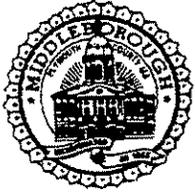


NEW BUSINESS

6-23-08



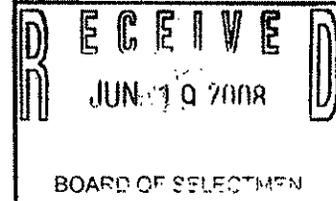
MIDDLEBOROUGH PUBLIC SCHOOLS

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

Robert M. Sullivan, Ed.D.
Superintendent of Schools

Thomas Tatro
Director of Business and Finance
Theresa Craig
Coordinator of Curriculum and
Professional Development

June 17, 2008



To: Middleborough Board of Selectmen
Middleborough Finance Committee
Members of the Facilities Use and Planning Committee

From: Dr. Robert M. Sullivan, Superintendent of Schools *A.M.S.*

RE: Massachusetts School Building Authority: Statements of Interest (SOI)

For over 20 years there has been discussion regarding the deteriorating condition of the Middleborough High School building. In April, 1987, Town Meeting voted to appoint a committee to consider the potential plans for an addition to the Middleborough High School. Despite the fact that this committee apparently did not provide a recommendation, several projects have been completed since 1987 to help maintain the high school facility. However, the school is now reaching 40 years of service to our students and to our community and it is once again time to seriously consider what we, as a Town, want to do for our high school to serve our students' educational and community needs for the next forty years.

The 50-year-old Mary K. Goode School (1957 facility) is also in need of work in order to maintain this facility for another fifty years.

The Massachusetts School Building Authority (MSBA) has a new process for a Town to follow when considering any form of renovation and/or addition work to an educational facility for which state assistance / reimbursement from the state of Massachusetts is sought.

This new process begins with the submittal of a Statement of Interest (SOI) for each school that is being considered for facility improvements. Submission of an SOI does not cost a Town any money and does not commit a Town to any single project. The SOI, if accepted by the MSBA, simply places a district in the beginning of a partnership with MSBA that starts with the identification of the problem.

This new process has not yet completed a full cycle so it is difficult to speculate as to the success of this model. In addition, the submission of an SOI may need to be repeated if an initial SOI is not accepted by the MSBA.

Before our community can submit an SOI, there is a need for both the School Committee and the Board of Selectmen to vote to approve the submission of a Statement of Interest.

The School Committee at their June 12, 2008 meeting approved the submission of two Statements of Interest; one for the Mary K. Goode School and one for Middleborough High School.

This correspondence is a request for the Board of Selectmen to approve the submission of a Statement of Interest to the Massachusetts School Building Authority for the Middleborough High School and the Mary K. Goode School.

For Middleborough High School we will focus on a renovation/school construction project related to the following priorities / criteria in accordance with MSBA guidelines:

Building Condition: a) Building exhibits signs of severe deficiencies in multiple building systems including: façade, doors, heating and ventilation systems and electrical distribution system. b) These deficiencies adversely impact the school facility's ability to support the delivery of the educational program.

Building Capacity: a) Building exhibits signs of severe overcrowding including excessive class sizes, inadequate number of classrooms, high number of cafeteria seating and conversion of non-educational space to educational uses. b) These conditions adversely impact the school facility's ability to support the delivery of the educational program.

Educational Program: The ability to support the required educational program is adversely impacted by building condition and capacity; including use of inadequate spaces for the delivery of educational programs.

For the Mary K. Goode School we will focus on a renovation project related to the following priorities /criteria in accordance with MSBA guidelines:

Building Condition a) Building exhibits signs of severe deficiencies in multiple building systems including: façade, windows and doors, heating and ventilation systems and electrical distribution system b) These deficiencies adversely impact the school facility's ability to support the deliver of the educational program.

Building Capacity: a) Building exhibits signs of moderate overcrowding including, inadequate number of classrooms, high number of cafeteria seating, and conversion of non-educational space to educational uses.

Educational Program: a) The ability to support the required educational program is adversely impacted by building condition and capacity, including use of inadequate spaces for the delivery of educational programs.

After receiving Board of Selectmen approval to submit these two SOI's the next step is to wait for the MSBA to open the window of opportunity for districts to submit Statements of Interest. This opportunity can occur at anytime so your immediate review and action on this matter is greatly appreciated.

Thank you for your consideration and anticipated cooperation. If you have any questions or require any additional information I will be available at Monday's meeting to discuss this request.

