail.com

Please provide general description of merchandise for sale:

I will be selling antiques and furniture as well as new items for the home, local artist as well ^{repurpose}

including pieces from Donna M. Rapchaw
Signature of Applicant
Hours of operation: M-SAT: 10-6pm + SUN 10-4pm

TO: TREASURER/COLLECTOR
FROM: SELECTMEN'S OFFICE

Please inform this department, as well as the Board of Selectmen, as to whether or not the above 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 this Property Owner/Petitioner/Applicant owe taxes/municipal charges: no
(Yes or No)

Signed: Judy M. MacDonald
(Treasurer/Collector)

2/19

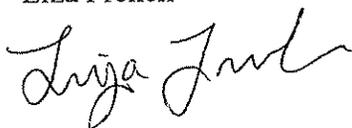
Liza French
24 Murdock Street
Middleborough, MA
02346

Middleborough Board of Selectmen,

My name is Liza French and I would be interested in becoming a student member of the Local Cultural Council. I am going into my sophomore year at Middleborough Public High School and I consider art to be a very important part of my life. In school, I plan to take art and theatre as my main electives and I have been taking private art lessons at Art on the Spot, a local art studio, for nine years. I'd love to be a part of the Cultural Council because I think that it is important to acknowledge local artists and the work they give. I think it is imperative that we support the artists in our community and I'd like to be a part of making that happen. I hope you will consider me to become a part of the Council.

Thanks,

Liza French



* Appoint for a term of 3 years

Clare Cole, Chairperson
Middleborough Cultural Council
199 Rocky Meadow Street
Middleborough, MA 02346

September 8, 2012

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

Dear Sirs:

As the Chair of the Middleborough Cultural Council I am pleased to offer my support to the appointment of Liza French to the Middleborough Cultural Council. The Middleborough Cultural Council has a mission to promote, educate and encourage growth in the areas of the arts, culture and interpretive sciences in Middleborough. The Council believes that the involvement of a diverse group of Middleborough residents will best help the Council meet its mission. Liza French will bring fresh insight and energy to the Council. I speak for the entire Council in requesting that you give positive consideration to Ms. French's application for appointment to the Council.

Sincerely,

A handwritten signature in black ink, appearing to be 'CC', written in a cursive style.

Clare Cole, Chairperson
Middleborough Cultural Council

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

NOTICE OF BETTERMENT AGREEMENT September 12, , 2012 .
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 February 14, 2012 with Peter Smith
(insert date) (insert name(s) of property owner(s))

with respect to real estate located at 194 Rocky Meadow Street
(insert address of property)

in Middleboro, Massachusetts and described in a deed recorded in the Plymouth County Registry of Deeds in Book 16543 , Page 20
(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

Seventeen Thousand Three Hundred Ninety Eight & .00/100 (\$ 17,398.00).
(insert amount in writing) (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.

Alfred P. Rullo Jr., Chairman

Allin Frawley, Vice Chairman

Steven P. Spataro

Ben Quelle

Stephen J. McKinnon

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:

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS:

Town of Middleborough
Rent Board Case No. 2012-003

In Re: HILLCREST HMC, LLC)
_____)

MEMORANDUM OF DECISION

The Town of Middleborough Rent Board (the “Board”) received a petition filed by Hillcrest HMC LLC (the “Owner”) for pre-approval for an increase in maximum rent payable by tenants of Hillcrest Mobile Home Park (the “Park”) to offset the cost of a substantial and necessary capital improvement or purchase of capital equipment, to wit, a water meter, to be installed to serve the Park.

The Board scheduled and gave notice of a hearing for August 20, 2012 to consider the petition. The issue involved in the hearing was whether the Board would pre-approve the petition to increase the maximum rent payable by tenants at the Park to offset the cost of the installation of the water meter.

The Owner filed information relating to the proposed capital improvement with the Board along with its petition for pre-approval.

