HEARINGS, MEETINGS, LICENSES
9-26-11

Allison J. Ferreira
Town Clerk

TOWN OF MIDDLEBOROUGH

Town Clerk's Office
Bank Building, 20 Centre Street
Middleborough, Massachusetts 02346-2250
508-946-2415 phone
508-946-2308 fax

MEMORANDUM

TO: **Board of Selectmen**

cc: **Judy MacDonald, Treasurer/Collector**

FROM: **Allison J. Ferreira, Town Clerk**

DATE: **September 21, 2011**

RE: ***Fishing and Hunting Licenses***

In December of 2010, the Department of Fish and Game announced the launch of a new electronic licensing system called "***MassFishHunt***". The system is available to license/permit holders via the internet, telephone and at the Division of Fisheries & Wildlife. The Division of Fisheries & Wildlife will no longer issue "books" for licensing agents to sell paper fishing and hunting licenses. Beginning January 2012, all licenses and permits may only be purchased on-line through ***MassFishHunt.***

As the licensing agent for the Town of Middleborough, I could continue to sell fishing/hunting licenses to our residents but would be required to designate a separate bank account to deposit funds into and the State would automatically withdraw funds from the Town's bank account through a third party vendor. Also, the State will not reimburse the Town for the paper, ink or other supplies needed to produce the licenses.

The Town of Middleborough typically sells approximately 10 fishing books per year and 7 hunting books per year (licenses come in books of 25). We currently charge a $1.00 processing fee on regular permits, but do not charge a fee to residents 70 years of age or older, paraplegic, blind or intellectually disabled. In FY 2009 the Town received only $267.00 in revenue from the sale of fishing/hunting licenses, while $14,545.00 was paid to the Division of Fisheries & Wildlife. In FY 2010 the Town received $219.00 in revenue while $11,787.00 was paid to the Division of Fisheries and Wildlife. My office spends a significant amount of time issuing the licenses and producing a breakdown of the receipts.

I spoke with the Division of Fisheries and Wildlife and was informed 240 municipalities have decided **not** to continue selling licenses and only 19 municipalities will continue to offer the services to their residents. The Town of Plymouth is the closest community still offering to sell licenses. Residents may purchase a license on the State's website (www.mass.gov/dfwele/dfw/recreation/licensing/licensing_online.htm). Licenses

will also continue to be sold at Walmart and Dick's Sporting Goods stores. Residents who do not have access to a computer may utilize the public computers available at the Library.

I have consulted with our Treasurer/Collector Judy MacDonald who has informed me she would not approve of having a third party vendor access our Town accounts. I will be coming before you on Monday, September 26, 2011 to receive your decision on whether I should continue to sell fishing/hunting licenses.

Should you have any questions or concerns, please do not hesitate to contact me.

Board of Selectman Meeting
Middleborough Sanitary Landfill
Landfill Operations Update
September 26, 2011

1. Installation of Remaining Phase II Drainage Sand

2. Progression of Landfill Operations

    - Entire Phase II area covered with fill
    - Filling activities progressing to expedite expansion of gas collection system

3. Gas Collection System Improvements

    - Extend primary gas header
    - Install 2 additional gas wells and replacement wells
    - Advance horizontal collectors, as needed

4. Turbine Blower Odor-Control Equipment

5. Site Entrance Landscaping

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 3, 2011 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 2012, 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, the Stabilization 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 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 or by borrowing to purchase a 20 passenger special needs school bus for the School Department, 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 or by borrowing to purchase cruisers for the Police Department, or act anything thereon.

ARTICLE 6. 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, or by borrowing to purchase software, licenses, and related materials for various Town departments, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer 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 with new stormwater activities required by the EPA/DEP, or act anything thereon.

ARTICLE 8. 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, the Wastewater Enterprise Unreserved/Retained Earnings Account, or other available source, or by borrowing to purchase and install an emergency generator for the Lane Street Pumping Station for the Wastewater Department, or act anything thereon.

ARTICLE 9. 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, the Wastewater Enterprise Unreserved/Retained Earnings Account, or other available source, or by borrowing for all relevant and necessary expenses associated with the design of the upgrade to the Wastewater Treatment Facility for the Wastewater Department, or act anything thereon.

ARTCLE 10. 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, the Wastewater Enterprise Unreserved/Retained Earnings Account, or other available source, or by borrowing, for repairs to the force sewer main and appurtenances at or near the Route 44 bridge over Interstate Highway 495, to authorize the Board of Selectmen to make such repairs, to authorize the Board of Selectmen to assess betterments/special assessments for the cost of such repairs and to determine the uniform rate or uniform method applicable to such betterments/special assessments, or act anything thereon.

ARTICLE 11. To see if the Town will vote to accept MGL Chapter 32B section 20 in order to establish an Other Post Employment Benefits Liability Trust Fund, or act anything thereon.

ARTICLE 12. To see if the Town will vote to include satellite well installations at the Spruce Street and Rock wells, tank painting and repair, and the upgrading of pumping stations, to the water system improvements project voted under Article 12 of the warrant for the September 23, 2002 Special Town Meeting, or act anything thereon.

ARTICLE 13. To see if the Town will vote to adopt the following by-law:

PAWNBROKER LICENSE FEE

The fee for a license as a pawnbroker or renewal thereof shall be One Hundred Dollars ($100.00) per license year.

ARTICLE 14. To see if the Town will vote to rescind the dog license demand fee by-law adopted under Article 34 of the 1987 Annual Town Meeting, such rescission to be effective on January 1, 2013, and to adopt the following by-law -

FAILURE TO LICENSE – LATE FEE

Section 1. The license period applicable to licenses for dogs required to be obtained under General Laws Chapter 140 by an owner or keeper of a dog shall be the time in a year between January first and the following December thirty-first, both dates inclusive.

Section 2. The owner or keeper of a dog which is required to be licensed under General Laws Chapter 140 shall cause the dog to be licensed for a license period before April first of the license period. If the owner or keeper fails to obtain a license for the dog by April first of the license period, such owner or keeper shall be liable for a late fee of Ten Dollars ($10.00) to be collected by the Town Clerk at the time the Town Clerk issues a license for the dog. The late fee shall be in addition to license fees, fines, penalties and forfeitures otherwise provided by law. The Town Clerk shall pay all late fees received into the Town treasury.

