

HEARINGS, MEETINGS, LICENSES

9-24-12

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

HEALTH DEPARTMENT
508-946-2408

20 CENTRE STREET
MIDDLEBOROUGH, MA 02346

September 13, 2012

Dan O'Grady
5 Woloski Park
Middleborough, MA 02346

Re: 9 Woloski Park-Middleborough, MA 02346 Assessor's Map 020 Lot 2455

Mr. O'Grady:

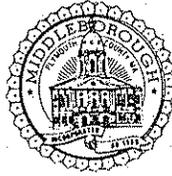
Please be advised that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board regarding the above referenced property.

Please contact the Middleborough Health Department at (508) 946-2408 to schedule an appointment.

Very truly yours,
For the Board of Health

Catherine Hassett
Health Inspector

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

HEALTH DEPARTMENT
508-946-2408

20 CENTRE STREET
MIDDLEBOROUGH, MA 02346

September 5, 2012

Dan O'Grady
5 Woloski Park
Middleborough, MA 02346

Re: Hearing on Appeal from Board of Health Order dated July 30, 2012-9 Woloski Park,
Middleborough, Ma 02346 Assessor's Map 020 Lot 2455

Dear Mr. O'Grady,

The Town is in receipt of your appeal and request for a hearing on the above matter.

The hearing has been set down for September 24, 2012 at 7:30 p.m. at the Middleborough Town Hall, 10 Nickerson Avenue. At the hearing you and other affected parties shall be given an opportunity to be heard, to present witnesses or documentary evidence, and to show why the order should be modified or withdrawn.

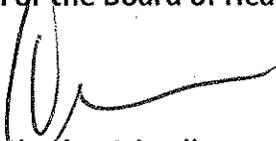
You are notified of your right to inspect and copy the Board of Health's file concerning the matter to be heard. If you want to do so, please contact the office to schedule a time.

Prior to the hearing the Town will re-inspect the premises involved so that the most current information can be discussed. Accordingly, the Town seeks to re-inspect the property on Wednesday, September 12, 2012 at 2:30 p.m. or Monday, September 17, 2012 at 11:00a.m. Please advise as soon as possible which of these dates is most convenient for you.

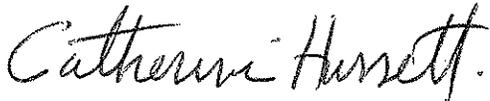
If you have any questions or wish to discuss this matter further in the meantime, please do not hesitate to contact this office at (508)946-2408.

Thank you for your attention to this matter.

Very truly yours,
For the Board of Health

A handwritten signature in black ink, appearing to read "Charles Cristello". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles Cristello
Health Agent

A handwritten signature in black ink, appearing to read "Catherine Hassett". The signature is cursive and written in a slightly slanted position.

Catherine Hassett
Health Inspector

Cc: Middleborough Board of Health
James B. Lampke, Esq., Special Counsel

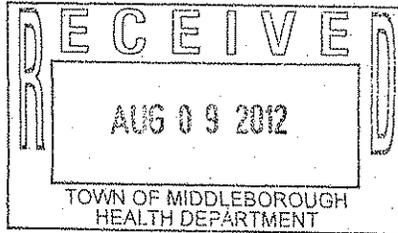
Re: July 30th 2012 letter from Board Of Health Re: 9 Woloski park I hereby today, Wed. August 8th 2012 being aggrieved by this order, request a hearing on this matter before the Board Of Health.

Daniel O'Grady -----

[Handwritten signature]

8/8/12

5 Woloski Park
Middleboro Ma. 02346



7009 3410 0001 1401 2597

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE



CHAMBERLAIN CAPITAL OF THE WORLD



Postage	\$.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.75



Middleborough
Massachusetts

70 CENTRE STREET
MIDDLEBOROUGH, MA 02346

Sent To
 Street, Apt. No., or PO Box No. Dan O'Grady
 5 Woloski Park
 City, State, ZIP+4 Middleboro, MA 02346

July 30, 2012

Dan O'Grady
5 Woloski Park
Middleborough, MA 02346

Re: 9 Woloski Park – Middleborough, MA 02346 Assessor's Map 020 Lot 2455

Mr. O'Grady,

Thank you for meeting with representatives of the Town recently and for facilitating the inspection of your property on May 8, 2012, at which you were present. On the occasion of the inspection the following conditions were observed, which are violations of the State Sanitary Code Chapter II.

410.190 Hot Water

- Water temperature in bathroom read at 99.5°F. Owner shall provide hot water for use at a temperature of not less than 110°F and not exceed 130°F.

410.200 Heating Facilities Required

- No heating source provided in either bedrooms or bathroom. Owner shall provide and maintain in good operating condition the facilities for heating every habitable room and every room containing a toilet, shower or bathtub. Owner must provide documentation that the heating unit is of efficient use and does not violate 105 CMR State Sanitary Code Chapter II 410.201.

410.452 Safe Condition

- Cinder blocks being used for side porch entry steps.
The owner shall maintain all means of egress at all times in a safe, operable condition.

410.351 Owners Installation and Maintenance Responsibilities

- Recommend GFI outlet for outlet near kitchen sink.
- Mechanical vent in bathroom not in working order.
- Vent in kitchen covered with tape.
- Light switch in bedroom#1 missing face plate.
- Exposed ceiling light fixture in bedroom #1.
Owner shall install or cause to be installed all facilities and equipment including but not limited to toilets, ovens, vents, smoke detectors and carbon monoxide alarms, all electrical fixtures, outlets and wiring.

410.500 Owner's Responsibility to Maintain Structural Elements

- Sections of sheetrock missing throughout bathroom exposing plumbing.
- Loose trim board in kitchen next to wall of bathroom between wall and floor.
- Loose trim board between dining room and living room area between wall and floor.
- Carpet in bedroom #1 not secure.
- Threshold between kitchen and living room has gap between threshold and kitchen floor surface.
- Wood paneling along kitchen wall has gaps between top of paneling and sheetrock.
- Attic access panel in ceiling not tight fitting.
- Missing trim and a section of sheetrock on inside of side entry door way.
- Bedroom#1 closet door has sections of missing trim.
- Mold-like substance on floor of cabinet of bathroom sink.
- Missing half of gutter and down spouts on side and front of dwelling.
- Missing lattice work for bottom section of dwelling exposing underside of dwelling.
Owner shall maintain the floors, walls, doors, windows, ceilings and other structural elements free from chronic dampness, watertight, in good repair and in every way fit for the use intended. Owner shall maintain every structural element free from holes, cracks, loose plaster, or other defects

In accordance with the law, you are hereby ORDERED to bring the above violations into compliance within thirty (30) days of receipt of this order. You have represented that this building is unoccupied. Please note that it cannot be until a re-inspection is conducted and a letter of compliance is issued by this department.

We realize that you may have already addressed some of these items since the inspection and will review those items during the re-inspection as well.

Please contact this office to arrange for a re-inspection, which is to following the 30 day period referred to above.

Should you be aggrieved by this order, you have the right to request a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this order. At said hearing you will be given an opportunity to be heard and to present witness and documentary evidence as to why this order should be modified or withdrawn. You may be represented by an attorney. Please be informed that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board and that any adverse party has the right to be present at the hearing.

All rights, claims, and defenses are reserved and not waived. A failure to comply with legal requirements may result in civil, criminal and/or administrative sanctions.

This letter does not address the issues concerning the water service to this property or from 5 Woloski Park. That matter will be addressed in a separate communication.

Please contact Health Inspector, Catherine Hassett at 508-946-2408 if you have any questions.

*Very truly yours,
For the Board of Health*

Charles Cristello (cc:11)
Charles Cristello
Health Agent

Catherine Hassett

Catherine Hassett
Health Inspector

A TRUE COPY ATTEST
Alison J. Ferrara
TOWN CLERK

cc: Charles Cristello, Town Manager; James B. Lampke, Esq., Special Counsel
Certified: 7009 3410 0001 1401 2597

410.151: Shared Facilities

The owner of any dwelling in which any toilet, wash basin, shower or bathtub is to be shared by the occupants of more than one dwelling unit or one rooming unit shall maintain that toilet, wash basin, shower, bathtub, walls and floors in a clean and sanitary condition, which shall include the cleaning and sanitizing of said fixtures at least once every 24 hours.

410.152: Privies and Chemical Toilets Prohibited; Exceptions

No privy or chemical toilet shall be constructed or continued in use; provided, that the board of health may approve in writing the construction or continued use of any privy or chemical toilet which it determines will not (a) endanger the health of any person; or (b) cause objectionable odors or other undue annoyance. When so approved, a privy or chemical toilet may, subject to written authorization of the board of health in accordance with 310 CMR 15.00, qualify as a toilet within the requirements of 105 CMR 410.150(A) (*see* 105 CMR 410.840).

In no event may a privy be located within 30 feet of any building used for sleeping or eating, or of any lot line or street.

410.180: Potable Water

The owner shall provide, for the occupant of every dwelling, dwelling unit, and rooming unit, a supply of potable water sufficient in quantity and pressure to meet the ordinary needs of the occupant, connected with the public water supply system, or with any other source that the board of health has determined does not endanger the health of any potential user. (*See* 105 CMR 410.350 through 410.352).

In dwellings that are in compliance with the requirements of M.G.L. c. 186, § 22, the owner may charge the occupants for actual water usage in accordance with M.G.L. c. 186, § 22. An owner may not shut off or refuse water service to an occupant on the basis that the occupant has not paid a separately assessed water usage charge.

Examination of the water system shall include an examination of the plumbing system and its actual performance. If possible, such examination shall occur at the times and under such conditions as the occupant has identified the system as being insufficient.

410.190: Hot Water

The owner shall provide and maintain in good operating condition the facilities capable of heating water. The owner shall also provide the hot water for use at a temperature of not less than 110°F (43° C) and in a quantity and pressure sufficient to satisfy the ordinary use of all plumbing fixtures which normally need hot water for their proper use and function, unless and to the extent the occupant is required to provide fuel for the operation of the facilities under a written letting agreement. The hot water shall not exceed 130°F (54° C).

Inspection of the hot water system shall include an examination of the hot water system and its actual performance. If possible, such examination shall occur at the times and under such conditions as the occupant has identified the system to be insufficient.

410.200: Heating Facilities Required

(A) The owner shall provide and maintain in good operating condition the facilities for heating every habitable room and every room containing a toilet, shower or bathtub to such temperature as required under 105 CMR 410.201.

(B) Portable space heaters, parlor heaters, cabinet heaters, room heaters and any similar heaters having a barometric fed fuel control and its fuel supply tank located less than 42 inches from the center of the burner as well as the type of heating appliance adapted for burning kerosene, range oil or number one fuel oil and any portable wick type space heaters shall not be used and shall not meet the requirements of 105 CMR 410.200. (*See* M.G.L. c. 148, §§ 5A and 25B.)

410.300: Sanitary Drainage System Required

The owner shall provide, for each dwelling, a sanitary drainage system connected to the public sewerage system, provided, that if, because of distance or ground conditions, connection to a public sewerage system is not practicable, the owner shall provide, and shall maintain in a sanitary condition, a means of sewage disposal which is in compliance with 310 CMR 15.00: *Subsurface Disposal of Sanitary Sewage (Title V)*. (See 105 CMR 410.840.)

In dwellings that are in compliance with the requirements of M.G.L. c. 186, § 22, the owner may charge the occupants for the cost of sewer service in accordance with M.G.L. c. 186, § 22.

410.350: Plumbing Connections

(A) Every required kitchen sink, wash basin and shower or bathtub shall be connected to the hot and cold water lines of the water distribution system (See 105 CMR 410.180) and to a sanitary drainage system (See 105 CMR 410.300) in accordance with accepted plumbing standards.

(B) Every provided toilet shall be connected to the water distribution system (See 105 CMR 410.180) and to a sanitary drainage system (See 105 CMR 410.300) in accordance with accepted plumbing standards.