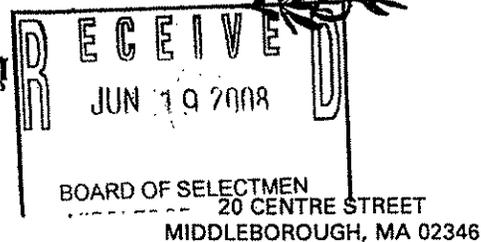
RMS/pjr

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD

Town of Middleborough
Massachusetts



HEALTH DEPARTMENT
508-946-2408

BSH
To: Board of Selectmen/Health
From: Health Department
Date: 6/17/2008
Re: MHOA Tobacco Control Mini-Grant Sales Compliance Inspections.

This memo is to inform The Board of Health that inspections have been conducted of tobacco retailers in regards to youth access compliance in accordance with the mini-grant requirements.

The following retailers sold tobacco products to a minor during compliance checks:

	<u>Retailer:</u>	<u>Address:</u>	<u>Sale Date:</u>
1.	Gas Depot	5 Station St.	5/28/2008
2.	North Main Street Market (Quick-Stop)	21 North Main St.	5/28/2008
3.	Shellmart	63 Bedford St.	5/28/2008
4.	Stop and Shop Supermarket	438 West Grove St.	5/28/2008

In order to complete the requirements of the mini-grant, a summary report must be submitted to MHOA following all enforcement actions.

In February of 2005, tobacco sales to minors were observed by five (5) retailers in Middleborough. We are pleased to report that none of those retailers sold to minors in this round of compliance checks.

It is the Health Departments recommendation at this time, that North Main Street Market (Quick-Stop), Shellmart, and Stop and Shop Supermarket:

1. have a hearing with the Board of Health to address the violation,
2. receive a written warning stating that any further violations will result in a suspension of their tobacco sales permit for a period of up to seven (7) days,
3. provide the Board of Health with a written mitigation plan to avoid and address future violations.

In addition to the sale to a minor on 5/28/2008, the Health Department received a report from the Middleborough Police stating minors were observed purchasing tobacco products from the Gas Depot on 5/29/2008.

It is the Health Departments recommendation at this time, that Gas Depot:

1. have a hearing with the Board of Health to address the violation,
2. receive a suspension of their tobacco sales permit for a period of up to seven (7) days,
3. receive a written warning stating that any further violations will result in a suspension of their tobacco sales permit for a period of up to fourteen (14) days,
4. provide the Board of Health with a written mitigation plan to avoid and address future violations.

Attached with this memo is a copy of The Middleborough Tobacco Regulations, section ten (10), on page three (3) deals with penalties for non-compliance.

Town of Middleboro
Board of Health

Regulations Regarding the Sale, Vending and Distribution of Tobacco in the Town of Middleboro

The Board of Health of the Town of Middleboro, Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws and such other authority as it possesses has enacted the following Regulations Affecting the Sale, Location, Vending and Distribution of Tobacco in the town of Middleboro in the interest and preservation of public health effective April 1, 2000, pursuant to a vote of the Board of Health.

Section 1: Sales to Minors

It is prohibited for any person, firm, corporation establishment or agency to sell or distribute any tobacco product without verifying the age of the purchaser. Each person, firm corporation, establishment or agency shall verify by means of photographic identification containing the bearer's date of birth that no person purchasing or receiving the tobacco product is younger than eighteen (18) years of age. Violations shall be punished in accordance with the penalties section of this regulation. No such verification is required for any purchaser twenty-seven (27) years of age or older.

Section 2: Tobacco Retail Sales and Location Permit

After April 1, 2000, the Middleboro Board of Health will issue a Tobacco Sales and Location Permit that will specify the name and address of each retailer selling tobacco products in the Town of Middleboro.

After April 1, 2000, all retailers who sell cigarettes or other tobacco products will be required to hold and maintain a valid Tobacco Sales and Location Permit issued by the Town of Middleboro for each location at which tobacco products are sold. No person, firm, corporation, establishment or agent shall sell or cause to be sold or distribute or cause to be distributed tobacco products within the Town of Middleboro without a Tobacco Sales and Location Permit.

After receiving the permit, the merchant will receive signage that states "Sale of cigarettes or any tobacco product to persons under age eighteen (18) is illegal, M.G.L. Chapter 270, Sections 6."

The term of the Tobacco Sales and Location Permit shall be one year and shall be renewable if the licensee complies with the provisions of this regulation. Tobacco permits shall renew each year on January 1.

The fee for a one-year Tobacco Sales and Location Permit will be determined by the Middleboro Board of Health.

A Tobacco Sales and Location Permit is non-transferable, except a new permit will be issued to a tobacco retailer who changes locations and has shown compliance pertaining to the provisions of this regulation.

Tobacco Sales and Location Permits must be posted conspicuously to the public.

Section 3: Posting State Law

In conformance with Massachusetts General Laws, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6 shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell cigarettes at retail.

The signage to be posted shall be provided by the Massachusetts Department of Public Health.

One sign shall be posted on the cash register, which receives the greatest volume of cigarette or tobacco sales, so that it may be readily seen by a person operating the cash register.