Section 3. This by-law shall be become effective on January 1, 2013, or act anything thereon.

ARTICLE 15. To see if the Town will accept the provisions of General Law Chapter 31 Section 58A which provides that no person shall be eligible to have his/her name certified for original civil service appointment to the position of police officer if such person has reached the age of thirty-two (qualifying military veterans may be up to age thirty-six) on the date of the entrance examination, or act anything thereon.

ARTICLE 16. To see if the Town will vote to accept Meadowbrooke Lane and Bon View Circle as Town ways 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 "Street Acceptance Plan, Meadowbrooke Lane and Bon View Circle, Meadowbrooke Farm" prepared by Site Design Engineering, Inc. and dated July 14, 2011, and any related easements, or act anything thereon.

Given, under our hands at Middleborough, this 12th day of September, 2011.

ALFRED P. RULLO, JR.

STEPHEN J. MCKINNON

STEVEN P. SPATARO

ALLIN FRAWLEY

BEN QUELLE

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 **15th day of September, 2011**, that date being more than fourteen days before the time specified for said meeting.

BRUCE D. GATES, Police Chief

TOWN MANAGER RECOMMENDATION FOR SPECIAL TOWN MEETING 10-3-11

Articles	Free Cash	State Aid	Other	Wastewater Enterprise	
1	45,300	150,000			
2	634				
3	32,402				
4	45,000				
5	29,690				
6	20,113				
7	50,000				
8				50,000	
9				400,000	Borrowing
10			120,000		Previous Borrowing
11					
12					
13					
14					
15					
16					
	223,139	150,000	120,000	450,000	

Article 1 Detail

20,000	Police Career Incentives
15,000	School Homeless Transportation
9,000	COA Day Program
1,000	Treasurer Mailing
300	Town Clerk Postage
150,000	Snow and Ice (Depending on State Aid Appropriation)
195,300	

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346
(508) 947-1212
Fax (508) 947-1009

Bruce D. Gates
Chief of Police

ARTICLE 1

TO: CHARLES CRISTELLO
TOWN MANAGER

FROM: IRENE HUDSON
ADMIN. ASSIST. TO THE CHIEF

DATE: AUGUST 16, 2011

RE: FALL 2011 SPECIAL TOWN MEETING WARRANT REQUEST

Career Incentive Increases FY12:

The following officers have been approved by the State Police Career Incentive Pay Program to receive incentive pay at the following rates. Some of the officers have earned another degree thus increasing their percentage, some are new to the program.

Kristopher Dees	20%	5,282.06	Increase from 10% to 20%
Mark Meaney	10%	5,282.06	New to the program
Joseph Perkins	25%	3,214.94	Increase from 20% to 25%
Bradley Savage	10%	4,996.03	New to the program
Gregory Trask	10%	5,282.06	New to the program
Nathan Ferbert	20%	7,394.88	Missed
Total		**31,452.03**	

MIDDLEBOROUGH PUBLIC SCHOOLS

FLORA M. CLARK ADMINISTRATION BUILDING, 30 FOREST STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346
Telephone 508-946-2000

Michael F. Malone
Superintendent of Schools

Kathleen Piatelli
Director of Business and Finance

RECEIVED
AUG 25 2011
TOWN MANAGER'S OFFICE
MIDDLEBOROUGH, MA

To: School Committee

From: Michael F. Malone, Superintendent

Re: Two (2) Warrant Articles for **Fall Town Meeting**

Date: August 18, 2011

I would like the Committee to approve submitting the following articles for the next scheduled Town Meeting.

~~Article (1)~~ ARTICLE 4

To see if the Town will vote to borrow or to transfer **$45,000** or any other sum from available funds for the purpose of purchasing a 20 Passenger Special Needs Bus. Such funds to be expended under the direction of the Middleborough School Committee, or do or act in any manner relative thereto.

Explanation: The Capital Planning Committee approved the purchase of a 20 Passenger Special Needs Bus, with the intent to fund it through Free Cash at the Fall Town Meeting.

~~Article (2)~~ ARTICLE 1

To see if the Town will vote to borrow or to transfer **$40,000** or any other sum from available funds for the purpose of increasing the Homeless Transportation allocation. Such fund should to be expended under the direction of the Middleborough School Committee, or do or act if any manner relative thereto.

Explanation: The current year's allocation is $65,000, however the final FY2011 expended amount for homeless transportation was $103,802.11.

ARTICLE 1

From: Andrea Priest
Sent: Thursday, September 01, 2011 1:00 PM
To: Charles Cristello
Subject: RE: day program needs

FY 2009	$76,226.
FY 2010	$73,082.
FY 2011	$83,226.

These figures include all categories of money coming in for the day program :
Client Fees paid, meal payment, transportation payment, grant funding form Old Colony Elderly services and Old Colony Planning Council

Due to a lack of staffing I limited enrollment in 2010
With the addition of three senior aides working 20 hours each and the tax work off volunteer we increased enrollment in 2011
We have lost one of the most valuable senior aides, tax work off volunteer has completed her hours and Valerie (2nd paid position) is on medical leave
We could limit enrollment again but that would mean dismissing present clients in need
The Day program director is excellent but I worry about how long she can sustain this level of responsibility
Thanks

Andrea M. Priest
Executive Director
Middleborough Council on Aging

From: Charles Cristello
Sent: Thursday, September 01, 2011 9:15 AM
To: Andrea Priest
Subject: RE: day program needs

How much has this revenue grown over the past three years. What did the program generate in 09 and 10?

From: Andrea Priest
Sent: Tuesday, August 30, 2011 4:27 PM
To: Charles Cristello
Subject: day program needs

Hello
I am hoping to talk to you tomorrow to revisit the idea of funding the 20 hour assistant for the day program which is less than $9,000. The census continues to grow and the program generated over $73,000 last year. The staff is getting burnt out with the responsibilities of supervising that many volunteers (some of whom are really clients) and only having one other staff member. When one is out the other is really in demand. The clients are getting more and more frail and we have 2 who are "wanderers" who require constant attention.

We have lost 2 positions in the program and this request is to replace one.
I am leaving for a meeting but I will see you tomorrow.