410.351: Owner's Installation and Maintenance Responsibilities

The owner shall install or cause to be installed, in accordance with accepted plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following:

(A) all facilities and equipment which the owner is or may be required to provide including, but not limited to, all sinks, washbasins, bathtubs, showers, toilets, waterheating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connections to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, and all heating and ventilating equipment and appurtenances thereto; and

(B) all owner-installed optional equipment, including but not limited to, refrigerators, dishwashers, clothes washing machines and dryers, garbage grinders, and submetering devices designed to measure the usage of electricity, gas or water.

410.352: Occupant's Installation and Maintenance Responsibilities

(A) The occupant shall install in accordance with accepted plumbing, heating, gas fitting, and electrical wiring standards, and shall maintain free from leaks, obstructions and other defects, all occupant owned and installed equipment such as, but not limited to, refrigerators, clothes washing machines and dryers, dishwashers, stoves, garbage grinders and electrical fixtures.

(B) Every occupant of a dwelling unit shall keep all toilets, wash basins, sinks, showers, bathtubs, stoves, refrigerators and dishwashers in a clean and sanitary condition and exercise reasonable care in the proper use and operation thereof.

410.353: Asbestos Material

Every owner shall maintain all asbestos material in good repair, and free from any defects including, but not limited to, holes, cracks, tears or any looseness which may allow the release of asbestos dust, or any powdered, crumbled or pulverized asbestos material. Every owner shall correct any violation of 105 CMR 410.353 in accordance with the regulations of the Department of Environmental Protection appearing at 310 CMR 7.00 and in accordance with the regulations of the Department of Labor and Workforce Development appearing at 453 CMR 6.00.

410.400: Minimum Square Footage

(A) Every dwelling unit shall contain at least 150 square feet of floor space for its first occupant, and at least 100 square feet of floor space for each additional occupant, the floor space to be calculated on the basis of total habitable room area.

(B) In a dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant.

(C) In a rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain at least 60 square feet for each occupant.

410.401: Ceiling Height

(A) No room shall be considered habitable if more than $\frac{3}{4}$ of its floor area has a floor-to-ceiling height of less than seven feet.

(B) In computing total floor area for the purpose of determining maximum permissible occupancy, that part of the floor area where the ceiling height is less than five feet shall not be considered.

410.402: Grade Level

No room or area in a dwelling may be used for habitation if more than $\frac{1}{2}$ of its floor-to-ceiling height is below the average grade of the adjoining ground and is subject to chronic dampness.

410.430: Temporary Housing Allowed Only with Board of Health Permission

No temporary housing may be used except with the written permission of the board of health.

410.431: Any Exceptions to Minimum Standards Must Be Specified

All temporary housing shall be subject to the requirements of these minimum standards, except as the board of health may provide in its written permission. (See 105 CMR 410.840.)

410.450: Means of Egress

Every dwelling unit, and rooming unit shall have as many means of exit as will allow for the safe passage of all people in accordance with 780 CMR 104.0, 105.1, and 805.0 of the Massachusetts State Building Code.

410.451: Egress Obstructions

No person shall obstruct any exit or passageway. The owner is responsible for maintaining free from obstruction every exit used or intended for use by occupants of more than one dwelling unit or rooming unit. The occupant shall be responsible for maintaining free from obstruction all means of exit leading from his unit and not common to the exit of any other unit.

410.452: Safe Condition

The owner shall maintain all means of egress at all times in a safe, operable condition and shall keep all exterior stairways, fire escapes, egress balconies and bridges free of snow and ice, provided, however, in those instances where a dwelling has an independent means of egress, not shared with other occupants, and a written letting agreement so states, the occupant is responsible for maintaining free of snow and ice, the means of egress under his or her exclusive use and control. All corrodible structural parts thereof shall be kept painted or otherwise protected against rust and corrosion. All wood structural members shall be treated to prevent rotting and decay. Where these structural elements tie directly into the building structural system, all joints shall be sealed to prevent water from damaging or corroding the structural elements.

410.484: Building Identification

The owner shall affix to every building covered by 105 CMR 410.000, a number representing the address of such building. The number shall be of a nature and size and shall be situated on the building so that, to the extent practicable, it is visible from the nearest street providing vehicular access to such building (M.G.L. c. 148, § 59).

410.500: Owner's Responsibility to Maintain Structural Elements

Every owner shall maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements of his dwelling so that the dwelling excludes wind, rain and snow, and is rodent-proof, watertight and free from chronic dampness, weathertight, in good repair and in every way fit for the use intended. Further, he shall maintain every structural element free from holes, cracks, loose plaster, or other defect where such holes, cracks, loose plaster or defect renders the area difficult to keep clean or constitutes an accident hazard or an insect or rodent harborage.

410.501: Weathertight Elements

- (A) A window shall be considered weathertight only if:
- (1) all panes of glass are in place, unbroken and properly caulked; and
 - (2) the window opens and closes fully without excessive effort; and
 - (3) exterior cracks between the prime window frame and the exterior wall are caulked; and
 - (4) one of the following conditions is met:
 - (a) a storm window is affixed to the prime window frame, with caulking installed so as to fill exterior cracks between the storm window frame and the prime window frame; or
 - (b) weatherstripping is applied such that the space between the window sash and the prime window frame is no larger than 1/16 inch at any point on the perimeter of the sash, in the case of double hung windows and 1/32 inch in the case of casement windows; or
 - (c) the window sash is sufficiently well-fitted such that, without weatherstripping, the space between the window sash and the prime window frame is no larger than 1/16 inch at any point on the perimeter of the sash in the case of double hung windows and 1/32 inch in the case of casement windows.
- (B) An exterior door or a door leading from a dwelling unit to a common passageway shall be considered to be weathertight only if:
- (1) all panes of glass are in place, unbroken and properly caulked; and
 - (2) the door opens and closes fully without excessive effort; and
 - (3) exterior cracks between the prime door frame and the exterior wall are caulked; and
 - (4) one of the following conditions is met:
 - (a) a storm door is affixed to the prime door frame, with caulking installed so as to fill exterior cracks between the storm door frame and the prime door frame; or
 - (b) weatherstripping is applied such that the space between the door and the prime door frame is no larger than 1/16 inch at any point on the perimeter of the door or
 - (c) the door is sufficiently well-fitted such that, without weather-stripping, the space between the door and the prime door frame is no larger than 1/16 inch at any point on the sides of the door or 1/8 inch at any point on the top or bottom of the door.
- (C) A wall, floor, ceiling or other structural element shall be considered weathertight only if all cracks and spaces not part of heating, ventilating or air conditioning systems are caulked or filled in as to prevent infiltration of exterior air or moisture.

410.502: Use of Lead Paint Prohibited

No paint that contains lead shall be used in painting any surface of any dwelling. (See 105 CMR 460.000.)

410.503: Protective Railings and Walls

The owner of all dwellings shall provide:

The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER:

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

LICENSEE NAME:

ADDRESS:

CITY/TOWN: STATE ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock | <input type="checkbox"/> Change of License Type |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Wine & Malt to All Alcohol | |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
 P. O. BOX 3396
 BOSTON, MA 02241-3396**

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Manager Application

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. Licensee Information:

Legal Name of Licensee: Business Name (d/b/a):

Address:

City/Town: State: Zip Code:

ABCC License Number: (If existing licensee) Phone Number of Premise:

2. Manager Information:

Name: Cell Phone Number:

Are you a U.S. Citizen: Yes No Court and Date of Naturalization:

(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)

List the number of hours per week you will spend on the licensed premises:

Have you ever been charged or convicted of a state, federal or military crime? Yes No

If yes, attach an affidavit as to all charges and disposition.

Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Personal Information Form

1. Licensee Information:

Legal Name of Licensee:	John F. Glass Jr. VFW Post 2188	Business Name (d/b/a):			
Address:	12 Station St.	ABCC License Number: (If existing licensee)	070000009		
City/Town:	Middleboro	State:	MA	Zip Code:	02346
Phone Number of Premise:	508-947-8648	EIN of License:	453276814		

2. Personal Information:

Individual Name:	Roger L. Card Jr.	Home Phone Number:			
Address:	1131 Center St.	E-mail Address:			
City/Town:	Middleboro	State:	MA	Zip Code:	02346
Social Security Number:		Date of Birth:			
Place of Employment:	All Veterans Canteen Inc.				

Have you ever been convicted of a state, federal or military crime? Yes No

If yes, attach an affidavit as to all charges and disposition.

3. Financial Interest:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Employee

IMPORTANT ATTACHMENTS: For all cash contributions, attach last 3 months of bank statements for the source(s) of this cash.
If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	08-28-2012
Title	Adjutant	(If Corporation/LLC Representative)	



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 9/13/2012
NAME OF APPLICANT Roger L Card
ADDRESS OF APPLICANT 1131 Center St Middleboro MA 02346
ASSESSORS MAP & LOT _____
DAYTIME TELEPHONE 508 467 1112

NAME OF BUSINESS John F. Glass JR Post 2188 VFW
OWNER OF PROPERTY TO BE LICENSED Middleboro Overseas Veteran Inn
ADDRESS OF PROPERTY TO BE LICENSED 30 Station St Middleboro MA 02344
ASSESSORS MAP & LOT 50N 5974

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand Furniture _____ 2nd Hand Clothing _____
Class I License _____ Class II License _____
Class III License _____ Liquor License Change of manager
Common Victualler _____ Automatic Amusement _____
Entertainment _____ Other _____

Anticipated Start Date for Business _____
Hours requested: _____

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:

Signature Roger L Card

DATE OF HEARING 9/17/2012 APPROVED/DENIED

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

Virginia Maluciano

September 14, 2012

Board of Selectmen:

There is nothing in the CORI background records to cause concern in approving Roger L. Card, Jr. as a manager for the VFW liquor license.

Jackie Shanley, Secretary

John F. Glass Jr. VFW Post 2188 Inc.

12 STATION ST,

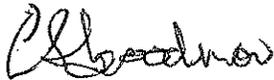
MIDDLEBORO MA, 02346

(508) 947-8648

08/28/2012

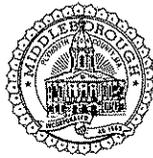
To whom it may concern:

We the elected members / trustees have unanimously voted Roger L. Card Jr. as bar manager of the facility know as the Middleboro VFW Post 2188.

A handwritten signature in black ink, appearing to read "Eric Goodnow". The signature is written in a cursive style with a large initial "E".

Respectfully Adjutant Eric Goodnow

Incorporated 1669
335 Years of Progress



**CRANBERRY CAPITAL
OF THE WORLD**



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

MEMORANDUM

TO: Board of Selectmen

FROM: Charles J. Cristello, Town Manager 

RE: Recommendations for October 1, 2012 Special Town Meeting Articles

DATE: September 21, 2012

Cc: Finance Committee, School Committee, Department Heads, Superintendent of Schools, School Business Manager

Enclosed please find my recommendations and background information for the upcoming Special Town Meeting.

I expect that we will have a healthy free cash certification, approximately \$1.5 million, of which I am recommending \$900,000 be placed in the Stabilization Fund in Article 4. I am recommending that we use the balance of free cash as follows:

OPEB Trust Fund	\$200,000	Article 5
Debt Principal Pay-Down	\$170,000	Article 1
Information Technology Equipment	\$131,485	Article 7
Revaluation	\$ 58,000	Article 11
Stormwater Compliance	\$ 50,000	Article 9
Special Counsel Budget	\$ 15,000	Article 1
Sick Leave Buy Back and Unpaid Bills	\$ 13,765	Articles 2 & 3

Should free cash be higher than anticipated, I would recommend that the additional amount be directed to the Stabilization Fund or to pay off recent borrowings.

We are again fortunate that the Peirce Trustees are contributing \$100,000 to fund capital projects. The Board of Assessors have also released \$100,000 from the overlay account to fund most of next year's revaluation.

I am recommending a handful of small increases to operating budgets amounting to \$22,079 in Article 1. The \$150,000 increase to the Snow Removal budget was anticipated during our budget discussions last spring. The \$33,189 increase to the School Department is the result of a late increase in Chapter 70 aid by the Legislature. At the request of the Town Accountant, I am also recommending the transfer of \$1,120 from the Town Manager budget to the Unclassified budget.