The second sign shall be posted on the wall or other suitable location, so that it may be readily seen by a person standing at or approaching the cash register. Any merchant not posting said signage will be in non-compliance of this regulation and subject to penalties per the Penalty Section of this regulation.

In accordance with Massachusetts General Law, Chapter 270, Section 22, no person shall smoke, nor shall any permit holder or other establishment allow smoking, in any retail food store or public restroom in the Town of Middleboro.

Section 4: Identification Required

No retailer shall sell or permit to be sold cigarettes or other tobacco products to an individual without requesting and examining photographic identification establishing the purchaser's age as eighteen (18) years or greater.

Section 5: Vending Machines

After April 1, 2000, tobacco shall be sold by means of direct, face-to-face exchange between retailer and the consumer. Cigarette vending machines or any other device used in the sale or distribution of tobacco products will be prohibited in all public locations within the Town of Middleboro to which minors are admitted, excluding the following private clubs, whose machines must be equipped with an automatic remote device:

- Mitchell Memorial Club
- Middleboro Hare & Rabbit Club
- Middleboro Lodge No.1274—Benevolent & Protective Order of Elks (Elks)
- Veterans of Foreign Wars (VFW)
- Christopher Building Association (Knights of Columbus)

Section 6: Out-of-Package Sales Prohibited

It is contrary to public health to remove and commercially sell single cigarettes from the manufacturer's package, which states the federally required health warnings. Commercial sales and/or distribution of tobacco products in any form other than an original factory-wrapped package is prohibited.

Section 7: Free Distribution/Free Samples Prohibited

No commercial entity shall distribute or furnish or cause to be furnished or distributed without charge, cigarettes, cigars or other tobacco products in any public place or any event

open to the public. A public place means public streets, sidewalks, buildings, parks, playgrounds and other public property or places of public assembly.

Section 8: Self-Service/Free-Standing Displays

Self-service displays and freestanding displays of tobacco products, from which tobacco products may be selected by the customer, are prohibited. Tobacco products must be kept in a location inaccessible to the customer.

Section 9: Sales by Employees

No commercial entity selling tobacco products in the Town of Middleboro shall allow any employee to sell cigarettes or other tobacco products until such employee reads the Middleboro Board of Health regulation and the Massachusetts General Laws regarding the sale to tobacco and signs a statement that he/she has read and will uphold the law and regulations. The original affidavit shall be maintained at the tobacco retail sales location and be available by the Board of Health or its agent(s).

Section 10: Penalties, Fines, Suspension and/or Revocation of Tobacco Sales and Location Permit

It shall be the responsibility of the permit holder, where a permit exists, to ensure compliance with all sections of this regulation. The permit holder or other person, firm, corporation or agency in charge of a location from which tobacco products are sold violating Section 1 of this regulation will receive:

- In the case of a first violation within three (3) years, the permit holder not in compliance with the provision of this regulation shall, after a hearing before the Middleboro Board of Health, have his/her Tobacco Sales and Location Permit suspended for a period not to exceed seven (7) consecutive days.
- In the case of a second violation within three (3) years, the permit holder not in compliance with the provisions of this regulation shall, after a hearing before the Middleboro Board of Health, have his/her Tobacco Sales and Location Permit suspended for a period not to exceed fourteen (14) consecutive days.
- In the case of a third or subsequent violation within three (3) years, the permit holder not in compliance with the provisions of this regulation shall, after a hearing before the Middleboro Board of Health, have his/her Tobacco Sales and Location Permit suspended for a period not to exceed thirty (30) consecutive days.
- A public hearing conducted by the Middleboro Board of Health will be held to determine the length of the suspension or revocation, as well as how long a violator must wait to re-apply for a renewal in the case of non-renewal.
- All penalties, as listed above, shall be applied to the holder of the Tobacco Sales and Location Permit.

Any person, firm, corporation, establishment or agency in charge of a location from which tobacco sales are made lacking a valid Tobacco Sales and Location Permit, violating sections other than Section 1 of this regulation during a three (3) year period, may be fined an amount not to exceed:

- One hundred dollars (\$100.00) for the first offense
- Two hundred dollars (\$200.00) for a second offense
- Three hundred dollars (300.00) for a third offense

- During such time that a Tobacco Sales and Location Permit has been suspended for violation of provisions of this regulation, all tobacco products must be removed from the premises.
- Failure to comply to any section of this regulation, other than Section 1, shall result in the permit holder or the person, firm, corporation, establishment or agency receiving a fine of \$50/day for each day of violation.
- All penalty fines enure to the Town of Middleboro.

Section 11: Enforcement

Enforcement of these regulations shall be implemented by the Town of Middleboro Board of Health and/or its designated agent(s).