Andrea M. Priest
Executive Director

Charles Cristello

Article 1

From: Judy MacDonald

Sent: Thursday, September 15, 2011 1:07 PM

To: Rich Pavadore - Finance Comm. Chairman; Charles Cristello

Cc: Steven Dooney

Subject: RE: Preliminary FINCOM STM supplements

Hi Everyone,

The Treasurer/Collectors Budget will need $1800 (01.145.542400.0.0) supplement for printing two inserts for the tax bills to inform taxpayers of the CPA.

Judy Mac Donald
Treasurer/Collector

From: FINCOM [mailto:fincom@engineeringspecialties.net]
Sent: Thursday, September 15, 2011 11:20 AM
To: Charles Cristello
Cc: Judy MacDonald; Steven Dooney
Subject: Preliminary FINCOM STM supplements

Charlie,
I attached my preliminary review of the STM warrant articles. It looks like we have a total cost of about $407K which includes the proposed snow and ice supplement of $150K which you are expected to get reimbursed from the state for. If this reimbursement comes to fruition, the cost of the STM (not including borrowing) is $257K.)

Thank you,
Rich Pavadore

work: (508) 378-1112 X 10
cell: (508) 942-1722
Middleboro Finance Committee

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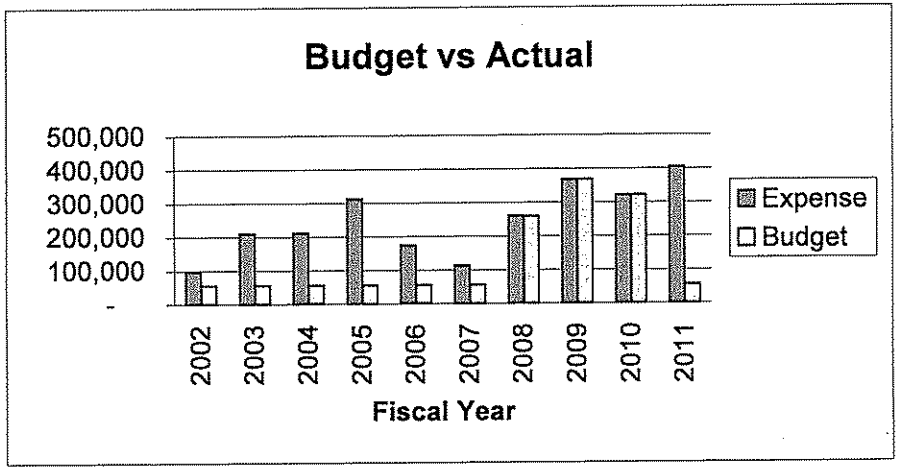
Article 11

TEN YEAR HISTORY SNOW REMOVAL

	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Estimate 2011
Payroll	21,568	73,386	73,855	114,869	25,241	25,919	56,147	87,450	62,758	61,112
Expense	75,742	136,224	136,641	268,482	148,448	87,753	204,255	280,035	257,864	342,489
Fed reimb				71,939						
Total Expense	97,310	209,610	210,496	311,412	173,689	113,672	260,402	367,485	320,622	403,601
Budget	55,000	55,000	55,000	55,000	55,000	55,000	259,000	367,487	320,662	55,000
Surplus/ Deficit	(42,310)	(154,610)	(155,496)	(256,412)	(118,689)	(58,672)	(1,402)	2	40	(348,601)

Average expended last 10 yrs 246,830



ARTICLE 2

Massachusetts Municipal Association

One Winthrop Square
Boston, MA 02110
(617) 426-7272 * Fax (617) 695-1314

Invoice

Date	Invoice #
4/11/2011	MMA 16143

Bill To
Town Clerk Screening Committee c/o Middleborough Public Library 102 North Main Street Middleborough, MA 02346

P.O. No	Terms	Tax Exempt No	Attendee
Beacon Ad 4/2011	upon receipt		

Qty	Item	Description	Rate	Amount
	Beacon AD	Beacon & Web Advertising for Town Clerk Position	230.00	230.00
			Total	$230.00

Town of Middleborough

Information Technology Department

Town Hall
10 Nickerson Ave.
Middleborough, MA 02346

Telephone: 508-946-2435

FAX: 508-946-6066

September 16, 2011

To: Mr. Richard Pavadore
Chairman, Finance Committee

From: Roger Brunelle
I.T. Director

Attached please find three unpaid bills from fiscal year 2011, TK Rose Web Solutions invoice number 2427 in the amount of $37.50 this bill was not received, Roger Brunelle reimbursement request in the amount of $165.31 for items that he purchased for the I.T. department and were not processed, Staples in the amount of $201.58, Staples billing cycle ended after our fical year.

If you have any questions or concerns, please do not hesitate to contact me. Thank you.

cc: Board of Selectmen
Charles Cristello, Town Manager

TK Rose Web Solutions LLC
77 Barker Road
Scituate, MA 02066

Invoice

Date	Invoice No.
03/27/11	2427

Bill To
Town of Middleborough Mr. Roger Brunell 10 Nickerson Avenue Middleborough MA 02346

Ship To

P.O. Number	Terms	Due Date	Rep	Ship Date	Ship VIA	FOB	Project	
		03/27/1		03/27/1				

Item	Description	Quantity	Rate	Amount
Municipal Mainte	fixed job posting and reposted correctly	0.5	50.00	25.00
Municipal Mainte	created connection key for town clerk	0.25	50.00	12.50
			Total	$37.50

Town of Middleborough
Middleborough, MA 02346

REIMBURSEMENT REQUEST

Date Requested 2/4/2011

Name Roger Brunelle
Address 90 Bourne Street
City/ St/ Zip Middleborough MA 02346

DATE OF TRAVEL	MILEAGE DESCRIPTION	MILEAGE AT $0.500	TOTAL

TOTAL MILEAGE COSTS 0.00

	DATE	OTHER REIMBURSEMENTS Please attach receipts	TOTAL
1	11/18/10	Aubuchon	1.70
2	11/23/10	Lowe's	33.96
3	01/05/11	e-bay	125.00
4	01/24/11	Middleboro MPO	4.65

TOTAL OTHER REIMBURSEMENT 165.31

REIMBURSEMENT TOTAL = $165.31

Accounts to be charged:	Amount
Acct# 01.155.	$165.31

EMPLOYEE SIGNATURE

DEPARTMENT HEAD SIGNATURE

AUBUCHON HARDWARE

AUBUCHON HARDWARE 151
Benjamin [illegible]
Middle[illegible]
[illegible]
Mana[illegible] one