I will be happy to answer any questions you may have.

RECOMMENDATIONS FOR SPECIAL TOWN MEETING OCTOBER 1, 2012

	Free Cash	Borrowing	Overlay	CPA	Peirce Trust
Article 1	\$185,000				
Article 2	\$3,100				
Article 3	\$10,665				
Article 4	\$900,000				
Article 5	\$200,000				
Article 6	\$0				\$60,000
Article 7	\$131,485				\$40,000
Article 8	\$0				
Article 9	\$50,000				
Article 10	\$0	\$220,000			
Article 11	\$58,000		\$100,000		
Article 12	\$0			\$5,150	
Article 13	\$0			\$3,000	
Article 14	n/a				
Article 15	n/a				
Article 16	n/a				
Article 17	n/a				
Article 18	n/a				
Article 19	n/a				
Article 20	n/a				
Article 21	n/a				
Article 22	n/a				
Article 23	n/a				
Article 24	n/a				
Total	\$1,538,250	\$220,000	\$100,000	\$8,150	\$100,000

Summary

Free Cash \$1,538,250 Projected to be Certified as of July 1, 2012
 Articles 1-24 \$1,538,250
 Balance \$0

Stabilization \$349,600 Projected to be Certified as of July 1, 2012
 Article 4 \$900,000
 Balance \$1,249,600

OPEB Fund \$0 Projected to be Certified as of July 1, 2012
 Article 5 \$200,000
 Balance \$200,000

DRAFT MOTION

Article 1 (Budget Supplements - \$390,268) (Interdepartmental Transfers - \$1,120)

I move that the Town raise and appropriate the sum of \$22,079 to supplement the following budgets and account numbers for fiscal year 2013

	DEPARTMENT	ACCOUNT	LINE ITEM	AMOUNT
Treasurer	145	511101	Reg. Pay Clerical	\$3,941
Planning	175	511104	Reg. Pay Clerical	\$1,914
Animal Control	292	512100	Reg Pay Dog Officer	\$3,925
Health	521	511101	Reg. Pay Clerical	\$1,847
Health	521	511145	Reg. Pay Nurses	\$5,233
Unclassified	950	532500	Other Bldg. Maint.	\$2,219
Unclassified	950	535500	Engineering	\$3,000
				\$22,079

I further move that the Town raise and appropriate from taxation the sum of \$150,000 to supplement department 422 DPW Highway Snow Removal, account number 15293.

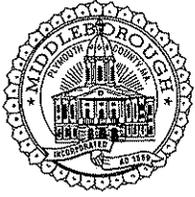
I further move that the Town raise and appropriate from taxation the sum of \$33,189 to department 300 School Department.

I further move to transfer \$820 from department 123, Town Manager Training, account number 532200 to department 950 Unclassified Training, account number 532200.

I further move to transfer \$300 from department 123 Town Manager Training, account number 532200 to department 950 Unclassified Clothing, account number 532300.

I further move to transfer \$15,000 from free cash to department 151 Law Consultant Special Counsel account number 530400

I further move to transfer \$170,000 from free cash to department 710 Debt Service Maturing Principal account number 591000



Assessor's Office

10 Nickerson Avenue
Middleborough, Massachusetts 02346

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

September 20, 2012

Board of Selectmen
10 Nickerson Avenue
Middleboro, MA 02346

Honorable Members:

The Board of Assessors voted at their regular scheduled meeting September 20, 2012 to release and transfer the following from Overlay to Overlay reserve.

Fiscal 2005	\$	272.32
Fiscal 2011	\$	<u>99,727.68</u>
		\$100,000.00

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Erickson".

Barbara Erickson, M.A.A.
Assessor/Appraiser for the
Middleborough Board of Assessors

/b

cc: Board Assessors
Charles Cristello, Town Manager ✓
Steve Dooney, Accountant

ARTICLE 1

Charles Cristello

From: Judy MacDonald
Sent: Monday, September 10, 2012 1:28 PM
To: Charles Cristello
Subject: Unpaid bill prior year
Attachments: 20120910130108497.pdf

Charlie,

Attached you will find an unpaid bill for bond counsel \$3,100.00 for the septic betterment program. I also need an adjustment of \$ 3,940.10 to Reg. Pay Clerical F.T. when I calculated Denise's pay for the year I used the hourly rate for clerks **hired after 5/16/05**, I should have used the hourly rate for **clerks hired before 5/16/05**.

Judy

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

CONFIDENTIALITY NOTICE: The information contained in this e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure of distribution is prohibited. If you are not the intended recipient, and have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you

Charles Cristello

From: Ruth Geoffroy
Sent: Monday, August 20, 2012 11:57 AM
To: Charles Cristello
Subject: RE: Lorraine upgrade

2% COLA		Senior Clerk						
person	Step	Amount/hr	Anniv Date	# weeks	hours	pay	New Step	Amount/hr
Lorraine	7	19.7949	7/18/05	3	28	1662.772	8	20.3888
								with 5% Increase
		Sr Clerk						21.4082

I believe we need to add \$1914.721 to our budget. Do you want Donna to do the same thing?

Ruth McCawley Geoffroy, AICP
 Middleborough Planning Director
 20 Centre Street, 2nd Fl.
 Middleborough, MA 02346
 rgffry@middleborough.com
 508-946-2425
 508-946-1991 fax

From: Charles Cristello
Sent: Monday, August 20, 2012 11:41 AM
To: Ruth Geoffroy
Subject: RE: Lorraine upgrade

Yes

From: Ruth Geoffroy
Sent: Monday, August 20, 2012 11:36 AM
To: Charles Cristello
Subject: Lorraine upgrade

You had asked me just to remind you about Lorraine's upgrade to Senior Clerk for the special Town Meeting. As you know, her position always was a Senior Clerk when we only had one clerk. Mary Collins was hired to do the accounting and she was made the senior clerk; when she was cut 2 years ago Lorraine took back all of the duties of the job but because of the budget cuts we could not bring the position back to where it should have been. Do you need me to calculate the difference in pay?

Ruth McCawley Geoffroy, AICP
 Middleborough Planning Director
 20 Centre Street, 2nd Fl.
 Middleborough, MA 02346
 rgffry@middleborough.com
 508-946-2425
 508-946-1991 fax

8/20/2012

Charles Cristello

From: Jeanne Spalding
Sent: Thursday, July 26, 2012 8:42 AM
To: Charles Cristello
Subject: FW: upgrades
Attachments: Animal Inspector - Health Inspector.doc
Slightly revised with revision date on bottom.

From: Jeanne Spalding
Sent: Wednesday, July 18, 2012 4:47 PM
To: Charles Cristello
Subject: upgrades

It will cost a total of \$11,004 for both upgrades for the year retro to July 1. \$1847. For DF and \$9157. For JG. Somehow I thought it would be more. I made slight revisions to previous job description for Jess to include ACO coverage when needed.

NATIONAL

44 Hook Road, Bayonne NJ 07002

Temporary Fence and Storage Containers

Toll Free 800-352-5675 * Local# 201-215-3362 * Fax# 201-215-3487

To accept this bid and confirm installation date, complete the section below, sign and fax back to: 201-215-3487. Installation date CAN NOT be confirmed until signed quote is returned!

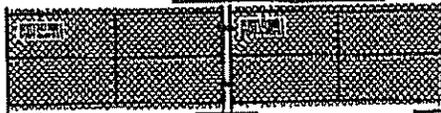
Estimate For Rental Prepared By Ernest Kodada

Company: TOWN OF MIDDLEBORO		Jobsite/Name: WASHBURN FREIGHT HOUSE	
Phone: 508-946-2481		Address: CAMBRIDGE STREET	
Fax or Email: 508-946-2484		MIDDLEBORO, MA	
Customer Contact: ANDY	Date Prepared: 3/16/2012	Bid Expiration Date: 10 DAYS	Estimated Install Date: 1 YEAR
			MINIMUM: COD
#	Order Qty	Description	UOM
1	300	6FT PANELS	PLF
2	25	SANDBAGS	EA
3	1	6 X 4 HINGE GATE	EA
4			
5			
6			
7			
8			
9			
10			
11			
12		Prevailing Wage	
13		Requires name & fax number of Public Entity	
14			
15		** Certified payroll upon request on prevailing wage jobs **	
16		** Before placing order, all tax exempt documents must be sent in for approval **	
			Subtotal
			% Tax @ 6.250%
			Total

8x20 Storage Containers available @ \$84.00/Month!

Note: If material is driven past, we would need 2-3 working days for undergrounds to be marked out by One call. We will make the call in receive a serial number.

TEMPORARY FENCE



MOBILE STORAGE



Signature		Printed Name		Position		Date	
Your customer service rep: Ernest Kodada				E-mail Address: ekodada@renational.com			
Lessee Address:		City:		State:		ZIP:	
Job Site Address:		City:		State:		ZIP:	
Cross Street:		PO#:		Super:		Cell#	
Job Name:		Job Phone#		Job Fax#			
Dig Safe # Required: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>		Call Before You Dig# Required: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>					

** The price on this bid includes a one time installation and a one time removal **

PRICING BASED ON PREVAILING WAGE: No Yes Rate: CLIENT TO SUPPLY

In the event, that above services are subject to prevailing wage laws, any penalties or increased wages, not included in this estimate will be paid by the Lessee.

PLEASE ALLOW 10-14 DAYS NOTICE FOR FENCING REMOVAL

Remove and Relocate charges: Fencing - same as installation price

At the end of the contract customer can choose to renew the contract or have fence removed. If not renewed, customer will be a monthly rate of 18% of their original price.

ARTICLE 2



EDWARDS WILDMAN PALMER LLP
111 HUNTINGTON AVENUE
BOSTON, MASSACHUSETTS 02199-7613
+1 617 239 0100 MAIN +1 617 227 4420 FAX
edwardswildman.com

Invoice

Wire Instructions:

Bank of America
Westminster St., Providence, RI 02903
Acct# 000156917009
ABA Wire Transfer # 026009593
ABA ACH Payment # 011500010

Swift Code: BOFAUS3N
DUNS# 361207116

Please Note New
Remittance Address
P.O. Box 416395
Boston, MA 02241-6395

Fed. Id #05-0135015
20559 NARRATIVE

Town of Middleborough, Massachusetts
20 Centre Street, 3rd Floor
Middleborough, MA 02346

June 13, 2012

218627/0001
Invoice # 1822432

Bonds

For legal services rendered in connection with the issuance of the \$300,000 Community Septic Management Program Bond to the Massachusetts Water Pollution Abatement Trust by the Town, including preliminary advice and examination of proceedings, preparation of documents relating to the bond sale, closing documents and the bond and an opinion approving the legality of the bond and the related Loan Agreement and Project Approval Certificate and Regulatory Agreement.

Total for Services \$3,100.00

Total Invoice: \$3,100.00

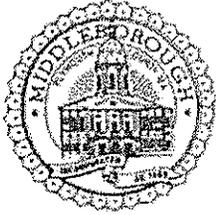
BOSTON · CHICAGO · FT LAUDERDALE · HARTFORD · LONDON · LOS ANGELES · MADISON NJ · NEW YORK · NEWPORT BEACH
PROVIDENCE · STAMFORD · TOKYO · WASHINGTON DC · WEST PALM BEACH · HONG KONG (associated office)
This invoice may include charges for professional services rendered by fee earners of Edwards Wildman Palmer UK LLP.

The partnerships of Edwards Angell Palmer & Dodge LLP and Wildman, Harrold, Allen & Dixon LLP merged on October 1, 2011.
The new firm's name is Edwards Wildman Palmer LLP.