Any citizen who desires to register a complaint of non-compliance under these regulations may do so in writing to the Town of Middleboro or its designated agent(s).

Any individual aggrieved by the willful failure or refusal of any person to comply with the provisions of these regulations may complain in writing to the Board of Health, at which time a compliance check will be made within 14 days and a response will be made to the aggrieved individual. Any permit holder shall respond in writing within fourteen (14) working days to the complainant that he/she has investigated the complaint and has enforced the provisions of this regulation as provided herein.

Section 12: Severability

If any provision, clause, sentence or paragraph of these regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of these regulations which can be given effect without the invalid provisions or applications, and to this end the provisions of these regulations are declared to be severable.

Section 13: Effective Date:

April 1, 2000- Except where otherwise noted.

Date: _____

Signed:

James Wiksten Mark R. Beusick
John D. Grant John P. Rubin

MIDDLEBOROUGH POLICE DEPARTMENT

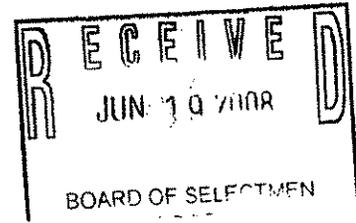
99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



Gary J. Russell
Chief of Police



June 18, 2008

Board of Selectmen
Middleboro, MA 02346

Re: **New Street Name**

Honorable Board:

I am submitting the name Amie Lane for a new subdivision to be located off Tispaquin Street. Map 066 Lot 3893. This name does not conflict with any existing street names in the Town of Middleboro and was chosen for the historical significance that "Amie" was wife to Chief Tispaquin.

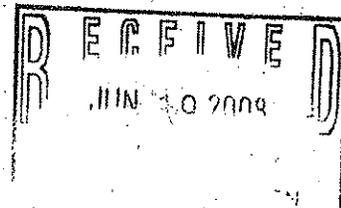
Kindly advise if the above name meet Board approval.

Please call if you should have any questions or concerns.

Sincerely,

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

Barbara Damon
E-911 Database Coordinator



19 June 2008

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

Dear Board Members:

Per requirements for use of Town Hall Auditorium, please find attached a rental application for the evening of June 24th from 7:30-9:30pm for theatrical rehearsal.

Please find attached rental application and insurance certificate and check for \$100 deposit. As the Planning Board will be using the Town Hall for their scheduled Tuesday night meeting and as we need neither assistance nor are bringing any equipment with us we do not need custodial coverage.

Thank you for granting our request.

Sincerely,

Merric J. Mizaras, President
Nemasket River Productions

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION 6/13/08
ORGANIZATION/INDIVIDUAL Propie Proprietaship of Woods Lake
ADDRESS PO Box 431 20 Atwood Ave
CITY, STATE, ZIP Middleboro MA TEL # 508 947 9933
CO-APPLICANT (BARTENDING SERVICE) _____
OWNER NAME _____
ADDRESS _____
CITY, STATE, ZIP _____ TEL. # _____

DATE(S) OF EVENT 6/27/08 APPROXIMATE NUMBER OF PARTICIPANTS 20
(ATTACH SEPARATE SHEET IF NECESSARY)
TIME OF DAY(S) REQUIRED: 6pm to 8pm

Be sure to include any set-up or dismantling day(s)/time requirements.
BRIEFLY DESCRIBE TYPE OF ACTIVITY neighborhood meeting to discuss road maintenance

ASSIGNED SPACE MEETING ROOM _____ GRAND BALLROOM _____ GROUNDS If using grounds, will building access be required for sanitary facilities? _____

*Note - There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? no Licensing fee of \$ _____ plus \$100.00 required at time of application. This will be refunded if license denied prior to event or activity.

Food will be served Name of Caterer _____ Telephone # _____
*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings _____

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$100.00 Check # _____ (must be tendered with application and will be returned within two-weeks if no damage to building, grounds or equipment has been reported).

Rental Cost _____ One-day alcoholic beverage license fee _____ Personnel Cost _____ Total Cost _____

Name of Designated Town Official volunteering to perform security service _____

Signature of Volunteer _____

Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____

I/we _____ hereby acknowledge return of our \$100.00 bond payment.

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION June 19
ORGANIZATION/INDIVIDUAL Middleboro Friends
ADDRESS 319 Miller St
CITY, STATE, ZIP Middleboro 02346 TEL # 5089433989
CO-APPLICANT (BARTENDING SERVICE) TBD
OWNER NAME _____
ADDRESS _____
CITY, STATE, ZIP _____ TEL. # _____

DATE(S) OF EVENT Oct 25 APPROXIMATE NUMBER OF PARTICIPANTS _____
(ATTACH SEPARATE SHEET IF NECESSARY)
TIME OF DAY(S) REQUIRED _____ TO _____

Be sure to include any set-up or dismantling day(s)/time requirements.