The hearing commenced on August 20, 2012. The Owner’s attorney made a presentation and reviewed the history of the existing water meter including its malfunction. The attorney referenced four quotations received for the labor and equipment needed to replace the water meter and requested that the quotations be included in the record of the hearing. The quotation amounts were: \$8,200.00; \$8,816.19; \$12,774.00; and \$13,540.00.

A representative of the Hillcrest Park Homeowners Association spoke as did two other residents of the Park. The representative argued that the new water meter to replace the existing meter should be classified as maintenance or repair and not a capital improvement. The Owner’s attorney argued that the water meter is a capital improvement under the Board’s Rules and Regulations.

FINDINGS OF FACT

Based on credible evidence presented and accepted at the hearing and reasonable inferences from that evidence, the Board finds the following facts:

1. The water meter serving Hillcrest Mobile Home Park has malfunctioned and needs to be replaced.
2. Estimates of the cost (labor and material) to replace the water meter are: \$8,200.00; \$8,816.19; \$12,774.00; and \$13,540.00.
3. Owner presented no information regarding the need for financing the capital improvement.
4. Replacement of the water meter is necessary.
5. Estimates of the cost of replacement of the water meter presented by Owners are reasonable.
6. Owner proposed and requested that the cost of the water meter replacement be offset by a rent increase to be paid by the tenants in the Park.
7. The new water meter will have a useful life of more than five (5) years.
8. Owner requested that Board pre-approve an increase in maximum rent to offset the cost of the water meter installation.

RULINGS OF LAW

The Board makes the following rulings of law:

1. Replacement of the Park's water meter (labor and material) is a capital improvement within the meaning of Section 1-B of the Board's Rules and Regulations for Mobile Home Park Accommodations, Rents, and Evictions" (the "Rules and Regulations").
2. The Board hereby pre-approves an increase in the maximum rent to be paid by tenants in the Park to offset the cost (labor and material) to replace the water meter for the Park.
3. The Board hereby pre-approves a proposed increase in the maximum rent to be paid by the tenants in the Park to offset the cost, labor and material, to replace the Park's water meter based on the estimates presented by Owner and subject to the requirements of Section 7-B of the Rules and Regulations.

4. The rent increase shall be conditioned upon satisfactory installation of the water meter and final approval by the Board of the capital improvement pursuant to Section 7 of the Rules and Regulations.

DECISION – ORDER

Based on the foregoing the Board hereby orders pre-approval of a rent increase to offset the cost, labor and material, to replace the water meter serving the Park.

Town of Middleborough Rent Board
By:

Alfred F. Rullo, Jr., Chairman

DATED: September 17, 2012

September 13, 2012

To: Board of Selectmen
From: Police Station Building Committee
Re: Police station expansion/addition feasibility study

Board members:

The Police Station Building Committee received 11 applications in response to the request for qualifications issued in connection with the police station expansion/addition feasibility study that was funded at the annual town meeting.

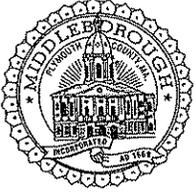
The committee interviewed six candidates and voted unanimously on Tuesday, Sept. 11 to recommend the following three finalists in rank order:

Kaestle Boos Associates Inc. of Foxboro, MA
Jaucunski Humes Architects, LLC of Berlin, CT
Brown Lindquist Fenuccio & Raber Architects, Inc. of Yarmouth, MA

The finalists were selected and ranked based on their qualifications and experience in designing police stations and working with historic buildings.

Please feel free to contact the chairman, Police Chief Bruce Gates, should you have any questions.