****
Check out our new Holiday Attractions
Sale Flyer, loaded with festive savings!
****

Doug J
Normal Sale

MIDWEST FASTENERS 2@0.85 1.70 tx
000025
OR

SUBTOTAL	1.70
TAX 1151 6.25%	0.11
TOTAL	1.81
Cash	2.00
CHANGE	0.19-

****
WE VALUE YOUR FEEDBACK
Please complete a short survey at
RatePoint.com/tellus/5944
****
STORE HOURS
Mon-Sat 7:30-6:00
Sun 9:00-5:00

Visit us online at HardwareStore.com

0015100104065111810

151 001 206 4065 11/18/10 11:55:58

MIDDLEBORO MPO
MIDDLEBORO, Massachusetts
023469998
4371430346-0097
01/24/2011 (800)275-8777 12:40:10 PM

Sales Receipt

Product Description	Sale Qty	Unit Price	Final Price
44c Purple Heart PSA	5	$0.44	$2.20
5c Amer Toleware PSA	20	$0.05	$1.00
5c Amer Toleware PSA	15	$0.05	$0.75
2c Navajo Jewelry PSA	20	$0.02	$0.40
2c Navajo Jewelry PSA	15	$0.02	$0.30
Total:			$4.65

Paid by:
Cash $20.00
Change Due: -$15.35

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.
****
Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.
****

Bill#:1000302047658

LOWE'S

LOWE'S HOME CENTERS, INC.
850 ROUTE 44
RAYNHAM, MA 02767 (774) 226-2036

- SALE -
SALES #: S1857JL2 1488607 11-23-10

69867 12-2 MC W/GREEN GRND, AL	23.46
75443 1/2 STEEL LOCKNUT 2 BAG	0.38
54825 1/2 EMT OFFSET SS CONN 1	2.23
54740 1/2 OFFSET NIPPLE 1 BAG	1.98
159324 1/2" SET SCREW CONN 3 BAG	1.73
114477 3/8 BX CONN 10 BAG	4.18
SUBTOTAL:	33.96
TAX:	2.12
INVOICE 14308 TOTAL:	36.08
[illegible]	36.08

DISC:XXXXXXXXXX6687 AMOUNT [illegible] AUTHCD:02363R
REFID:803999197 11/23/10 13:37:07

STORE: 1857 TERMINAL: 14 11/23/10 13:37:24
OF ITEMS PURCHASED: 6
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS

THANK YOU FOR SHOPPING LOWE'S.
SEE REVERSE SIDE FOR RETURN POLICY.
STORE MANAGER: PETER MCCARTHY

HAVE A COMMENT OR FEEDBACK? LET US KNOW AT:
WWW.LOWES.COM/FEEDBACK
STORE CODE: 18571 12310-14308

WE HAVE THE LOWEST PRICES GUARANTEED!
IF YOU FIND A LOWER PRICE, WE WILL BEAT IT BY 10%.
SEE STORE FOR DETAILS.

Back to order details

Payment Summary

Date printed: Jan-05-11

Status:	Paid with PayPal on Jan 05, 2011.
Seller:	legendmicro-wholesale
Buyer:	therussin

Shipping

Seller should ship to: **Roger Brunelle**
90 Bourne St
Middleboro MA 02346-2111
United States

Payment

Item Name	Shipping	Qty	Price
Samsung 19" LCD Monitor T190 SHIP FREE 230528004489	Standard Shipping : **FREE** UPS Ground Estimated delivery: January 07 - January 13	1	US $125.00

Subtotal:	US $125.00
Shipping & handling:	FREE
Total:	**US $125.00**

Payment instructions: WE CAN ONLY SHIP TO PAYPAL PROVIDED STREET ADDRESSES ONLY. UPS CANNOT DELIVER TO PO BOX/APO/FPO. ALL LARGE TVS ORDERS (42-IN AND BIGGER) MUST BE ACCOMPANIED WITH A VALID DAYTIME PHONE NUMBER. CALL CUSTOMER SERVICE 800-935-9305 X3 TO ADD YOUR PHONE NUMBER.

Payment details: PayPal

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Hi, **therussin**! (Sign out)

All Categories Search

Advanced

CATEGORIES FASHION MOTORS DEALS CLASSIFIEDS eBay Buyer Protection Learn more

Home > My eBay > **Order details**

Order details

Shipping details

Roger Brunelle
90 Bourne St
Middleboro MA 02346-2111
United States

Payment details

PayPal VISA BANK

Order details

Item title	Available actions	Shipping & handling (estimated delivery*)	Price
Seller: legendmicro-wholesale (12838) me Contact seller			Printer version
Paid on Jan-05-11 via PayPal			
Samsung 19" LCD Monitor T190 SHIP FREE 230528004489 - Price: US $125.00 Quantity: 1 Having a problem with this purchase? We can help	Leave feedback	Standard Shipping : **FREE** UPS Ground Estimated delivery: January 07 - January 13	US $125.00

Payment Instructions:

WE CAN ONLY SHIP TO PAYPAL PROVIDED STREET ADDRESSES ONLY. UPS CANNOT DELIVER TO PO BOX/APO/FPO. ALL LARGE TVS ORDERS (42-IN AND BIGGER) MUST BE ACCOMPANIED WITH A VALID DAYTIME PHONE NUMBER. CALL CUSTOMER SERVICE 800-935-9305 X3 TO ADD YOUR PHONE NUMBER.

Subtotal:	**US $125.00**
Shipping & handling:	**FREE**
Total:	**US $125.00**

Mail Payments To:

DEPT.00-06097687
PO BOX 183174
COLUMBUS OH 43218-3174

STATEMENT OF ACCOUNT ACTIVITY
AS OF 07/05/2011

CST 2,435

STAPLES that was easy.

0001509
B
XSPR

TOWN OF MIDDLEBOROUGH
10 NICKERSON AVENUE
10 NICKERSON AVENUE
MIDDLEBORO MA 02346

Account Number: 601110006097687

Please Pay This Amount: 256.92

Payment Due Date: 07/25/2011

Summary of Account Activity

Previous Balance	+/-	Purchases and Returns	+	Finance Charges	+/-	Payments and Adjustments	=	Total Balance
163.60		201.58		0.00		108.26-		256.92

A FINANCE CHARGE of 0.000% per month (00.000% APR) will be assessed on any amount owed which is not paid by the Payment Due Date.