BRIEFLY DESCRIBE TYPE OF ACTIVITY Masquerade Party as a fund raiser for the town

ASSIGNED SPACE _____ MEETING ROOM _____ GRAND BALLROOM GROUNDS If using grounds, will building access be required for sanitary facilities? _____

*Note - There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? yes. Licensing fee of \$ _____ plus \$100.00 required at time of application. This will be refunded if license denied prior to event or activity.

Food will be served light food Name of Caterer TBD Telephone # _____
*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings DJ equipment

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$100.00 Check # _____ (must be tendered with application and will be returned within two weeks if no damage to building, grounds or equipment has been reported).

Rental Cost _____ One-day alcoholic beverage license fee _____ Personnel Cost _____ Total Cost _____

Name of Designated Town Official volunteering to perform security service Maureen Duphily

Signature of Volunteer Maureen Duphily

Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____

I/we _____ hereby acknowledge return of our \$100.00 bond payment.

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION Amended 20 June 19
ORGANIZATION/INDIVIDUAL Middleboro Friends
ADDRESS 319 Meller St
CITY, STATE, ZIP Middleboro TEL # 947 3929
CO-APPLICANT (BARTENDING SERVICE) FAD
OWNER NAME _____
ADDRESS _____
CITY, STATE, ZIP _____ TEL # _____

DATE(S) OF EVENT Nov 29 APPROXIMATE NUMBER OF PARTICIPANTS _____
(ATTACH SEPARATE SHEET IF NECESSARY)
TIME OF DAY(S) REQUIRED _____ TO _____

Be sure to include any set-up or dismantling day(s)/time requirements.

BRIEFLY DESCRIBE TYPE OF ACTIVITY Senior craft fair, Carols etc from local schools etc as a fund raise for a scholarship in Vic Sylvia's name
ASSIGNED SPACE _____ MEETING ROOM _____ GRAND BALLROOM GROUNDS If using grounds, will building access be required for sanitary facilities? _____

*Note -- There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? _____ Licensing fee of \$ _____ plus \$100.00 required at time of application. This will be refunded if license denied prior to event or activity.

Food will be served _____ Name of Caterer FAD Telephone # _____

*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings _____

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$100.00 Check # _____ (must be tendered with application and will be returned within two-weeks if no damage to building, grounds or equipment has been reported).

Rental Cost _____ One-day alcoholic beverage license fee _____ Personnel Cost _____ Total Cost _____

Name of Designated Town Official volunteering to perform security service Maureen Daphney

Signature of Volunteer Maureen Daphney

Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____

I/we _____ hereby acknowledge return of our \$100.00 bond payment.

705

Warner's requesting
waiver as have 2
Middleborough Police
officers attending
Reception.

U

APPLICATION AND UTILIZATION AGREEMENT
TOWN HALL
MIDDLEBOROUGH, MASSACHUSETTS

PLEASE SUBMIT PAYMENT WITH APPLICATION

DATE OF APPLICATION June 12, 2008

ORGANIZATION/INDIVIDUAL Kayla Warren

ADDRESS 23 Wareham St. Apt B

CITY, STATE, ZIP Middleboro, MA 02346 TEL # 774-766-2893

CO-APPLICANT (BARTENDING SERVICE) Cardoza's

OWNER NAME Cheri Moorhouse

ADDRESS 1 Scouticut Neck Road

CITY, STATE, ZIP Fairhaven MA TEL # (508) 961-1414

DATE(S) OF EVENT August 30, 2008 (Sat) APPROXIMATE NUMBER OF PARTICIPANTS 200
(ATTACH SEPARATE SHEET IF NECESSARY)

TIME OF DAY(S) REQUIRED 2:30 TO 11:30

Be sure to include any set-up or dismantling day(s)/time requirements.

BRIEFLY DESCRIBE TYPE OF ACTIVITY Wedding reception

ASSIGNED SPACE MEETING ROOM GRAND BALLROOM GROUNDS If using grounds, will building access be required for sanitary facilities?

*Note - There is no air conditioning available in the Grand Ballroom

Are you requesting a one-day alcoholic beverage license? Yes Licensing fee of \$ 25 plus \$100.00 required at time of application. This will be refunded if license denied prior to event or activity.

Food will be served Yes Name of Caterer Washington Club Telephone # 508 992 8511

*If food is to be served, please contact the Health Department for the appropriate permits.

We expect to bring in the following additional equipment/furnishings tables

Any required insurance policy/indemnification agreement must be attached to application.

Rental Deposit (Bond) \$100.00 Check # _____ (must be tendered with application and will be returned within two-weeks if no damage to building, grounds or equipment has been reported).