Jane Lopes
Committee Secretary



Assessor's Office

10 Nickerson Avenue
Middleborough, Massachusetts 02346

Telephone (508) 946-2410
Fax (508) 946-4430

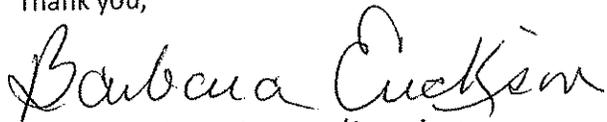
September 11, 2012

To: Board of Selectmen

Re: Chapter 61B Application for Town of Plympton

Please sign both the application and property owner's rights and obligations as soon as possible and return both forms to me. I will hand deliver them to the Plympton Assessors' office to be sure they are filed by the first of October.

Thank you,


Barbara Erickson, Assessor/Appraiser

COMMONWEALTH OF MASSACHUSETTS
TOWN OF PLYMPTON

DUE BY OCTOBER 1st

61B

FISCAL YEAR 2014

RECREATIONAL LAND CLASSIFICATION GENERAL LAWS CHAPTER 61B§3

INSTRUCTIONS: Complete all sections. Please print or type.

Charles Cristello, Town Manager
CONTACT PERSON

508-947-0928
TELEPHONE #

1. IDENTIFICATION Complete this section fully.

Name of applicant(s) Town of Middleborough
Mailing address 10 Nickerson Ave, Middleborough, MA 02346

Property Covered by Application						
List Parcel Information for up to 5 lots to be classified	Map & Lot	Location	Deed Book & Page	Total Acres	Acres to be Classified	Corrections
	001.B-0002-0097.0	Soule Street	8431/269	25.00	25.00	

RECREATIONAL LAND may qualify based on its condition or recreational use.

2. Is the land retained in substantially a natural, wild or open condition? Yes No
 Is the land in a landscaped condition? Yes No
 Does the land allow to a significant extent the preservation of wildlife and other natural resources? Yes No
 If yes, indicate which natural resources are preserved:
 Ground or Surface Water Clean Air Vegetation
 Rare or Endangered species Geological Features Scenic Resources
 High Quality Soils Other (Specify) _____

3. Is the land used primarily for recreational use? Yes No
 If yes, indicate for which recreational activities the land is used
 Archery Boating Camping Fishing Golfing
 Hang Gliding Hiking Horseback Riding Hunting
 Nature Study and Observation Picnicking Private Non-Commercial Flying
 Skiing Swimming Target Shooting

How often is land used for recreational activities?
N/A

How many people use the land for those activities?
N/A

Is the land open to the general public? Yes No
 If no, to whom is its use restricted?

Is the land used for horse racing, dog racing or any sport normally undertaken in a stadium gymnasium or similar structure? Yes No

4. **LESSEE CERTIFICATION.** If any portion of the property is leased, the following statement must be signed by each lessee. I hereby certify that the property I lease is being used as described in this application and that I intend to use the property in that manner during the period to which this application applies.

<u>Lessee</u>	<u>Date</u>

5. **SIGNATURE.** All owners must sign here to complete the application. This application has been prepared or examined by me. Under the pains and penalties of perjury, I declare that to the best of my knowledge and belief, it and all accompanying documents and statements are true, correct and complete.

I also certify that I have received a copy of the Property Owner's Acknowledgement of Rights and Obligations under the Classified Recreational Land Program as part of this application and that I have read and I understand it.

Owner	Date

*If signed by agent, attach copy of written authorization to sign on behalf of taxpayer

DISPOSITION OF APPLICATION (FOR ASSESSORS' USE ONLY)		
<input type="checkbox"/> OWNERSHIP <input type="checkbox"/> MINIMUM ACRES <input type="checkbox"/> USE/CONDITION	<input type="checkbox"/> ALL <input type="checkbox"/> PART <input type="checkbox"/> DEEMED	GRANTED DENIED
	BOARD OF ASSESSORS	
		DATE

THE COMMONWEALTH OF MASSACHUSETTS

PLYMPTON
NAME OF CITY OR TOWN

**PROPERTY OWNER'S ACKNOWLEDGMENT
OF
RIGHTS AND OBLIGATIONS UNDER
CLASSIFIED RECREATIONAL LAND PROGRAM**

This Form Must Be Submitted As Part Of Your Application For Classification

Name of Applicant:

TOWN OF MIDDLEBOROUGH

Mailing Address:

10 NICKERSON AVE

MIDDLEBOROUGH, MA 02346

QUALIFICATIONS. I understand that property must consist of at least 5 contiguous acres of land under the same ownership and be used for certain recreational purposes and open to the public or members of a non-profit organization, or be maintained in a substantially natural, wild or open condition or a landscaped condition permitting the preservation of wildlife and natural resources, in order to qualify for and retain classification as recreational land under Massachusetts General Laws Chapter 61B. Recreational use includes land used primarily for one or more of the following outdoor activities, so long as they do not materially interfere with the environmental benefits of the land: hiking, camping, nature study and observation, boating, golfing, horseback riding, hunting, fishing, skiing, swimming, picnicking, private non-commercial flying, hang gliding, archery and target shooting. I understand that buildings and other structures located on the parcel, as well as any land on which a residence is located or regularly used for residential purposes, do not qualify for classification and will continue to be assessed a regular local property tax.

APPLICATIONS. I understand that for property to be classified as recreational land under Chapter 61B, I must submit a written application to the Board of Assessors of the city or town in which the land is located by **October 1 of the year before** the start of the fiscal year for which taxation as classified land is sought, **unless** the city or town is undergoing a revaluation for that fiscal year. In that case, the application deadline is extended until 30 days after the date the tax bills for that year are mailed. The assessors must approve or disapprove my application for classification within 3 months of the date I file it and, if they do not act within that time, the application will be considered disapproved. The assessors must notify me by certified mail whether my application has been approved or disapproved within 10 days of their decision. I understand that classification and taxation of the land as recreational land under Chapter 61B will begin on the **following** July 1, which is the start of the **next** fiscal year.

I also understand that I will have to file a **separate application by October 1** (or the extended deadline if applicable) **each year** for classification of the land to continue into the next fiscal year. **I further understand that the land cannot be classified as recreational land for a fiscal year if I do not comply with all application deadlines and procedures.**

LIEN. I understand that once my initial application for classification has been approved, the Board of Assessors will record a statement at the Registry of Deeds indicating that the land has been classified as recreational land under Chapter 61B. That statement will constitute a lien on the land for all taxes due under Chapter 61B.

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

ANNUAL TAXATION. I understand that I must pay an annual property tax to the city or town in which the classified land is located. The tax will be equal to the commercial tax rate for the fiscal year applied to the value of the land for recreational purposes, rather than its fair market value as would be the case if the land were not classified. The value of the land for recreational purposes cannot exceed 25% of the fair market value of the land. The tax will be due in the same number of installments and at the same time as other local property tax payments are due in the city or town. Interest will be charged on any overdue taxes at the same rate applicable to other overdue local property taxes.

MUNICIPAL OPTION TO PURCHASE. I understand that the city or town has an option to purchase any classified land **whenever I plan to sell or convert it to a residential, commercial or industrial use** and I must notify by certified mail the mayor and city council or the selectmen, assessors, planning board and conservation commission of the city or town of my intention to sell or convert the land to those uses. If I plan to sell the land, the city or town has the right to match a bona fide offer to purchase it. If I plan to convert it, the city or town has the right to purchase it at its fair market value, which is to be determined by an impartial appraisal. The city or town may also assign its option to a non-profit, conservation organization. I understand that I may not sell or convert the land until at least 120 days have passed since the mailing of the required notices or until I have been notified in writing that the option will not be exercised, whichever is earlier.

This option is not available to the city or town and the notice requirement does not apply if the recreational use is simply discontinued, or I plan to build a residence for my use, or the use of my parent, grandparent, child, grandchild, brother or sister, the surviving spouse of any of those relatives, or an employee working full time in the recreational use of the land.