Transaction Detail

Purchases and Returns

TRANSACTION DATE	LOCATION	PURCHASE ORDER/ DESCRIPTION	INVOICE	AMOUNT
06/28/2011	100009412		1673008001	24.99
06/20/2011	100002599	R666	6580	182.63
06/20/2011	100002599	Return	6595	202.63 -
06/20/2011	100002599		6596	196.59

Payments and Adjustments

TRANSACTION DATE	DESCRIPTION	AMOUNT
06/20/2011	Payment	38.27 -
07/03/2011	Payment	69.99 -

Questions About Your Account

MAIL
PO BOX 653030 DALLAS TX 75265-3030

FAX
(800) 921-2222

PHONE
(800) 669-5285

Send Notice of Billing Errors To: ATTN: BILLING ERRORS

See Billing Rights Summary on Reverse Side

FOR PROPER CREDIT, PLEASE WRITE 6011 1000 6097 687 ON CHECK AND ENCLOSE WITH THIS STUB

Please make checks payable to: STAPLES CREDIT PLAN

TOWN OF MIDDLEBOROUGH
10 NICKERSON AVENUE
10 NICKERSON AVENUE
MIDDLEBORO MA 02346

ACCOUNT NUMBER
6011 1000 6097 687

AMOUNT OF ENCLOSED PAYMENT

MAIL PAYMENTS TO:

DEPT.00-06097687
PO BOX 183174
COLUMBUS OH 43218-3174

☐ Please mark box if there is a new address or billing contact

601110006097687000256920001636 0

Bill To:
TOWN OF MIDDLEBOROUGH
10 NICKERSON AVENUE
10 NICKERSON AVENUE
MIDDLEBORO MA 02346

Payment Due Date: 07/25/2011

Please make checks payable to:
STAPLES CREDIT PLAN

STAPLES that was easy.

Please Make checks payable to :
STAPLES CREDIT PLAN
Dept. 601110006097687
PO BOX 183174
COLUMBUS OH 43218-3174

TOWN OF MIDDLEBOROUGH
SHIP TO:
Account: 601110006097687
Invoice: 1673008001

DEBBIE FRANZ
TOWN OF MIDDLEBOROUG Purch by: DEBBIE FRANZ
10 NICKERSON AVE
MIDDLEBORO MA

Amount Due: 24.99
Invoice Date: 06/28/2011
Store: 100009412 Register: MATXC

2000+ SI RCTNGL 1-1.8X2	000684580	1 EA	24.99	24.99

SUBTOTAL	24.99
TAX	.00
SHIPPING	.00
TOTAL	24.99

Please Direct Inquiries to:
Phone: (800) 669-5285 Fax: (800) 921-2222

Please Make checks payable to :
STAPLES CREDIT PLAN
Dept. 601110006097687
PO BOX 183174
COLUMBUS OH 43218-3174

TOWN OF MIDDLEBOROUGH
SHIP TO:
Account: 601110006097687
Invoice: 6580
PO/JOB: R666

Amount Due: 182.63
Invoice Date: 06/20/2011
Store: 100002599 Register: 0008

OUT OF WARRANTY PART SK	478671	1 EA	96.60	96.60
WINDOWS OS INSTALL	860645	1 EA	99.99	99.99
HARD DRIVE INSTALLATION	860611	1 EA	49.99	49.99
DIAGNOSTIC CHECK	441278	1 EA	69.99	69.99-

SUBTOTAL	176.59
TAX	6.04
SHIPPING	.00
TOTAL	182.63

Please Direct Inquiries to:
Phone: (800) 669-5285 Fax: (800) 921-2222

Please Make checks payable to :
STAPLES CREDIT PLAN
Dept. 601110006097687
PO BOX 183174
COLUMBUS OH 43218-3174

TOWN OF MIDDLEBOROUGH
SHIP TO:
Account: 601110006097687
Invoice: 6595
PO/JOB: R666

Amount Due: 202.63-
Invoice Date: 06/20/2011
Store: 100002599 Register: 0008

OUT OF WARRANTY PART SK	478671	1 EA	96.60	96.60-
WINDOWS OS INSTALL	860645	1 EA	99.99	99.99-

SUBTOTAL	196.59-
TAX	6.04-
SHIPPING	.00
TOTAL	202.63-

Please Direct Inquiries to:
Phone: (800) 669-5285 Fax: (800) 921-2222

Please Make checks payable to :
STAPLES CREDIT PLAN
Dept. 601110006097687
PO BOX 183174
COLUMBUS OH 43218-3174

TOWN OF MIDDLEBOROUGH
SHIP TO:
Account: 601110006097687
Invoice: 6596

Amount Due: 196.59
Invoice Date: 06/20/2011
Store: 100002599 Register: 0008

OUT OF WARRANTY PART SK	478671	1 EA	96.60	96.60
WINDOWS OS INSTALL	860645	1 EA	99.99	99.99

SUBTOTAL	196.59
TAX	.00
SHIPPING	.00
TOTAL	196.59

Please Direct Inquiries to:
Phone: (800) 669-5285 Fax: (800) 921-2222

Please Direct Inquiries to:
PO BOX 653030 DALLAS TX 75265-3030
Phone: (800) 669-5285
Fax: (800) 921-2222

Article 3

Charles Cristello

From: Lance Benjamino
Sent: Tuesday, August 02, 2011 4:42 PM
To: Charles Cristello
Subject: Sick Leave Buy Back
Attachments: 2011 Bartlett Retirement.pdf

Charlie,

I received notification that Firefighter Jeffrey Bartlett will be retiring on September 6, 2011 and is requesting his sick leave buy back (See Attached).

Please submit **$11,907.00** in the Town Meeting for Firefighter Jeffrey Bartlett's Sick Leave Buy Back.

Thank You,

Lance Benjamino
Chief of Department
125 North Main Street
Middleborough, MA 02346
508-946-2461
Firechief@middleborough.com

Charles Cristello

From: Lance Benjamino
Sent: Wednesday, August 17, 2011 9:56 AM
To: Charles Cristello
Subject: SICK LEAVE
Importance: High

Charlie,

Lt. John Bryant has requested his Sick Leave Buy Back be included in this Fall Town Meeting, he may be retiring in January.