Rental Cost One-day alcoholic beverage license fee _____ Personnel Cost _____ Total Cost _____

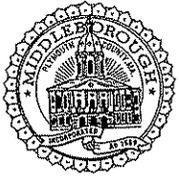
Name of Designated Town Official volunteering to perform security service _____

Signature of Volunteer _____

Application Approved by Board of Selectmen (date) _____ Fees Waived _____ Fees Due _____

I/we _____ hereby acknowledge return of our \$100.00 bond payment.

All Alcoholic Beverages

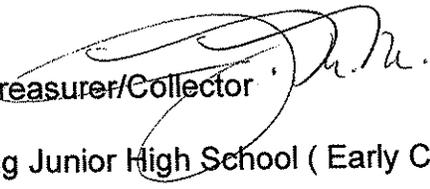


JUDY M. MACDONALD
TREASURER AND COLLECTOR

Town of Middleborough
Office of the Treasurer and Collector
20 Centre Street, 3rd Floor
Middleborough, MA 02346-2270
email: jmcndld@middleborough.com

TELEPHONE
(508) 946-2420
(508) 946-2421

FAX
(508) 947-5447

Date: June 30, 2008
To: Board of Selectmen
From: Judy M. MacDonald, Treasurer/Collector 
Borrowing: \$950,000. Remodeling Junior High School (Early Childhood Center)
Dated: June 30, 2008
Due: September 30, 2008 Interest at maturity

Results of telephone bids, Thursday, June 19, 2008

<u>Bank</u>	<u>Bid Amount</u>	<u>Interest</u>
Citizens Bank	\$950,000	2.30%
TD Bank North	\$950,000	2.38%
Eastern Bank	\$950,000	2.40%
Webster Bank	\$950,000	2.42%
Unibank for Savings	\$950,000	2.49%

Bid awarded, subject to Selectmen's approval to:

Citizens Bank	\$950,000.	2.30%
---------------	------------	-------

Estimated Interest \$5,387.67

64 Lyn Lane
Middleboro, MA 02346

June 14, 2008

Town Selectmen's Office
Rent Control Board
10 Nickerson Avenue
Middleboro, MA 02346

Dear Attorney Bond:

Yes, we received another billing and letter from Edgeway Realty Trust. We have replied to Ms. Balben's letter, which we enclose, as well as, Edgeway's Disclosures, and (3) 940 CMRS, from the Attorney General's Guide to Manufactured Housing Community Law, March 2007 edition.

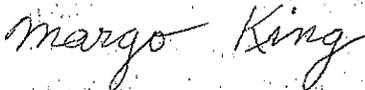
Disclosure, regarding the rental fee of \$350.00 is incorrect. We are all paying, what was the 2006 rental rate, for us \$280.00, others, at a higher rate, as Wayne Williams, former owner and operator, raised rents, as newer people came in, without the Rent Control Board's approval. The second line Disclosure states, If after (5) days, the rent hasn't been paid, a late fee of \$25.00 will be charged. This is incorrect, as the Attorney General's Guide to Manufactured Housing Community Law 940 CMR 10:03 (2) (i) states (30) days not (5) days. We have no occupancy agreement, in place, at present, through no fault of ours.

Regarding, Additional Fees, our irrigation fee was \$60.00 upon entry, as residents, of Edgeway Park. Now, without permission, from the Rent Control Board, they want us to pay a \$40.00 increase, which is a 67%, rate of increase. They are in violation of 93A, 940 CMR 10:02 (7) & (8), page 93. We refuse to pay this irrigation hike, as these Disclosures are incorrect, as well as, illegal. Furthermore, these Disclosures were never signed by the Operator, as stated in the Attorney Gen's Guide to Manufactured Housing Community Law 940 CMR 10:03 (4). We will not pay this \$40.00 increase, and will stick to our yearly payment of \$60.00, at a rate of \$20.00 per month, for (3) months, to insure that we actually receive irrigation.

Last year, electricity was lost for (8) days, affecting the irrigation system, & there was no lawn watering, for (8) days, so we paid a fair share of \$15.00. No lawn watering, no full payment.

Hoping to hear from you, regarding these issues.

Sincerely,



Margo King, elderly resident from Edgeway Park

Enc (6)

Edgeway Realty Trust

17 Wesley Circle, Middleboro, Ma. 02346
Phone: (508)946-9550 / Fax: (508)946-5244

Mr. and Mrs. King
64 Lyn Lane
Middleboro, Ma. 02346

RE: Irrigation

Dear Mr. and Mrs. King:

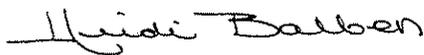
We are in receipt of your letter dated June 6th and there seems to be a bit of confusion. It seems that you have been misled as to the current price of irrigation within the park. Everyone is charged the same amount which is currently at a rate of \$100.00 per year. This is listed in the Written Disclosures that were approved in September 2005. The Middleboro Rent Control Board has no jurisdiction over the irrigation fee at all. It would be to your advantage to check with the town hall to have the facts correct.