PENALTY TAX. I understand that I must pay one of two alternative penalty taxes **whenever any of the land is no longer maintained as open space or used for recreational purposes**, whether or not the land is subject to the purchase option and notice requirement. I must pay a roll-back tax for a 10 year period if the use of the land changes to a non-qualifying use. If the change in use occurs when the land is classified, the tax will be imposed for the current fiscal year and the 9 prior years. If the land is not classified at that time, the tax will be imposed for the 10 prior years. In either case, the tax will be the difference between the amount I would have paid in annual property taxes on the land if it had been taxed at its fair market value and the amount of taxes I paid on the land under Chapter 61B during the same time. However, I must pay the alternative conveyance tax instead if the land is sold for or converted to a non-qualifying use within 10 years of the beginning of the fiscal year it was first classified and the conveyance tax is greater than the roll-back tax that would be due. The conveyance tax will be equal to the conveyance tax rate applied to the sales price of the land, or if converted, to the fair market value of the land as determined by the assessors. The conveyance tax rate will be 10% if the land is sold or converted within the first 5 years of classification and 5% if sold or converted within the 6th through 10th year of classification.

APPEALS AND ABATEMENTS. I understand that I may contest decisions made by the Board of Assessors to disapprove all or part of my application for classification by applying for a modification of the decision. I may also contest my annual property tax or any penalty tax assessed under Chapter 61B by applying for an abatement. Applications to modify a decision or abate a tax must be made in writing and must be filed with the assessors within 60 days of the date I am notified of the decision or tax. If I disagree with the assessors' decision, or the assessors do not act on my application, I may appeal to the Appellate Tax Board within 30 days of the date I am notified of the assessors' decision, or 3 months from the date my application was filed, whichever is later. If the appeal concerns my annual property tax, I must have paid it to maintain the appeal. I further understand that the assessors cannot modify any decision or grant any abatement if I do not comply with all application deadlines and procedures.

I certify that I have examined this statement and that I will notify the Board of Assessors immediately in writing of any circumstances developing after this date which may cause a change in the use of the property from that described in my application for classification.

Owners

Date

Middleborough Veteran's Memorial Park Trust

Middleborough, Massachusetts, 02346

Don Triner,
Chairman
3202 Oak Point Dr.
Middleborough
MA 02346
Phone: (508) 923-0505
Cell: (508) 397-7567

Paul Kreitzberg,
Treasurer
6101 Oak Point Dr
Middleborough
MA 02346
Ph: (508) 946-3909
Ce: (508) 965-9549

Town of Middleborough
Board of Selectmen
Middleboro, MA 02346

September 8, 2012

Gentlemen:

At a meeting on September 5, 2012, The Middleborough Veterans Memorial Park Committee reaffirmed that it is, still, not in favor of lighting the Living Memorial trees within the park.

An appropriate alternative temporary Holiday Tree was offered, in November of 2011, to Mrs. Duphily, to be erected and lighted, on the Town Hall lawn, at the committee's expense in lieu of lighting the Living Memorial tree. That offer was unilaterally and vehemently rejected.

The Committee is willing to make the same offer to the Board of Selectmen this year. The Veterans Memorial Park was built, by the committee, at the request of the sitting Board of Selectmen and has been maintained, at no expense to the Town, since 2004. The park was built as a place for solemn reflection to honor veterans and their families and to remember those who gave their lives to preserve our country and our freedoms. The park was never intended to be a place to celebrate religious or secular holidays, other than the two legal holidays, (i.e.: Memorial Day and Veterans Day), for remembering and honoring veterans and their families.

In addition, The Middleborough Veterans Memorial Park Committee feels that it should have responsibility for and control of the Veterans Memorial Park, on town property, in the same way that the School Superintendent has control of the school properties; the Police Chief has control of the police properties; and the Fire Chief has control of the fire stations; with one major difference. The park requires no funds from the town budget.

For the Committee:



Paul L. Kreitzberg
Treasurer / Trustee