ARTICLE 7

Town of Middleborough

Information Technology Department



Town Hall
10 Nickerson Avenue
Middleborough, MA 02346

Telephone: 508-946-2435

Fax: 508-946-6060

The Information Technology Department requests \$171,485 for hardware/software upgrades. The capital funds requested by the I.T. Department will positively impact all departments on the Town's network. The funds will be used to replace older technology currently classified as "end of life" so that the Town may replace it with functionally richer, scalable technologies. The network hardware upgrades shall phase out switches and other devices, as well as servers and related computer equipment, currently ten to fifteen years old. Much, if not all of this equipment, has been running in continuous service during this time frame. Once the hardware piece is upgraded, software built to optimize the newer features of the hardware, shall be installed and configured. Virtualization of the systems is critical to the technology strategy going forward. The Town will eliminate inefficiencies as well as fortify its infrastructure, with the hardware and software updates recommended in this request.

Server upgrades outlined in this implementation shall primarily impact the servers responsible for the Town's email and geographical information systems (G.I.S.) The Town's email server, purchased in 2005, runs Exchange and serves all municipal departments, maintaining over 75 GB of data. The State of Massachusetts, as outlined in the Municipal Records Retention manual, recommends that five years of electronic correspondence be maintained and archived. The G.I.S. server, purchased in 2003, is accessed by multiple departments routinely in order to complete workloads relating to the databases housed in Oracle on this device—the G.I.S. and the Vision Appraisal assessment databases. In FY 2010 the Department of Revenue strongly recommended the full implementation of the G.I.S. component in the Assessing Department to facilitate assessment administration during the next scheduled Revaluation period. Expenditures listed under the hardware and software categories of the Capital Request address and meet the recommendations of the D.O.R.

In addition, the Capital Request includes the first phase of workstation/laptop/printer replacements for the Police Department, Assessing Department, Town Manager, Selectmen and Library. IPADS for the Board of Selectmen and personnel shall facilitate communication and workflow management. IMAS Software is expected to streamline and improve efficiencies for election tracking and marriage certificates issued in the Town Clerk's Office. The new equipment and applications installed to all departments establishes

improvements to the network, its functionality and software programs utilized daily in those offices.

The capital funds received and expended during FY 2012 were used to replace workstations in departments at the Town Hall and the Savings Bank building, as well as at the Council On Aging, DPW, Park, Fire, Library and School Departments. The Police received a server to host the IMC software and the Town installed a new file storage solution. These improvements have positioned the Town to take the next step in its Capital Plan, which shall focus on the requirements outlined by the D.O.R. and virtualization of the systems.

Information Technology Department
September 7, 2012

Capital Request FY2013

Department/Category	QTY	Received FY2012	QTY	FY2013
INFORMATION TECHNOLOGY TOWN:				
HARDWARE				
Server Upgrades/Replacement	2	\$10,440	2	\$17,131
Replace Remaining CRT monitors with LCD monitors				\$0
LCD Monitors	4	\$1,264	30	\$0
LCD Monitors - Mapping	98	\$63,334	4	\$31,100
CPUs	3	\$2,420	9	\$14,000
Laptop Replacements			4	\$0
Thin Client			9	\$12,390
Network Hardware Upgrades			7	\$6,979
iPADS			8	\$32,319
Printers		\$637		\$0
Writing and Installation				
		\$78,095		\$113,919
SUBTOTAL HARDWARE				
SOFTWARE				
Windows Server 2008	3	\$4,528	8	\$12,222
Windows 7 Upgrade			25	\$2,891
Microsoft 2010 Upgrade			25	\$7,860
Paperworks Licenses (Ecoply)	35	\$5,837		\$0
IMAS Software (Marriage & Election Tracking)				\$3,573
Oracle upgrade to 10g R2/11g R1 or R2				\$20,000
IBM P520 Upgrades		\$9,748		\$0
Miscellaneous Software/Software Upgrades (Agents, 64 bit, Contribute)		\$20,113		\$11,020
				\$57,566
SUBTOTAL SOFTWARE				
		\$98,208		\$171,485
TOTAL INFORMATION TECHNOLOGY				

LAND SCHEDULE

The FY2010 land schedule should be developed using generally accepted mass appraisal methods of land valuation using local zoning as supported by market evidence. The base price land values and land size curve must be developed and supported by arms-length sales.

NEIGHBORHOOD REVIEW

The Board of Assessors should review all residential neighborhood delineation and adjust them as needed by the next certification.

Neighborhood delineations, neighborhood factors and implementation of the FY2010 land schedule should be supplied to the BLA at the beginning of the certification review process.

CYCLICAL REINSPECTION

Maintenance of current and accurate property inventory data is a critical element in the development of uniform, fair market values. Our last certification review indicated that the Board of Assessors should continue with the current cyclical re-inspection program of all descriptive property data, so that each parcel is inspected at least once in every nine-year cycle.

As part of this cyclical re-inspection program, an on-going data quality analysis would help identify recollection priorities for program planning.

For further information on cyclical re-inspection program and data quality analysis please refer to "*The Guidelines for the Development of a Minimum Reassessment Program.*"

INCOME AND EXPENSE DATA

Assessors need to implement a program to ensure a better return of Income and Expense data from Commercial, Industrial and apartment property owners.

TAX MAPS GIS

The assessing office should fully implement the new geographic information system (GIS) to facilitate assessment administration.

September 13, 2012

Mr. Andrew Bagas
Middleborough Department of Public Works
48 Wareham Street
Middleborough, MA 02346

RE: Stormwater Services

Dear Mr. Bagas:

Per your request, this letter summarizes stormwater services conducted for the Town of Middleborough during Fiscal Year 2012, and anticipated services that Environmental Partners Group can conduct in Fiscal Year 2013 to assist the Town in complying with the EPA's Stormwater General Permit

Fiscal Year 2012 Stormwater Services

Last fiscal year, Environmental Partners Group significantly updated the map of the municipal separate storm sewer system (MS4) map for the Urbanized Area of the Town of Middleborough. This included the collection of data for 1339 drainage structures (e.g., catch basins, manholes, outfalls, detention basins) including their condition, size, material, photo. Updated maps and an outfall database report were submitted to the Town for their records. EPG also drafted an Illicit Discharge Detection and Elimination (IDDE) Plan which outlined the methodology for proactively addressing illicit discharges. Additionally during this period EPG provided draft stormwater language to add to the Town's water bills, and drafted the annual stormwater report to EPA/DEP. Lastly, EPG proposed amendments to the Water Resources Protection District bylaws to incorporate requirements of the EPA General Permit for stormwater. Following rejection of those proposed edits to the bylaw, EPG provided draft language to the Town for a General Bylaw that was separate from the WRPD bylaws.

Fiscal Year 2013 Stormwater Services

EPA's 2003 General Permit outlines a host of minimum control measures which the Town of Middleborough is required to implement. While the re-issuance of the 2003 permit has been delayed, the draft general permit that was issued in 2010 added detail to 2003 General Permit. The scope of work outlined herein builds on the 2003 General Permit requirements by using the detail contained in the 2010 draft permit, and also what EPG learned during an EPA audit of a South Shore municipality's storm water permit in August. During this audit, EPA specifically requested documentation on the items outlined in Tasks 2 thru 8.

Our proposed scope of work is as follows:

Task 1: Notice of Intent (NOI)

Under this task EPG will draft the Notice of Intent (NOI) for submittal to the EPA and DEP within 90 days of the effective date of the final Permit. The NOI will be based on the requirements of Section 1.7.2 of the draft 2010 EPA Stormwater General Permit requirements.

Cost: \$6,000

Task 2: Buildings and Facilities

Under this task (detailed in Section 2.4.7.1.b & c of the draft permit), EPG will conduct a follow-up audit of the 18 municipal facilities conducted in 2008 where potential stormwater pollutant sources/practices were observed to document that corrective actions were taken. The deliverable under this task would be a report documenting each inspection with a summary of observations and recommended corrective actions.

Cost: \$4,200

Task 3: Local Bylaw

Under this task, EPG will support (meetings, rewrites) the Town in seeking to adopt a new bylaw to incorporate the EPA-mandated new Construction Site Stormwater Runoff Control, Post Construction controls, and Illicit Discharge Detection and Elimination program requirements into the Town's bylaws. These are bylaws that the Town is required to adopt per the EPA General Permit.

EPG has been successful in other South Shore communities in their adoption of these regulations during the past year (Norwell, Marshfield). This will require active participation and feedback by Town departments (Conservation, Planning, Public Works, Building, and Board of Health) in order to complete this task. It is assumed that 5 meetings will occur as part of this Task in addition to language changes to the proposed bylaw previously submitted to the Town by EPG.

Cost: \$4,700

Task 4: MS4 Infrastructure Operation and Maintenance (O&M)

Under this Task (Section 2.4.7.1.d of the draft Permit), EPG will draft an MS4 Infrastructure O&M Program document. The O&M Program will be comprised of the following components: (1) Catch Basin Cleaning Optimization Program (with the crew of the Catch Basin cleaning program being the de facto inspectors of the MS4 infrastructure during regularly scheduled maintenance), (2) Street Sweeping Program (will rely on interviews with DPW representatives to document proposed street sweeping schedule), (3) Winter Road Maintenance Procedures (will rely on interviews with DPW representatives to document procedures), and (4) Inspection/Maintenance frequencies and procedures for the type of structural stormwater BMP's

Hyannis:

297 North Street, Suite 311, Hyannis, MA 02601
TL 508.568.5103 • FX 508.568.5125

Headquarters:

1900 Crown Colony Drive, Suite 402, Quincy, MA 02169
TL 617.657.0200 • FX 617.657.0201

Woburn:

18 Commerce Way, Suite 2000, Woburn, MA 01801
TL 781.281.2542 • FX 781.281.2543

(i.e., swales, retention/detention basins, etc.) that the Town of Middleborough maintains. We will interview DPW representatives to ensure that the different types of BMP's maintained by the Town are included.

Cost: \$10,800

Task 5: Stormwater Pollution Prevention Plan (SWPPP)

Section 2.4.7.2 of the draft 2010 permit requires a SWPPP for the Middleborough Highway Garage area. This task assumes that a site plan is available for this area. As part of this task, EPG will also conduct a site walkthrough to examine and make recommendations on the Town's management of oil/hazardous waste/solid waste at the Site. A letter report with observations/recommendation will be provided.

Cost: \$4,500

Task 6: Parks and Open Spaces

Under this task (detailed in Section 2.4.7.1.a of the draft 2010 permit), EPG will develop written O&M procedures for the proper use, storage and disposal of pesticides, herbicides, and fertilizers including minimizing the use of these products. An evaluation of lawn maintenance and landscaping will also be conducted to assess whether the Town's practices are protective of water quality. The plan will include a GIS map showing the areas, signage (pet waste) and required management procedures.

Cost: \$3,000

Task 7: Outfall Sampling

Under this task, EPG will undertake field sampling of 30 of the Town's approximately 120 stormwater outfalls, as required in section 2.4.4.7 of the draft 2010 permit. Samples would be collected in the Spring of 2013, after issuance of the final General Permit to ensure the proper parameters are collected. It is assumed for budgeting purposes that those parameters are consistent with the draft 2010 permit and what is outlined in the Town's IDDE plan. Outfalls will be sampled in the order outlined in the Town's IDDE plan. The results would be submitted to the Town with the sampling results and findings.

Cost: \$11,940

Task 8: Connectivity

While the current MS4 map contains over 2200 structures, connectivity between some of these structures is unknown; this connectivity is required to be mapped per the draft 2010 permit. Additional, there are 3 streets (West/East Grove Streets and Bedford Street) within the urbanized area where drainage structures still require mapping. Under this Task, EPG will conduct a 3 field day investigation with a two-man crew in areas where connectivity is unclear and to capture those remaining structures. It is assumed that this two man crew would be accompanied for one

of these days with a representative from the DPW with knowledge of the system in an attempt to fill in the data gaps. Results would be mapped in GIS with an updated 11 x 17 map book submitted to the Town as a deliverable.

Cost: \$4,860

Upon your request, we would formalize this proposal with a Contract Agreement under the previously agreed Terms and Conditions. Environmental Partners is pleased to have this opportunity to serve the Town of Middleborough, and we look forward to working with you. Should you have any questions, require additional information, or would like to meet and discuss this proposal, please do not hesitate to call us at 617-657-0200.