As for the sprinkler head that was replaced, if a tenant breaks a sprinkler head, it is the tenants responsibility to pay for the repair of it.

As of the above date your currently balance is \$170.00. I have enclosed a current statement for your convenience.

Should you have any questions, please do not hesitate to contact me by mail.

Sincerely,



Heidi Balben
Office Manager

enclosure

64 Lyn Lane
Middleboro, MA 02346

June 14, 2008

Edgeway Realty Trust
17 Wesley Circle
Middleboro, MA 02346

Dear Ms. Balben:

We are in receipt of your letter not dated, RE: Irrigation. First of all, the Middleboro Rent Control Board does have jurisdiction regarding any increase, in rent or any other fees, as stated in the Attorney Gen.'s Guide to Manufactrued Housing Community Law. See 940 CMR 10:02 (7) and (8), page 93, March 2007 edition. Perhaps, the Attorney General's Guide to Manufactured Housing Community Law is incorrect, as you state in your letter the Rent Control Board has no jurisdiction over irrigation fees. You admit that irrigation fee in that sentence. You are charging us an irrigation fee for watering the lawn, every year, which includes maintenance and up keep for the irrigation system, which includes sprinkler heads, when they wear out.

You state, the Written Disclosures were approved in Sept. 2005. By whom, were these Disclosures approved? Certainly, not by the Attorney General's Office, as there are too many incorrect, as well as, illegal statements. Example, your disclosure wasn't signed by the operator, which is in conflict with the 940 CMR 10:03 (4), (a) & (b) of the Attorney General's Guide to Manufactured Community Law, stating, Disclosures must be signed by the "operator".

As for the Sprinkler Head, which you insist we, should pay, you are in violation of 93A, 940 CMR10:03 (2) (f) pages 94 & 95, as well as, 940 CMR 10:04 (5) (d) as stated in the Attorney Gen's Guide to Manufactured Housing Community Law. You never notified us in advance, that the Sprinkler Head was broken nor was a specified amount given to us, requesting that work was going to be done. You simply surprised us with a \$25.00 charge. You implied that we broke the Sprinkler Head, which is not true. After more than seven (7) years, a Plastic Sprinkler Head will wear out. By the way, then new Sprinkler Head, that was installed is not properly set into the ground, which could easily cause someone to trip. Why wasn't this installed correctly?

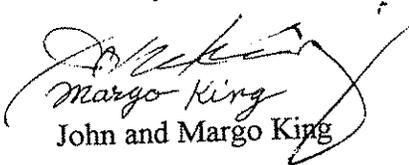
Every year, we pay a separate fee, from the rent, for this Irrigation System. You want us to pay \$100.00 a year, for this, which is a 67% increase, above our original payment of \$60.00. This is quite a large increase, don't you think? Also, we never agreed to pay this nor was this increase approved by the Rent Control Board.

There seems to be some confusion, on your part, regarding the laws that are contained in the Attorney General's Guide to Manufactured Housing Community Law. Again, we will only pay \$60.00 a year on a (3) month plan, to insure that we actually will receive irrigation. Last year, the electricity prevented a loss of irrigation, lawn watering, and that is why we only paid \$15.00, as there was an 8 day loss of lawn watering.

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Should you have any questions regarding these fees, that is, the legality of such fees, please contact the Attorney General's Office, in Boston, and they should be able to help you or refer you to the proper authorities.

Sincerely,



Margo King
John and Margo King

EDGEWAY HOMEOWNERS ASSOCIATION
46 LYN LANE
MIDDLEBORO, MA 02346

June 15, 2008

Joseph Kelleher
Kraus & Hummel LLP
99A Court Street
Plymouth, MA 02360

Dear Joe:

Attached is a copy of a letter that Edgeway Park Office Manager sent to one of our residents regarding lawn watering issues. As you know Mr. Marsan presumed to speak for Dan Murray and the AGO on this issue as well as monthly rental charges. Now the management of Edgeway Park is now presuming to speak for the Middleboro Rent Control Board. Their assumptions have gone on far too long. I have been waiting for guidance from Dan Murray and Rachel Beach since March before pursuing any direct action with Edgeway Park and their lawyer.

I gave you my permission to speak to Dan Murray and Rachel Beach about these issues. Please see what you can do to expedite resolution of the issues of lawn watering and monthly rental charges.