Sick Leave = $20,495.03

Thank you,

Lance Benjamino
Chief of Department
125 North Main Street
Middleborough, MA 02346
508-946-2461
Firechief@middleborough.com

MIDDLEBOROUGH PUBLIC SCHOOLS

FLORA M. CLARK ADMINISTRATION BUILDING, 30 FOREST STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346
Telephone 508-946-2000

Michael F. Malone
Superintendent of Schools

Kathleen Piatelli
Director of Business and Finance

RECEIVED
AUG 25 2011
TOWN MANAGER'S OFFICE
MIDDLEBOROUGH, MA

To: School Committee

From: Michael F. Malone, Superintendent

Re: Two (2) Warrant Articles for **Fall Town Meeting**

Date: August 18, 2011

I would like the Committee to approve submitting the following articles for the next scheduled Town Meeting.

~~Article (1)~~ ARTICLE 4

To see if the Town will vote to borrow or to transfer **$45,000** or any other sum from available funds for the purpose of purchasing a 20 Passenger Special Needs Bus. Such funds to be expended under the direction of the Middleborough School Committee, or do or act in any manner relative thereto.

Explanation: The Capital Planning Committee approved the purchase of a 20 Passenger Special Needs Bus, with the intent to fund it through Free Cash at the Fall Town Meeting.

~~Article (2)~~ ARTICLE 1

To see if the Town will vote to borrow or to transfer **$40,000** or any other sum from available funds for the purpose of increasing the Homeless Transportation allocation. Such fund should to be expended under the direction of the Middleborough School Committee, or do or act if any manner relative thereto.

Explanation: The current year's allocation is $65,000, however the final FY2011 expended amount for homeless transportation was $103,802.11.

Article 5

MHQ
VEHICLES ■ EQUIPMENT ■ GEAR

August 4, 2011

Chief Bruce Gates
Middleborough Police Department

508-946-2453
bruce.gates@mpdmail.com

Dear Chief,

Please find below an updated quote for **Middleborough Police** per the Plymouth County Cooperative Procurement Contract #09-10-11. M.G.L. c.30B applies to the procurement of all commodities quoted. Plymouth County contract items have been collectively purchased pursuant to M.G.L. c 30B sec. 1c and M.G.L. c.7 sec. 22B. The governmental body is responsible to determine the applicability of M.G.L. c 30B to off contract items, including, but not limited to off contract items that have already been properly procured under M.G.L. c 30B sec. 1c and M.G.L. c. 7 sec. 22A (purchases from a vendor on a contract with the Commonwealth), other contracts procured under M.G.L. c 30B sec 1c and M.G.L. c.7 sec. 22B, or any M.G.L. c. 30B contract between the vendor and the jurisdiction. All off contract items must be procured under M.G.L. c. 30B.

Item		Unit Cost	Qty.	Total
11-01	2011 Ford Crown Vic P7B Black (low profile, no light bar)	$ 23,705.00	1	$ 23,705.00
11-01	5 yr 75k mile ext. powertrain warranty $0 deduct included	$ -	1	$ -
11-01	Install supplied 2 way radio included	$ -	1	$ -
11-01	Transfer siren, speaker, switching & console included	$ -	1	$ -
11-01	Center hubs instead of full wheel covers no charge	$ -	1	$ -
B1	3.27 limited slip rear axle	$ 135.00	1	$ 135.00
B10	Power driver seat	$ 395.00	1	$ 395.00
B14	Pillar mounted black spotlight	$ 190.00	1	$ 190.00
B16	Front window vent shades	$ 50.00	1	$ 50.00
B29	Delete reflective lettering	$ (100.00)	1	$ (100.00)
B35	Tint front windows 45%, all rear windows 35%	$ 325.00	1	$ 325.00
11-01	Wig wag headlight flasher included w/standard power patrol	$ -	1	$ -
C219	Blue dual tier LED grille lights	$ 465.00	1	$ 465.00
C223	(1) dual blue LED Avenger from center rear roofline	$ 305.00	1	$ 305.00
C224	(2) dual LED lights rear deck (Blue/Amber/Blue/Red)	$ 560.00	1	$ 560.00
C226	Blue LED mirror beams	$ 445.00	1	$ 445.00
C252	Code 3 blue LED interior Supervisor light w/takedowns	$ 995.00	1	$ 995.00
C716	Rear window bars	$ 195.00	1	$ 195.00
C1011F	Gooseneck console light w/dimmer	$ 50.00	1	$ 50.00
C1201	Manual Tremco anti-theft switch	$ 135.00	1	$ 135.00
C1403	LED nite-dome	$ 55.00	1	$ 55.00
C1455	Chargeguard for computer system	$ 125.00	1	$ 125.00
C1505	Transfer prisoner cage	$ 135.00	1	$ 135.00
C1507	Install supplied transport seat	$ 75.00	1	$ 75.00
C1512	Transfer (2) front hideaway light system	$ 60.00	1	$ 60.00
C1513	Transfer (4) rear hideaway light system	$ 95.00	1	$ 95.00
C1518	Transfer electric gun rack	$ 45.00	1	$ 45.00
C1519	Transfer computer lap top system	$ 105.00	1	$ 105.00
C1523	Transfer radar	$ 35.00	1	$ 35.00
non contract	Blue LED XT6 in rear door quarter glass panels	$ 395.00	1	$ 395.00
Sub total:				$ 28,975.00