Very truly yours,

ENVIRONMENTAL PARTNERS GROUP, INC.



C. Carter Fahy, P.E., LSP
Senior Project Manager

ARTICLE 12



KING INFORMATION SYSTEMS, INC.

Main Office: 3 Edgewater Drive • Norwood, MA 02062 • Tel (781) 762-6477 • Fax (781) 769-1236
Branch Office: 2701 Boston Road • Wilbraham, MA 01095 • Tel (413) 599-1377

August 6, 2012

Town of Middleborough
Bank Building
20 Centre Street
Middleborough, MA 02346

Attn: Allison J. Ferreira

Dear Allison:

This letter is written as a result of our meeting in your office on August 3, 2012. During that meeting we discussed the need for archive audits after the system is implemented.

The archive system and database need to be audited and updated to ensure that the system is still in **compliance**, that it accurately reflects all of the town's records, all procedures are up to date, and that all departments are participating in the program.

We propose that we send our archive supervisor in for two days on an annual basis to perform an audit and review at a cost of \$560.00 per day, plus expenses. The following tasks will be performed:

- 1) Verify that boxes are being destroyed per your schedule
- 2) Add new boxes to the database (if necessary)
- 3) Adapt regulation changes affecting your retention schedule
- 4) Add record titles for new records
- 5) Identify potential microfilm candidates, as space constraints dictate
- 6) Audit the archives for accuracy (box number, location, etc...)
- 7) Audit the database

As a result of an archive audit, the town may have a number of boxes ready for destruction. We would send a man and van, at a cost of \$126.00 per hour, and \$84.00 per hour for an additional man, if needed, to load and transfer the boxes to the recycling facility for destruction. The cost to destroy the paper contents is \$.16 per pound

We feel that this is the best way to protect the investment of a proper archive system.

Very truly yours,
KING INFORMATION SYSTEMS, INC.

Paula R. Macdonald
Account Representative

PRM/cb
cc: Patricia M. Tigue
President

**Middleborough Sanitary Landfill
Summary of Revised Operating Conditions
September 20, 2012**

Description	Existing Permit & Operating Contract	Proposed	Comments
Annual Town Free Tons	5,460	6,000	Additional free tons to account for Town tons to SEMASS
Annual Town Tons – Preferred Rate	0	4,000	Preferred rate of \$25/ton to account for Town tons to SEMASS
Town Royalty (\$/ton; less than or equal to 29,328 tons)	\$5.25	\$5.25	No change
Town Royalty (\$/ton; more than or equal to 29,328 tons)	\$10	\$10.25 (yrs 1-5) \$10.50 (yrs 5-10) \$10.75 (yrs 10+)	Tiered royalty rate; 5-yr increments upon receipt of Phase III ATO
WMMA Use of Town Free Tons (\$/ton)	\$40	\$40	No change
Town Use of WMMA Commercial Tons (\$/ton)	\$75	\$40 (10k – 11k) \$65 (11k – 12k) \$75 (12k – 14K)	Tiered rate for Town tons in excess of 10,000 tons
Landfill Site Life	2028 or life-of-site	2031 or life-of-site	Provides 3 more years beyond contract
Max Daily Tons	168	320	Flexibility to reach 60,000 annual max
Max Weekly Tons	763	1,600	Daily max times 5 days
Max Annual Tons	39,785	60,000	Accounts for additional commercial and Town tons
Annual Daily Average Tons	153	231	260 days/yr
Max Daily Commercial Hauler Trucks	30	35	Based on historical truck count data, we expect this max daily will occur only a few times per year
Average Daily Commercial Hauler Trucks	20	27	Average based on historical truck counts
Commercial Hauler Delivery Days	260	260	No change
Annual Commercial Hauler Tons	34,325	50,000	Provides increased royalty revenue

Middleborough Sanitary Landfill
Summary of Updated Benefits to Town (under Revised Operating Conditions)
September 20, 2012

1. Royalty
 - Current Agreement provides maximum royalty of \$204,000/year
 - Revised Agreement provides maximum royalty of \$376,000/year or an increase of \$172,000 per year
 - Revised Agreement will provide up to \$6.3 MM in royalty to Town over a 17 year period (2014-2031) or approximately an additional \$3.4 MM in comparison to existing Operating Agreement
2. Town Tons – Free and Preferred
 - Current Agreement provides disposal savings of approximately \$355,000/year (5,460 tons assuming \$65/ton)
 - Revised Agreement provides disposal savings of approximately \$550,000/year (6,000 tons @ \$65/ton plus 4,000 tons @ \$40/ton)
 - Revised Agreement will provide up to \$9.4 MM in disposal savings over a period of 17 years (2014-2031) or approximately an additional \$4.4 MM in comparison to existing Operating Agreement
 - Revised Agreement provides an valuable alternative to manage curbside residential Town tons in 2016 that are currently disposed at SEMASS
3. Town Curbside Residential Tons Collection Efficiency
 - Disposal of Town residential tons at Middleborough Landfill will potentially result in collection savings of approximately \$40,000/year (assuming a savings of 1 hour/truck/day)
4. Increased daily/annual disposal tonnage and additional site life will provide the Town with the following other benefits.
 - Extended operation of landfill residential drop-off area
 - Extended reimbursement for Town landfill monitor
 - Increase in disposal tons provides potential for greater gas generation and potential ability to implement a renewable energy project with greater revenue

AMENDMENT ONE
LANDFILL OPERATIONS AGREEMENT
BETWEEN THE TOWN OF MIDDLEBOROUGH
AND WASTE MANAGEMENT OF MASSACHUSETTS, INC.
DATED FEBRUARY 15, 2006 ("AGREEMENT")

This Amendment One (or "Amendment") is effective this 1st day of November, 2012 by and between Waste Management of Massachusetts, Inc. ("WMMA"), a Massachusetts corporation duly organized and existing under the laws of the Commonwealth of Massachusetts with a place of business at 26 Patriot Place, Foxboro, MA, 02035 and the Town of Middleborough, Massachusetts ("Town"), a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, acting by and through its Board of Selectmen (collectively referred to as the "Parties") and amends the above referenced Agreement. All capitalized terms used in this Amendment shall have the same meaning as in the Agreement, unless otherwise specified herein.

RECITALS

WHEREAS, the Parties entered into the Agreement pursuant to which WMMA agreed to assume responsibility for certain enumerated Landfill operations at the Middleborough Sanitary Landfill and the development of Phase II and III Landfill Expansions; and

WHEREAS, the Parties wish to improve the Phase III development design plans in order to provide increased Landfill capacity in addition to capacity currently projected under the Agreement; and

WHEREAS, pursuant to and conditioned upon the receipt of all necessary regulatory approvals and implementation of such design changes as conceptually depicted on Figure 1 attached, the Parties wish to amend certain terms in the Agreement so as to: increase the daily and annual disposal tons; increase Commercial Hauler Deliveries and disposal tons; increase the annual quantity of Town Tons subject to disposal at no charge; include a preferred rate for additional Town Tons for disposal; adjust the rate at which Royalty Fees are due and owed; and extend the Term to reflect extension of the Landfill Site Life.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants hereafter set forth, and for other good and valuable consideration, hereby acknowledged by the Parties, the Parties agree as follows:

1. Section 5.1, Hours of Operation and Acceptable Solid Waste Deliveries. The second sentence of Section 5.1 is hereby deleted in its entirety and replaced with the following sentence:

“WMMA shall limit Commercial Hauler Deliveries and Town Deliveries to a maximum of 320 tons per day, 1,600 tons a week and 60,000 tons per year subject further to an annual daily average limit of twenty-seven (27) Commercial Hauler Deliveries with no more than thirty-five (35) deliveries on any one given day.”

2. Section 8.1 is deleted in its entirety and replaced with the following language:

“8.1 Free and Preferred Rate Disposal. WMMA shall receive up to a maximum of 220 tons a week and 10,000 tons in any calendar year, (prorated for any partial calendar year) of Acceptable Solid Waste delivered for disposal by or on behalf of the Town, Town residents and/or Town WWTP Sludge for the Term of this Agreement (“Town Tons”). The first 6,000 tons per year will be at no cost and the next 4,000 tons will be at a preferred rate of \$25/ton. If the Town secures an alternative disposal site for the WWTP Sludge, the total allocation shall be available for disposal of Town Deliveries. WMMA recognizes that the Town may not always deliver Town Tons in an amount up to 10,000 tons per year as allowed under this Section 8.1. In that event, and in the event that the Board of Selectmen or its designee, allows WMMA to accept Commercial Hauler Deliveries in excess of 50,000 tons in any calendar year, WMMA agrees to reimburse the Town at the rate of \$40.00 per ton for each ton of commercial Acceptable Solid Waste disposed of in the Landfill in excess of 50,000 tons in that year and such tons shall not be subject to the payment of Royalty Fees described under Section 10.2 below.

WMMA shall make an estimated payment for all tons to be used above 50,000 tons to the Town to cover the first six months of the calendar year, payable no later than August 1st of each calendar year. WMMA shall make a final reconciliation payment to the Town for the entire calendar year payable thirty (30) days after the end of the calendar year in which it is delivered and the Town shall repay any overpayment within sixty days after the end of the calendar year in which it is delivered, or at the Town’s option, WMMA shall deduct such overpayment from the next Royalty Fee due the Town under this Agreement.

If the Town desires to deliver Town tons in excess of 10,000 tons/year in any calendar year, then WMMA agrees to accept Town Deliveries in excess of annual limits defined herein, at the rate of forty dollars (\$40.00) per ton for quantities from 10,001 tons to 11,000 tons; at the rate of sixty-five dollars (\$65.00) per ton for quantities from 11,001 tons to 12,000 tons; at the rate of seventy-five dollars (\$75.00) for quantities from 12,001 tons to 14,000 tons adjusted annually on the anniversary of the Effective Date based on the CPI or the then current Landfill per ton gate rate charged for non-contracted third party Acceptable Solid Waste deliveries to the Landfill, whichever is less.

3. Section 10.2A Royalty or Tipping Fee Payments, is amended to insert the following language after the first full sentence as follows:

“Upon approval of the increased maximum daily and annual disposal rate to 320 tons/day and 60,000 tons/year by local and state regulatory agencies, the Royalty Fee for any tons above 29,328 tons per contract year shall be \$10.25 per ton for years one through five, \$10.50 per ton for contract years six through ten and \$10.75 per ton for all contract years beyond contract year eleven.”

4. Section 14.1 Term, Amend Section 14.1, to change the term on lines four and ten from twenty to twenty-three years.
5. Section 16.3 Notices. Delete the current contact information for WMMA for the location at Mansfield MA and replace it with the following:

Chris DeSantis
Market Area Vice President
Waste Management of Massachusetts, Inc.
26 Patriot Place
Suite 300
Foxboro, MA 02035

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their duly authorized officers or representatives as of the day and year first above written.

WASTE MANAGEMENT OF
MASSACHUSETTS, INC.

By: _____

Name: Christopher DeSantis
Title: Vice President

TOWN OF MIDDLEBOROUGH

By: Board of Selectmen

INTERMUNICIPAL WATER AGREEMENT
BETWEEN
THE TOWN OF MIDDLEBOROUGH
AND
THE TOWN OF LAKEVILLE

THIS AGREEMENT made and entered into this 30th day of July, 2012, ("Agreement"), by and between the Town of Middleborough, a municipal corporation in the Commonwealth of Massachusetts, acting by its Board of Selectmen ("Middleborough"), and the Town of Lakeville, a municipal corporation in the Commonwealth of Massachusetts, acting by its Board of Selectmen, ("Lakeville").

WITNESSETH:

WHEREAS, Middleborough is willing to deliver drinking water to Existing Water Customers (hereafter defined) in Lakeville; and

WHEREAS, Lakeville agrees with Middleborough that Middleborough may deliver drinking water to Existing Water Customers in Lakeville on terms and conditions set forth in this Agreement; and

WHEREAS, Lakeville agrees that it is in the interests of public health, safety and welfare of its residents for Lakeville to enter into this Agreement to permit Middleborough to provide water service to the Existing Water Customers.

WHEREAS, the parties enter this Agreement pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 4A.

NOW THEREFORE, in consideration of the mutual promises and covenants herein set forth, the sufficiency of which is hereby acknowledged, and in order to secure the services described below, the parties hereto agree as follows:

ARTICLE I

Section 101. **Obligations of Middleborough.** Middleborough shall supply water to "Existing Water Customers" as follows:

- A. The terms Existing Water Customers and Existing Water Customer for purposes of this Agreement shall mean those parties identified as Existing Water Customers in the Schedule attached hereto. The terms Existing Water Customers and Existing Water Customer shall include those persons who are the record owner(s) of a property identified in the Schedule at the time of this agreement and their successor(s) in title to the property.
- B. Middleborough is hereby authorized to supply water to Existing Water Customers.
- C. Sale or conveyance or other change of record ownership of a property identified in the attached Schedule by an Existing Water Customer shall not prevent Middleborough from continuing water service, as the case may be, to the successor owner(s) of the property.
- D. Middleborough may in its sole discretion terminate water service to an Existing Water Customer in the event that the use of the property of such customer being served changes to a use other than the Property Use of the property which is identified in the attached Schedule. Examples of use changes without limitation are: (1) a single family dwelling use is changed to a multiple dwelling use; (2) a single family dwelling use is changed to a business or commercial use; or (3) a single family dwelling use is changed to more than one single family dwelling use.

- E. Middleborough may in its sole discretion discontinue and terminate water service to an Existing Water Customer if the annual calendar year water consumption for a particular property of an Existing Water Customer exceeds the water consumption for the property being served for the immediately preceding calendar year by one hundred percent (100%) or more than one hundred percent (100%).
- F. Middleborough may terminate water service to an Existing Water Customer in the event the customer fails to pay Middleborough for the water as billed by Middleborough.

ARTICLE II

Section 201. Obligations of Lakeville. Lakeville understands and agrees to the following obligations, limitations, and commitments, in return for Middleborough's agreement to supply water to Existing Water Customers.

- A. Limitation of Rights. Nothing in this Agreement shall be construed as a grant by Middleborough of any exclusive right or privilege, or any waiver of any existing rights. Lakeville and all Existing Water Customers shall comply in all respects with the Rules and Regulations and rates of the Middleborough Water Department as in force from time to time, unless otherwise specified herein.
- B. The term of this Agreement shall be for twenty years and shall commence on October 1, 2012 and end on September 30, 2032 or upon termination by Middleborough of water supply to all Existing Water Customers in accordance with the terms of this Agreement, whichever is earlier,

provided that this Agreement is approved by the Middleborough Town Meeting as required by the Town of Middleborough by-laws.

- C. Lakeville and all Existing Water Customers shall do everything in their power to minimize wasteful use of water supplied by Middleborough.
- D. Middleborough may from time to time impose restrictions on the use of water by Existing Water Customers pursuant to Middleborough's Water Use Restriction By-law and as the same may be amended. Such restrictions may include but are not limited to outside watering bans, odd/even outside sprinkler use prohibition, day outside watering prohibition and other limitations. All Existing Water Customers shall comply with any such restrictions imposed by Middleborough.
- E. Conformance to Law. Middleborough, Lakeville, and all Existing Water Customers shall abide by all applicable laws of the United States and the Commonwealth of Massachusetts, together with such Rules and Regulations and rates as Middleborough may promulgate from time to time with regard to its water system. Middleborough shall provide Existing Water Customers with a thirty (30) day advance written notice of any proposed changes in its regulations that would impact such Existing Water Customers. Failure of such notice shall not relieve Lakeville or any Existing Water Customers from being subject to such changes.
- F. Lakeville shall take reasonable action to encourage payment of delinquent water bills of Existing Water Customers upon receipt of written notice from Middleborough.

Section 202. Impairment of Supply.

A. Responsibility. Middleborough may not be compelled to furnish water to Existing Water Customers continuously in the case of accident, or in the event that the water mains or their appurtenances or the source upon which the water supply is dependent are impaired. For purposes of this subsection, the word "accident" shall mean, among other things, any occurrence occasioned by the consequences of any act of God, act of public enemy, wars, blockades, riots, natural disasters, civil disturbances, labor strikes, power failures, explosions, or any cause which is not within the control of Middleborough, or which Middleborough is reasonably unable to overcome by the exercise of due diligence. None of the above-referenced causes or contingencies affecting performance shall relieve the Existing Water Customers from any obligation to make payments of amounts then due in respect to water theretofore delivered. Middleborough shall be the sole judge in all these matters, and its decision shall be final and binding upon Lakeville and the Existing Water Customers.

Section 203. Correspondence. Correspondence by Lakeville to Middleborough concerning any matter under this Agreement shall be sent to:

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

Correspondence by Middleborough to Lakeville concerning any matter under this

Agreement shall be sent to:

Board of Selectmen
Town of Lakeville
Town Hall
346 Bedford Street
Lakeville, MA 02347

ARTICLE III PAYMENTS FOR SERVICES

Section 301. Rates. The rates charged for water delivered to Existing Water Customers shall be the same as the rates charged to comparable Middleborough customers located within Middleborough. Middleborough shall have the right and discretion to change water rates for customers in Middleborough at any time during the term of this Agreement which change(s) will impact rates payable by Existing Water Customers. The record owner(s) of a property being served pursuant to this Agreement shall be responsible to pay the rates charged for water service.

ARTICLE IV MISCELLANEOUS PROVISIONS

Section 401. This Agreement constitutes the entire Agreement between the parties.

Section 402. Each party hereto shall each indemnify, defend and hold harmless the other, its officers, boards, agents and employees from and against any and all claims, demand, liabilities, actions, causes of actions, cost and expenses, including attorney's fees, caused by or arising out of any act, omission or default on the part of the indemnifying party, or any of its agents or employees in connection with the terms of this Agreement or any breach thereof.

Section 403. Severability. If any clause or provision of this Agreement or application thereof shall be held unlawful or invalid, no other clause or provision of this Agreement or its application shall be affected, and this Agreement shall be construed and enforced as if such unlawful or invalid clause or provision had not been contained herein.

Section 404. This Agreement shall be for the benefit of and be binding upon the parties and their respective agents and legal representatives.

Section 405. Amendment. Except where otherwise provided for herein, the provisions, terms and conditions of this Agreement shall be modified only by written amendment(s) to this Agreement, executed with the same formality as this Agreement.

Section 406. Lakeville shall not assign its rights and obligations under this Agreement unless Middleborough consents to such assignment in writing. Middleborough shall not be required to consent to any assignment.

Section 407. Waiver. Failure of Middleborough to exercise any right hereunder shall not be deemed to prevent the exercise of such right at some future time.

Section 408. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

IN WITNESS WHEREOF, this instrument is executed in five (5) counterparts,
each of which shall be deemed an original on the date first set forth above.

Edward P. Kelly
[Signature]

[Signature]
[Signature]

J. Kelly
Town of Lakeville Board of Selectmen

[Signature]
[Signature]
Town of Middleborough Board of Selectmen

MIDDLEBORO WATER DEPARTMENT
OUT OF TOWN CUSTOMERS

** UPDATED 8/7/2012 **

ACCOUNT #	NAME & MAIL ADDRESS	SERVICE ADDRESS	STATUS
2-1006	Bridgewater Savings Bank 756 Orchard Street Raynham, MA 02767	6 Main Street Lakeville	Active
2-1008	Richard & Nancy Aaron 8 Main Street Lakeville, MA 02347	same	Active
2-1010-1	Jack Conway & Co., Inc 10 Main Street Lakeville, MA 02347	same	Active
2-1020	Virginia Carrier 20 Main Street Lakeville, MA 02347	same	Active
2-1022	Janet M. Black 7 Twin Oak Road Lakeville, MA 02347	22 Main Street Lakeville	Active
2-1026	Stacey Kilburn & Josepn Cataloni 26 Main Street Lakeville, MA 02347	same	Active
2-1027	Anne Higgins 26R Main Street Lakeville, MA 02347	same	Active
2-1028	SFG Associates, Inc. 28 Main Street Lakeville, MA 02347	same	Active
2-1030	Darryl J. Bernier P.O. Box 464 Middleboro, MA 02346	30 Main Street Lakeville	Active
2-1036	Diana Starr 36 Main Street Lakeville, MA 02347	same	Active
2-1038	Marilyn Quelle 38 Main Street Lakeville, MA 02347	same	Active
2-1103	**** Matthew Comeau 3 Bridge Street Lakeville, MA 02347	3 Bridge Street Lakeville (New owner July 2012)	
2-1104	Leonard F. Vickery 4 Bridge Street Lakeville, MA 02347	same	Active

MIDDLEBORO WATER DEPARTMENT
OUT OF TOWN CUSTOMERS

** UPDATED 8/7/2012 **

ACCOUNT #	NAME & MAIL ADDRESS	SERVICE ADDRESS	STATUS
2-1107	Richard Crowell 7 Bridge Street Lakeville, MA 02347	same	Off at curb 10/21/04
2-1110	Jo-Ellen Kenney 10 Bridge Street Lakeville, MA 02347	same	Active
2-1111	Arleen M Bowles 11 Bridge Street Lakeville, MA 02347	same	Active
2-1112	Brian & Denise Manning 12 Bridge Street Lakeville, MA 02347	same	Active
2-1113	Arthur & Susan McTernan 13 Bridge Street Lakeville, MA 02347	same	Active
2-1114	Antonio Amaral 14 Bridge Street Lakeville, MA 02347	same	Active
2-1118	P. Marshall & T Burgess 18 Bridge Street Lakeville, MA 02347	same	Active
2-1122	Glen Robbins 22 Bridge Street Lakeville, MA 02347	same	Active
2-1126	Howard Bumpus 26 Bridge Street Lakeville, MA 02347	same	Active
2-1140	Clifford Chausse 1 Old Bridge Street Lakeville, MA 02347	same	Active
2-1141	Barry Standish 2 Old Bridge Street Lakeville, MA 02347	same	Active



ARTICLE 18

Town of Middleborough

Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

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

ARTICLE # 18

ANNUAL TOWN MEETING

September 11, 2012

REPORT OF THE PLANNING BOARD

RECODIFICATION OF THE ZONING BYLAWS

On September 11, 2012, the Middleborough Planning Board voted unanimously to recommend **favorable** action on Article #18 as presented in the Town Meeting Handout, to amend the Town of Middleborough Zoning By-laws by deleting Sections 1-18 of the current Zoning By-laws in their entirety, including amendments thereof and substituting Sections 1.0-10.0 of the Recodified Zoning Bylaws therefore.

Michael J. Labonte, Chairman



Article 19

Town of Middleborough

Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

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

ARTICLE #19

ANNUAL TOWN MEETING

September 11, 2012

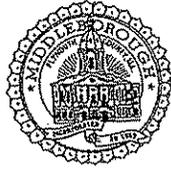
REPORT OF THE PLANNING BOARD

FLOOD PLAIN DISTRICT

On September 11, 2012, the Middleborough Planning Board voted unanimously to recommend **favorable** action on Article #19 as presented in the Town Meeting Warrant, to amend the By-laws by deleting Section XI – Flood Plain District in its entirety and substituting a new Section XI updating the bylaw to conform to the new requirements of the National Flood Insurance Program (NFIP) and the revised Flood Maps to become effective on July 17, 2012.

This Article was requested by

Michael J. Labonte, Chairman



ARTICLE 21

Town of Middleborough

Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

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

September 11, 2012

Mr. Alfred P. Rullo, Jr., Chairman
Board of Selectmen
Town Hall
10 Nickerson Ave.
Middleborough, MA 02346

Re: Tispaquin Farms – Silo Lane

Honorable Board:

The Planning Board, at their regularly scheduled meeting held September 11, 2012, voted to recommend favorable action on the layout and acceptance of Silo Lane by the Town of Middleborough contingent on receiving confirmation of recording of the mortgagees' subordination to the Lot 5 Hydrant Easement at the Plymouth County Registry of Deeds.