ARTICLE 6

FY2012 Five-Year Capital Needs and Expenditure Plan *6/6/2011 - Final*

Department/Category	FY2012	FY2013	FY2014	FY2015	FY2016
TRASH:					
Rubbish Truck (replaces R3 old 1998 rubbish)				$185,000	
Recycling Vehicle (replaces RC-1 1994 recycle)					$185,000
TOTAL TRASH	$0	$0	$0	$185,000	$185,000
COUNCIL ON AGING:					
Parking lot expansion engineering and permitting		$27,000			
TOTAL COUNCIL ON AGING	$0	$27,000	$0	$0	$0
TOWN HALL AND TOWN HALL ANNEX:					
Repair/replacement of Town Hall cupola	$230,000				
Exterior repair to Annex Building	$10,000				
Window replacement in Annex Building		$10,000			
Insulation of Town Hall Attic			$100,000		
TOTAL TOWN HALL	$240,000	$10,000	$100,000	$0	$0
LIBRARY:					
Re-pointing of the original 1903 Building	$9,200				
Replace asphalt shingled roof		$35,000			
Replace boiler			$30,800		
Replace membrane on flat roof				$19,500	
Replace wooden windows on addition					$40,000
TOTAL LIBRARY	$9,200	$35,000	$30,800	$19,500	$40,000
INFORMATION TECHNOLOGY TOWN:					
HARDWARE					
Database Server	$4,700				
Exchange Mail Server		$4,302			
Domain Controller Replacement		$2,235		$3,680	$7,360
Replace Remaining CRT monitors with LCD monitors	$1,200			$1,200	
LCD Monitors	$3,200	$4,320	$4,800	$5,636	$9,044
LCD Monitors - Mapping	$8,400			$8,400	
CPU Upgrades	$32,645	$16,200	$9,540	$6,900	$15,715
Laptop Replacements	$9,000	$18,000	$9,000		
Thin Client		$8,560	$2,350	$2,350	$1,800
Switches		$12,390	$10,710		$3,860
Printers	$11,482	$15,232	$10,062	$10,958	$29,354
Wiring and Installation	$1,500		$2,000		$1,500
Off-site Backup Configuration	$3,268	$1,280	$568	$360	$325
IBM P520 Upgrades	$2,700	$10,500	$2,700	$2,700	$2,700
SUBTOTAL HARDWARE	$78,095	$93,019	$51,730	$42,184	$71,658
SOFTWARE					
Windows Server 2010		$3,640	$2,800	$2,800	$2,800
Windows 7 Upgrade		$5,319	$5,319	$5,319	
Microsoft 2010 Upgrade		$14,463	$14,463	$14,463	
Ecopy Licenses	$8,775			$8,775	
Cash Register Software	$7,650				
Help Desk Software			$18,890	$12,854	$6,056
Tracking Software	$3,688	$2,695	$3,567	$3,789	$3,231
GIS Standardization - topography, orthogonal			$20,000	$20,000	$20,000
Miscellaneous Software		$7,000	$7,000	$7,000	$7,000
Miscellaneous Software Upgrades		$3,400	$3,400	$3,400	$3,400
SUBTOTAL SOFTWARE	$20,113	$13,095	$52,857	$55,818	$39,687
TOTAL INFORMATION TECHNOLOGY	$98,208	$106,114	$104,587	$98,002	$111,345

Charles Cristello ARTICLE 7

From: Andy Bagas
Sent: Wednesday, September 14, 2011 3:07 PM
To: Charles Cristello
Subject: FW: Sample Town Meeting Article Language

Charlie:

As requested, Middleboro is required to comply with MS4 (Municipal Separate Stormwater Sewer System) General Permit including a Notice of Intent to be filed in the Fall of 2011 and a Stormwater Management Plan to be filed in the Spring of 2012.

This is a five year permit. Year 1 includes collection of data at stormwater outfalls, developing a public outreach program, updating our illegal discharge detection program, reviewing town by-laws, submitting an annual report to DEP and EPA. The suggested annual budget ranges from $25-50,000.

Other cities and towns that have failed to comply with MS4 requirements have been fined by DEP and EPA.

Andy

From: C. Carter Fahy [mailto:ccf@envpartners.com]
Sent: Wednesday, July 27, 2011 11:24 AM
To: Andy Bagas
Subject: Sample Town Meeting Article Language

Hi Andy – thank you for the opportunity to address the Board of Selectmen the other night; they seemed generally receptive to the idea. Below is some sample warrant language that has been used by another Town in seeking stormwater funding.

ARTICLE xx: To see if the Town will raise and appropriate, or appropriate from available funds, $50,000 or any other sum to be expended under the direction of the DPW Director for the purpose of complying with the EPA's 2011 MS4 (Municipal Separate Stormwater Sewer System) General Permit or act on anything relative thereto.
Requested by the DPW Director

Hope this helps. Thanks again.

C. Carter Fahy, P.E., LSP, CHMM
Project Manager/Associate
Environmental Partners Group, Inc.
1900 Crown Colony Drive, Suite 402
Quincy, MA 02169
T: 617-657-0254
F: 617-657-0201
C: 617-816-5305

ARTICLE 10

N.E.L. Corporation

GENERAL CONTRACTOR
PO BOX 929 • 3 AJOOTIAN WAY, BLDG B • MIDDLETON, MA 01949
(978) 777-2085 • FAX (978) 777-2719

Mr. Todd Goldman
Town of Middleborough
Joe Ciaglo Way
Middleborough, MA 02346

Proposal – 8 inch Sewer Main Repair
Route 44 over I495
Middleborough

Scope of Work:
Repair existing 8 inch sewer main which is currently supported by MassDOT Bridge # M-18-053. Remove and replace structural elements as required. Provide Traffic Controls and Police Details. Provide Certified Payrolls as per prevailing wage law. Town of Middleborough is responsible for MassDOT permit to work on I-495

1. Perform an on-site damage assessment to determine extent of repairs.	$ 8140.00
2. Use the data to provide both Middleborough and MassDOT a P.E. Stamped Repair Plan.	$ 4320.00
3. Estimated cost of repairs based on photographs (4/21/11) (Actual Cost to be determined after Damage Assessment)	$91,000.00

If you have any further questions, contact me at 978-777-4144.

Very Truly Yours,

Michael J. Galasso
Vice President

Article 14

From: Decas, Murray & Decas [mailto:decasmurraydecas@yahoo.com]
Sent: Thursday, September 01, 2011 3:25 PM
To: Allison Ferreira
Subject: dog licensing

September 1, 2011

Allison Ferreira, Town Clerk ***(via email)***

RE: dog licensing matters

Dear Allison:

I enclose drafts of two proposed town meeting articles. One article provides for rescission of the existing demand by-law. The second article provides for a new by-law to set the license period as a calendar year and to provide for a late fee if one fails to license before April 1st of a license year.

Please review and advise if you have questions or changes.