The Zoning Board of Appeals, pursuant to MGL Chapter 40B, found that the construction of the subdivision road and the installation of the municipal services to be complete at their public hearing on August 14, 2008 and voted to issue a Certificate of Completion for "Tispaquin Farms".

The Planning Board is in receipt of the following plan entitled: "Acceptance/Layout Plan 'Tispaquin Farms' a Chapter 40B Development in Middleboro, Massachusetts" dated September 3, 2008, revised September 11, 2012 prepared by John W. Delano and Associates, Inc. 27 Jefferson Street, Taunton, MA 02780 consisting of three (3) sheets.

If you should have any questions regarding this, please do not hesitate to contact the Planning Department.

Sincerely,

Michael J. Labonte, Chairman

MJL: lms

CC: Marcus Baptiste
Zoning Board of Appeals



ARTICLE 22

Town of Middleborough

Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

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

September 11, 2012

Alfred P. Rullo, Jr., Chairman
Board of Selectmen
Town Hall
10 Nickerson Ave.
Middleborough, MA 02346

Re: Salem Heights-Londonderry Lane

Honorable Board:

The Planning Board, at their regularly scheduled meeting held September 11, 2012, voted to recommend favorable action on the layout and acceptance of Londonderry Lane by the Town of Middleborough contingent on the Town receiving a recordable layout plan and the following work as identified in a November 2, 2011 memorandum being completed prior to Town Meeting:

Drainage Basin:

- Sediment to be cleaned from the rip-rap at the headwall
- Replace the grass areas in the Plympton Street swale with rip-rap to stabilize: between the paved scupper and the rip-rap and between the bottom of the rip-rap and the bottom of the basin.
- Loam and hydro-seed the grass slope at the corner of the basin west of the headwall where the rut has formed.
- Remove trees from within the drainage basin area (including debris and stumps).
- Remove debris from within the drainage basin (including mowing of grass).
- Unlock and re-align the chain link fence gate and repair the fence mesh.
- Repair the top rail on the west side of the chain link fence where bent and repair the fence mesh where it has pulled away from the rail.

Utilities:

- Straighten utility pedestals.
- Paint three rusting hydrants per Middleborough Fire Department and DPW standards.

The Planning Board, at their public hearing on August 7, 2001, found that the construction of the subdivision road and the installation of the municipal utilities, as approved June 9, 1987, to be complete, and have been built to the standards of the Town of Middleborough Subdivision Rules and Regulations. The Board, therefore, voted to issue a Certificate of Completion for "Salem Heights".

The Planning Board is in receipt of the following plan entitled: "As Built Layout Plan of Londonderry Lane within 'Salem Heights' a subdivision in Middleboro, Massachusetts" dated June 11, 2001,

Board of Selectmen
September 11, 2012
Page 2 of 2

prepared by RIM, Ralph I. Maloon Co., Inc., 150 North Main Street, Mansfield, MA 02040, consisting of one (1) paper sheet.

If you should have any questions regarding this, please do not hesitate to contact the Planning Department.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Labonte", with a long horizontal flourish extending to the right.

Michael J. Labonte, Chairman
For the Planning Board

MJL: Ims

CC: Laura Jo Amaral, Trustee of Londonderry Realty Trust

March 14, 2012

Board of Selectman
10 Nickerson Ave.
Middleborough, MA 02346

Re: Exchange of Land

Dear Board of Selectman,

We would like to request that the Board of Selectmen place an Article on the fall town warrant to enable the exchange of Map 32 Pg 1684 owned by the Town of Middleborough and Map 24 Pg 5834, a drainage parcel owned by Stephen and Maureen Bonfiglioli. This would greatly benefit the Town of Middleborough for the future renovations of Thompson Street, route 105, for drainage and widening of the road.

This matter was previously discussed on March 9, 2012 between Charles Cristello, Town Manager, Ruth McCawley-Geoffroy, Town Planner and Andy Bagas, DPW.

Sincerely,

Stephen Bonfiglioli

Maureen Bonfiglioli

Incorporated 1669
341 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street

Middleborough, MA 02346

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

DIVISIONS

Highway

Sanitation

Insect & Pest Control

Tree Warden

Wastewater

Water

Andrew P. Bagas
D. P. W. Director

September 12, 2012

To: Charles Cristello, Town Manager

From: Andrew Bagas

A handwritten signature in black ink, appearing to read "Andrew Bagas".

RE: October 1, 2012 Town Meeting Article 23

Article 23 proposes a land exchange with the Bonfiglioli's for the Town to acquire a parcel of land in Middleboro as shown on Assessors' Map 32, parcel 1684. This parcel is located on the easterly side of Thompson Street, across from Meadowbrooke Lane.

I recommend that the Board of Selectmen support this article. The parcel that the Town would acquire would have value to the Town as a drainage easement for future improvements to Thompson Street.

ARTICLE 24

BONVIEW CORPORATION

237 THOMPSON STREET MIDDLEBOROUGH MA 02346
508-946-4944

March 14, 2012

Board of Selectman
10 Nickerson Ave.
Middleborough, MA 02346

Re: Meadowbrooke Lane - Lot 7 Map 033 Page 929, and Lot 8 Map 033 Page 951

Dear Board of Selectman,

We would like to move the drainage easement on lot 7 Map 033 Pg 929 and lot 8 Map 033 Pg 951 from the middle of the lots to the rear. The present location of the drainage creates a hardship in the sale of the lot and construction of the residence.

Presently the easement covers an area of 1500 square feet and could contain 1750 cubic feet of water during a 100 year storm event. By relocating the drainage easement to the rear of the lot it could contain an area of 4500 square feet and a volume of 4500 cubic feet of water during a 100 year storm.

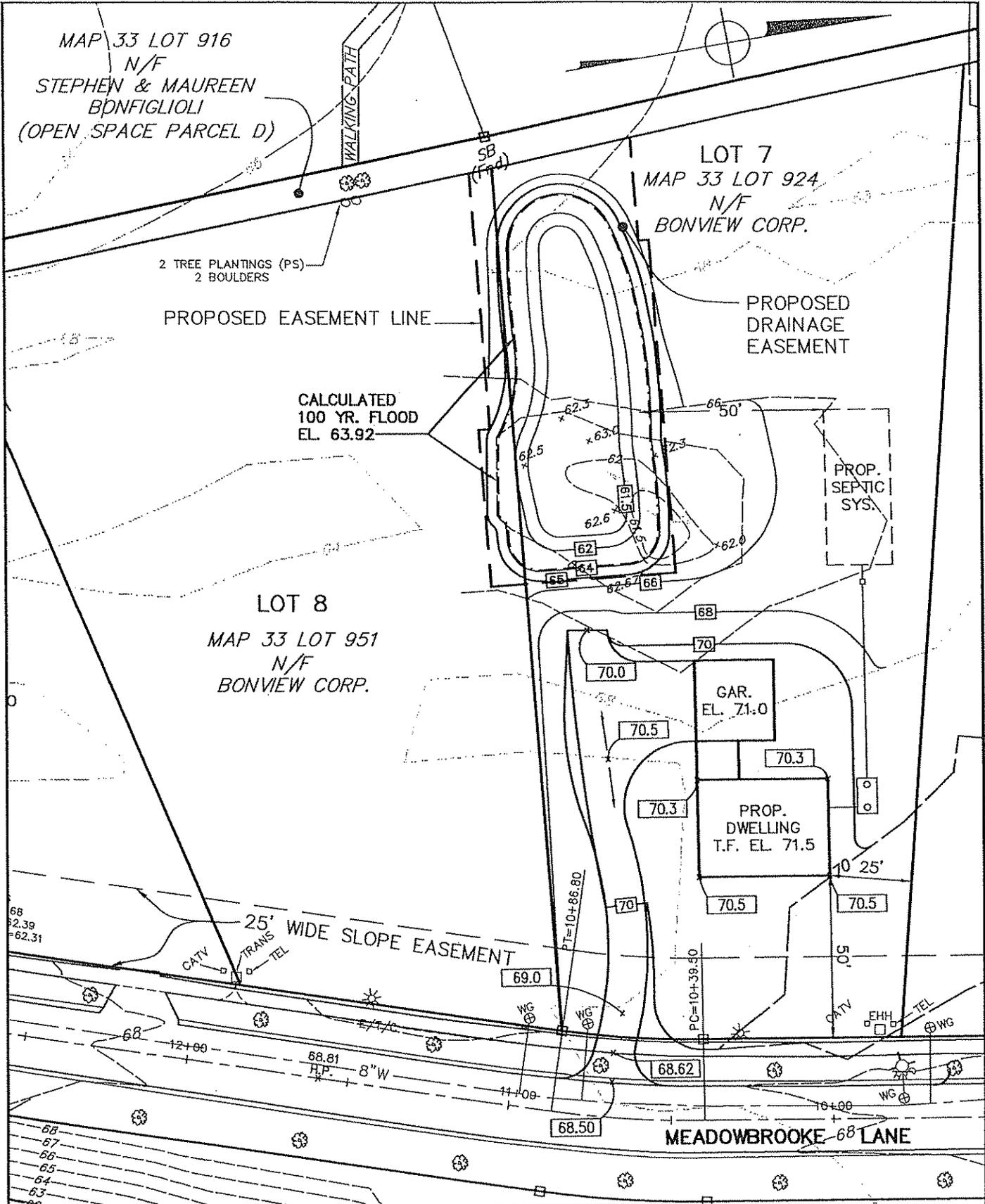
I would like to request that this change be placed in the form of an Article on the Warrant for the Town Meeting in the fall.

If you have any questions regarding this issue please do not hesitate to call us.

Sincerely,

Stephen Bonfiglioli

Maureen Bonfiglioli



MAP 33 LOT 916
N/F
STEPHEN & MAUREEN
BONFIGLIOLI
(OPEN SPACE PARCEL D)

LOT 7
MAP 33 LOT 924
N/F
BONVIEW CORP.

LOT 8
MAP 33 LOT 951
N/F
BONVIEW CORP.

MAP 33 LOT 924 PROPOSED GRADING PLAN
BONVIEW CORP.
MEADOWBROOKE FARMS
MIDDLEBOROUGH, MASSACHUSETTS

Project No.	Date
925	8/14/12
Scale	Sheet
1"=40'	1 OF 1

FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

110 INDUSTRIAL DRIVE
P.O. BOX 1178
MATTAPANSETT, MA 02739
TEL: (508) 758-2749
FAX: (508) 758-2849

THE CROCKER BUILDING
4 COURT STREET SUITE 104
TAUNTON, MA 02780
TEL: (508) 824-9278
FAX: (508) 824-9276

925PR_LOT7



WARRANT FOR SPECIAL TOWN MEETING

Middleborough, Massachusetts

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School, on Monday, October 1, 2012 at 7:00 P.M.**, to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source to supplement and/or adjust departmental budgets for Fiscal Year 2013, or act anything thereon.

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

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

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Stabilization Fund, or act anything thereon.

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$60,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation of account or other available source or by borrowing to purchase a 20/30 passenger special needs school bus with a wheelchair lift for the School Department, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$171,485 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing to purchase computers, servers, monitors, printers, and related hardware and software for various Town departments, or act anything thereon.

ARTICLE 8. To see if the Town will vote to rescind various debt authorization(s) voted at previous town meeting(s) for capital projects and raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund capital projects voted at previous town meetings(s), or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$50,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for the Department of Public Works for all relevant and necessary expenses associated new stormwater activities required by the EPA/DEP, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$220,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C, or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$158,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing for the purpose of a revaluation update and interim updates for the Board of Assessors of commercial and industrial real estate and personal property, and completion of a satisfactory certification and satisfactory interim update, or act anything thereon.

ARTICLE 12. To see if the Town will vote to appropriate \$5,150 from the Historic Resources Reserve of the Community Preservation Fund to fund Phase I of the Middleborough Town Clerk's project for preservation of historic town records by conducting an assessment of said town records as preparation of restoring, preserving and microfilming said records including a computerized document management system; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 13. To see if the Town will vote to appropriate \$3,000 from the Historic Resources Reserve of the Community Preservation Fund to fund signage at fourteen (14) burial grounds of early settlers and historic leaders of our colonial community and veterans of the Revolutionary War, War of 1812 and Civil War; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 14. To see if the Town will vote to authorize the Board of Selectmen to amend the Landfill Operations Agreement between the Town of Middleborough and Waste Management of Massachusetts, Inc. dated February 15, 2006 for the operation of the Brook Street Landfill pursuant to General Laws, Chapter 44, Section 28C (g) on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

ARTICLE 15. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Town of Lakeville to provide water service to existing water customers in the Town of Lakeville on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

ARTICLE 16. To see if the Town will vote to adopt the following by-law:

Section 1. The Town of Middleborough Historical Commission (the "Commission") shall have authority on behalf of the Town to maintain the following historic, private cemeteries in Middleborough:

- Fall Brook Cemetery
- Halifax Cemetery
- Pierce Cemetery
- Reed Cemetery / Marion Road
- Sachem Street Cemetery
- Summer Street Cemetery
- Taunton Street Cemetery

Authority to maintain the said cemeteries shall include maintenance of burial lots in the cemeteries. Maintenance shall be limited to materials and services provided in connection with such maintenance.

Section 2. The Commission may engage one or more persons or parties to provide maintenance at the cemeteries or to make agreements on behalf of the Commission for such maintenance.

Section 3. The Commission shall be authorized to expend available income from the cemetery trust funds which relate to said cemeteries and which are held by the Town Treasurer and Collector of Taxes for maintenance expenses with respect to said cemeteries. Provided that the available income from a trust fund for a particular cemetery may be expended for maintenance expenses relating solely to that particular cemetery. And provided that the Commission shall not incur maintenance expenses for a particular cemetery which exceed the available income from the trust fund for that particular cemetery.

ARTICLE 17. To see if the Town will vote to adopt the following by-law:

Non-Criminal Disposition By-Law

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

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

<u>By-law</u>	<u>Penalty/Fine</u>
By-law regarding use of highways and streets (Adopted under Article 5 of March 7, 1927 Town Meeting)	\$ 20.00
By-law regarding public consumption of alcoholic beverages (Adopted under Article 7 of November 26, 1973 Town Meeting)	\$ 50.00
By-law regarding obstruction of roadway with snow or ice (Adopted under Article 11 of March 13, 1972 Town Meeting)	\$ 50.00
By-law regarding public use of marijuana (Adopted under Article 17 of May 26, 2009 Town Meeting)	\$300.00

Section 3.

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

Section 4.

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

ARTICLE 18. To see if the town will vote to amend the zoning by-laws by making the following changes as part of a recodification:

ITEM 1. Delete the following sections of the current Zoning By-law in their entireties, including amendments thereof:

Section I	Purpose
Section II	Definitions
Section III	Establishment of Districts
Section IV	Use Regulation
Section V	Area Regulations
Section VI	General Regulations

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

ITEM 2. Substitute the following new Sections therefore:

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

or act anything thereon.

ARTICLE 19. To see if the Town will vote to amend the Zoning By-laws by deleting Section XI in its entirety and substituting the following new Section XI therefore:

SECTION XI

FLOOD PLAIN DISTRICT (FPD)

- A. PURPOSE. It is the purpose of this Section to promote the public health, safety and general welfare and to minimize losses by provisions designed to:
1. Restrict or prohibit uses which are dangerous to health, safety or property due to water or erosion hazards or which cause damaging increases in erosion, erosion hazards, flooding or flood velocities;
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Discourage individuals from buying lands which are unsuited for intended purposes because of flood hazard;
 4. Control filling, grading and mineral extraction which may increase flood damage;
 5. Regulate the construction of levees, jetties and other works which may increase flood damage to lands which may be subject to flooding;
 6. Ensure public safety through reducing the threats to life and personal injury;

7. Eliminate new hazards to emergency response officials;
 8. Prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding;
 9. Avoid the loss of utility service which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
 10. Eliminate costs associated with the response and cleanup of flooding conditions; and,
 11. Reduce damage to public and private property resulting from flooding waters.
- B. **APPLICABILITY.** The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Middleborough designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Middleborough are panel numbers 25023C0303J, 25023C0304J, 25023C0308J, 25023C0309J, 25023C0311J, 25023C0312J, 25023C0313J, 25023C0314J, 25023C0316J, 25023C0317J, 25023C0318J, 25023C0319J, 25023C0328J, 25023C0329J, 25023C0336J, 25023C0337J, 25023C0338J, 25023C0339J, 25023C0343J, 25023C0431J, 25023C0432J, 25023C0433J, 25023C0434J, 25023C0442J, 25023C0451J, 25023C0452J, 25023C0453J, 25023C0454J, 25023C0456J, 25023C0458J, 25023C0459J, 25023C0461J, 25023C0462J, 25023C0466J, and 25023C0467J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission.
- C. **BASE FLOOD ELEVATION AND FLOODWAY DATA.**
1. Floodway Data. In Zones A, and AE, along watercourses that have not had a regulatory floodway designated the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is less, within unnumbered A Zones.
- D. The Flood Plain District is hereby established as an overlay district. All development in the District, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with the Wetlands Protection Act, Chapter 131 Section 40 of the Massachusetts General Laws and with the following:
1. The section of the Massachusetts' State Building Code which addresses floodplain areas (currently 780 CMR);
 2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 3. Inlands Wetlands Restriction, DEP (currently 310 CMR 13.00); and,
 4. Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.00, Title 5)

- E. The boundaries of the Flood Plain District shall be determined by scaling distances in the said Maps except where elevations are provided in Zone AE. Where there appears to be a conflict between a mapped boundary and actual field conditions FEMA should be consulted for formal review and map revision. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- F. Notification of Watercourse Alteration. In a riverine situation, the Town Planner shall notify the following of any alteration or relocation of a watercourse:
1. Adjacent Communities
 2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
 3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110
- G. COMPLIANCE. No structure or land shall be used and no structure shall be located extended, converted or structurally altered without full compliance with the terms of this Section, the State Building Code and other applicable regulations.
- H. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Section to repeal, abrogate or impair any existing easement, covenants or deed restrictions. However, where this Section imposes greater restrictions, the provision of this Section shall prevail.
- I. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood and erosion protection required by this Section is considered reasonable for regulatory purposes and is based on scientific methods of study. Larger floods may occur. This Section does not imply that areas outside the Flood Hazard District boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Section shall not create liability on the part of the Town of Middleborough or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.
- J. REGULATORY FLOOD PROTECTION ELEVATION FOR MIDDLEBOROUGH. Within Zone A where the base flood elevation is not provided for on documents referred to in Subsection 8.1.2, the applicant shall produce any already existing, reasonable base flood elevation data and such data shall be submitted to the Buildings Inspector for development criteria.
- K. PERMITTED USES. The following uses which have low flood damage points and do not threaten other lands during times of flood are encouraged within the Special Hazard Areas (Zones A and AE), provided they are not prohibited by any other zoning regulations or other Bylaws and do not require storage of materials, structures, flood control works, or substantial filling or grading. But no use shall be permitted which adversely affects the capacity of the channels of floodways of streams, drainage ditches or any other drainage facility or system. (See FEMA List)
1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
 2. Forestry and nursery uses.
 3. Conservation of water, plants and wildlife.

4. Wildlife management area, foot, bicycle and/or horse paths.
5. Temporary non-residential structures used in connection with fishing, growing harvesting, storage or sale of crops raised on the premises.
6. Buildings lawfully existing prior to the adoption of these provisions.
7. Municipal uses such as water works, pumping stations and other essential services.
8. Outdoor recreational uses including fishing, boating, play areas, beaches, beach cabanas not suitable for dwellings, boardwalks and steps to permit access across swamps or marshes, pavilions and other similar small platforms, lifeguard stations, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, temporary structures for sale for food and refreshments, arts and crafts.
9. Residential uses such as lawns, gardens, parking areas and structures for storage not designed for human habitation.

L. OTHER USE REGULATIONS

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

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

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

The area may be designated as Zone A, AO, AH, AI-30, AE, A99, VI-30, VE, or V.
BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

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

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

DISTRICT: Section XI, the Flood Plain District.

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

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

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

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

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

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

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

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

ONE-HUNDRED-YEAR FLOOD: See Base flood.

REGULATORY FLOODWAY: See Floodway.

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

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

construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

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

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

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

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

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

ZONE A99: Areas to be protected from the one hundred (100) year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONE X: Areas identified in the community flood insurance study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps. or act anything thereon.

ARTICLE 20. To see if the Town will vote to authorize the Municipal Light Board to purchase a parcel of land off the westerly side of Bedford Street in Bridgewater, MA believed to be owned now or formerly by Stiles & Hart Brick Company, containing 37.68 acres of land more or less being shown on Bridgewater Assessors Map 126 as Lot 7 on terms and conditions approved by the Municipal Light Board, to authorize the Municipal Light Board to use available funds of the Municipal Gas and Electric Department to pay the purchase price for the land, and to authorize the Board of Selectmen to make a confirmatory order of taking of the land by eminent domain, or at anything thereon.

ARTICLE 21. To see if the Town will vote to accept Silo Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift the fee in the way as shown on the road layout plan, on file with the Town Clerk entitled "Acceptance/Layout Plan, Silo Lane, 'Tispaquin Farms' a Chapter 40B Development in Middleborough, MA, (Plymouth County) Prepared For T..F. Development, Inc." which plan is dated September 3, 2008, and any related easements, or act anything thereon.

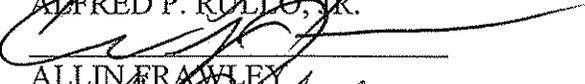
ARTICLE 22. To see if the Town will vote to accept Londonderry Lane as a Town way as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way and related easements as shown on the road layout plan, on file with the Town Clerk entitled "As Built/Layout Plan of Londonderry Lane within Salem Heights a

Subdivision in Middleboro, MA" dated June 11, 2001, drawn by R.I.M. Engineering Co., Inc. and any related easements, or act anything thereon.

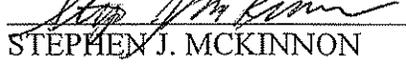
ARTICLE 23. To see if the Town will vote to authorize the Board of Selectmen to make an exchange of land by conveyance of a parcel of Town land off Meadowbrooke Lane in Middleborough shown as Lot 1684 on Assessors Map 32 to Stephen and Maureen Bonfiglioli or other party in exchange for conveyance to the Town of a parcel of land on the easterly side of Thompson Street believed to be owned by Stephen and Maureen Bonfiglioli shown as Lot 5834 on Assessors Map 24 on such terms and conditions as the Board determines, or act anything thereon.

ARTICLE 24. To see if the Town will vote to authorize the Board of Selectmen to release to Stephen and Maureen Bonfiglioli or other party the Town's interest in a drainage easement acquired in an Order of Taking by Eminent Domain dated January 30, 2012 of Meadowbrooke Lane and Bon View Circle recorded in the Plymouth County Registry of Deeds in Book 40950, Page 274, such drainage easement being located on Lot 7 (Lot 924 on Assessors Map 33) and shown on the plan recorded with said order of taking, and to authorize the Board of Selectmen to acquire in exchange for such release by deed and/or taking by eminent domain a drainage easement on said Lot 7 and adjoining Lot 8 (Lots 924 and 951 on Assessors Map 33) on such terms and conditions as the Board determines, or act anything thereon.

Given, under our hands at Middleborough, this 10th day of September, 2012.


ALFRED P. RULLO, JR.

ALLIN FRAWLEY

STEVEN P. SPATARO

BEN QUELLE

STEPHEN J. MCKINNON

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all Inhabitants of said Town of Middleborough, qualified to vote as expressed in said Warrant, to meet at the time and place for the purpose specified by causing an attested Copy of the same to be published in the Middleboro Gazette on the **13th day of September, 2012**, that date being more than fourteen days before the time specified for said meeting.


BRUCE D. GATES, Police Chief