Very truly yours,

Daniel F. Murray
Town Counsel
DFM/s
11-154
Enclosure

Dan,

Based on our discussion, we should revoke the existing dog demand by-law and add a new by-law for the dog licensing. The new dog licensing by-law should include the following:

Licenses. Any owner or keeper of a dog which is six (6) months of age or older and is located in the Town of Middleborough shall obtain a license for that dog commencing on January 1st of each year, as required by M.G.L. Chapter 140. The fee for every license shall be ten dollars ($10.00) for all neutered male dogs and for all spayed female dogs and fifteen dollars ($15.00) for all unneutered male dogs and unspayed female dogs. When applying for a license, the application must show proof that the dog has received a veterinarian certificate for rabies vaccination. No fee shall be charged for a license for a dog specifically trained to lead or serve a blind or deaf person,

provided that the Division of the Blind or Deaf certifies that such dog is so trained and actually in the service of a blind or deaf person.

Failure to License/Late Fee. In addition to the requirement that a dog shall be duly licensed as required by law, the owner or keeper of a dog not licensed before April 1st of each year shall be subject to a late fee of $10.00 annually to be collected by the Town Clerk.

Please let me know if you have any questions or concerns.
Thanks,
Allison

Allison J. Ferreira
Town Clerk
Town of Middleborough
20 Centre Street, 1st Floor
Middleborough, MA 02346
aferreira@middleborough.com
(508) 946-2415 phone
(508) 946-2308 fax

From: Allison Ferreira
Sent: Thursday, August 25, 2011 4:53 PM
To: Attorney Dan Murray
Subject: Town of Middleborough - Dog Demand Fees

Dan,

Could you please call me tomorrow to discuss dog demand fees for the Town of Middleborough? I am interested in eliminating the cost associated with mailing out dog demands and have been informed by several municipalities they include the language for a dog demand on their census mailings. Below is the by-law for your review. I can be reached at (508) 946-2415.

Thank you,
Allison

Apr 28, 1987

ARTICLE 34 - DOG DEMAND FEES
Voted to adopt the following by-law:

Section 1. The Town Clerk shall have the right to issue a written demand by mail to the owner or

keeper of a dog which is not licensed pursuant to the rules and regulations relative to the control of dogs in Plymouth County of the Plymouth County Commissioners or other applicable law. The demand shall notify the owner of keeper of the dog that the dog was not licensed in accordance with requirements of law and that the dog must be licensed to comply with applicable law.

Section 2. A demand pursuant to Section 1 shall not be mailed earlier than sixty days after commencement of the applicable license period.

Section 3. The owner of keeper of a dog who has not licensed the dog in accordance with applicable law and to whom a demand is mailed pursuant to Section 1 shall pay to the Town Clerk the sum of $10.00 as a demand fee. The owner or keeper of the dog shall pay the demand fee to the Town Clerk at the time the Town Clerk issues a license for the dog or within thirty days after a demand is mailed pursuant to Section 1, whichever is earlier. The demand fee shall be in addition to license fees, fines, penalties and forfeitures otherwise provided by law. The Town Clerk shall pay all demand fees received into the town treasury, and said fees shall not be thereafter paid to the County of Plymouth.

Approved by the Attorney General August 7, 1987

Allison J. Ferreira
Town Clerk
Town of Middleborough
20 Centre Street, 1st Floor
Middleborough, MA 02346
aferreira@middleborough.com
(508) 946-2415 phone
(508) 946-2308 fax

ARTICLE 15

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346
(508) 947-1212
Fax (508) 947-1009

Bruce D. Gates
Chief of Police

Board of Selectmen
Town Hall
Middleborough MA 02346

SUBJECT: Warrant Article

Honorable Board,

I would recommend you support the Town adopting Massachusetts General Law, Chapter 31 Section 58A. Copy attached and opinion from Town Counsel that this does not apply to the Middleborough Fire Department.

This chapter and section requires a person to be under the age of 32 (up to age 36 for veterans) to be able to take the civil service examination for appointment as a police officer in Middleborough. Civil Service usually has an examination every 2 years.

The advantages to this seem obvious to me. It will encourage long term commitment to the Police Department, younger physically fit officers are needed especially in their early career years and it would help reduce the strain on the pension system. Currently a person up to age 65 could be eligible to take this examination.

Respectfully Submitted,

Bruce D. Gates,
Chief of Police

c/c Charles Cristello
Town Manager

DECAS, MURRAY & DECAS ATTORNEYS AT LAW
132 NORTH MAIN STREET · MIDDLEBORO · MASSACHUSETTS 02346 · (508) 947-4433

GEORGE C. DECAS (RETIRED)
DANIEL F. MURRAY, ESQUIRE
WILLIAM C. DECAS, ESQUIRE

REPLY TO POST OFFICE BOX 201
MIDDLEBORO, MA 02346-0201
FAX (508) 947-7[illegible]

WAREHAM OFFICE:
219-B MAIN STREET
(508) 947-4433

July 28, 2011

Bruce Gates, Chief
Middleborough Police Dept.
North Main Street
Middleboro, MA 02346

Dear Bruce:

You asked about General Laws, Chapter 31, Section 58A. Section 58A provides that in a town which accepts the section, no person shall be eligible to have his name certified for original appointment to the "position of firefighter or police officer" if such person has reached age thirty-two on the date of the (civil service) entrance examination.

Chapter 31 generally regulates civil service. Section 58A regulates a civil service matter. You advised that civil service is applicable to the members of the police force in Middleborough but does not apply to the Town's fire force.

You asked whether the limitations in Section 58A would apply to members of the Town's fire force if the Town Meeting accepted Section 58A. My opinion is that Section 58A would not apply to members of the fire force so long as the fire force is not subject to civil service laws.

You might consider drafting the Town Meeting article (and motion) to make clear that the acceptance relates only to the members of the police force. The following could be used as an article –

To see if the Town will vote to accept the provisions of General Laws Chapter 31, Section 58A which provides that no person shall be eligible to have his name certified for original civil service appointment to the position of police officer if such person has reached the age of thirty-two on the date of the entrance examination, or act anything thereon.

Very truly yours,

Daniel F. Murray
Town Counsel

DFM/s
11-154

§ 58A. Municipal police officers and firefighters; maximum age restrictions

Notwithstanding the provisions of any general or special law to the contrary, in any city, town or district that accepts this section, no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

Added by St.2000, c. 242.

Historical and Statutory Notes

St.2000, c. 242, was approved Aug. 10, 2000.