Sincerely,


Charles Jeans, President

CC: Dan Murray, Town Counsel
Rachel Beach, AGO
Adam Bond, Selectmen

Edgeway Realty Trust

17 Wesley Circle, Middleboro, Ma. 02346
Phone: (508)946-9550 / Fax: (508)946-5244

Mr. and Mrs. King
64 Lyn Lane
Middleboro, Ma. 02346

RE: Irrigation

Dear Mr. and Mrs. King:

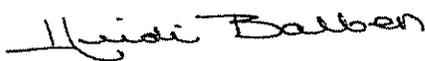
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Sincerely,



Heidi Balben
Office Manager

enclosure

EDGEWAY HOMEOWNERS ASSOCIATION
46 LYN LANE
MIDDLEBORO, MA 02346

March 17, 2008

Dan Murray
Town Counsel
Middleboro, MA 02346

Dear Sir;

Attached are the items I feel you requested during our phone call today regarding the charges for lawn watering and recreational vehicle parking.

1. The first two pages are from my lease indicating in Section Four the monthly rental charge and the annual water assessment. It is my understanding that my lease is similar to all other Edgeway Park residents.
2. The next package is a series of letters between Edgeway Park and me regarding the annual watering fee. Included by the Park Office is a copy of a page from the proposed Written Disclosures of January 2006 which includes: the monthly rental charge of \$350, the annual water charge of \$ 100 and the use of common area for recreational vehicle parking at no charge.
3. The third package is a series of letters regarding the parking of recreational vehicles. The last letter is from the Attorney General's Office. At this point in time no resident is being charged to park their vehicles. It appears that the Park Managers have chosen to not pursue this fee.

Thank you for reviewing these issues. Please let me know if you require any further information. I look forward to hearing you response to these issues.

Sincerely,

Charles Jeans, President

MARSAN & MARSAN
ATTORNEY AT LAW
45 BRISTOL DRIVE
EASTON, MASSACHUSETTS 02375

Area Code 508
238-0176
238-0230 (FAX)

gerard.marsan@comcast.net
david.marsan@comcast.net

David E. Marsan
Gerard S. Marsan

April 3, 2008

Charles Jeans
Edgeway Homeowners Association
46 Lyn Lane
Middleboro, MA 02346

RE: Edgeway Manufactured Home Park Rents

Dear Mr. Jean:

As I did previously in 2006, I again discussed Middleboro Rent Control and its impact upon Edgeway with Town Counsel, Daniel Murray. In doing so I have reviewed the history of rent control in Middleboro with Attorney Murray as well as the January 24, 2006 letter of the Board of Selectmen, copy attached, and Attorney Murray's letter of July 10, 2006 providing his opinion as to the effect of that letter. It is the opinion of Town Counsel that for the first time rents were established at Edgeway was on January 23, 2006 by the Middleboro Board of Selectmen acting as the Rent Control Board. Prior to that date rents were never established for the Park. Whatever the rent was for unit as of January 23, 2006 became the established rent and cannot be changed without a ruling from the Middleboro Rent Control Board.

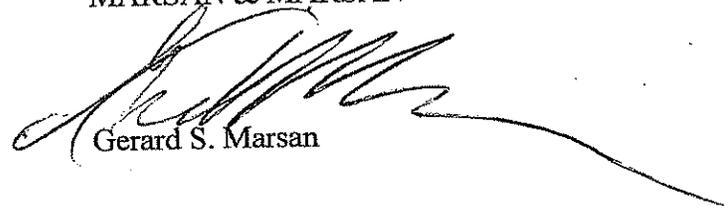
In your letter of January 26, 2008 you write on behalf of Anne McGann. In speaking with Attorney Murray he has advised the his letter of July 10, 2006 is to be read as affecting actions occurring after January 23, 2006, the date of the Order of the Middleboro Rent Control Board. Accordingly, Ms. McGann having entered into a lease prior to that date at the established rent of \$320.00 Edgeway is correct in asserting that there is a deficiency with respect to her account. Accordingly, Edgeway has invoiced Ms. McGann for the difference.

Lastly, the irrigation charges have been discussed with both Town Counsel and the Attorney General, and, as these are not mandatory but the subject to a voluntary service, they are not regulated by the Attorney General or Middleboro Rent Control Board.

Charles Jeans
Edgeway Homeowners Association
April 3, 2008
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I would appreciate it if you would share this letter with the members of the Association as it may serve to avoid much confusion.

Very truly yours,
MARSAN & MARSAN



Gerard S. Marsan

GSM/jkm

c. Daniel Murrary, Esquire
Corey W. Farcas, Administrator
Anne McGann

GSM/FARCAS/07185/JEANS

EDGEWAY HOMEOWNERS ASSOCIATION
46 LYN LANE
MIDDLEBORO, MA 02346

Joseph Kelleher
Kraus & Hummel LLP
99A Court Street
Plymouth, MA 02360

April 11, 2008

I want to thank you for emailing me regarding my questions in my letter of 3/9/08. The Edgeway Board feels that these issues would not be the best use of our limited resources. I received Robert Kraus' bill for your consultation with him on these issues. This bill comes as a surprise to someone that has only used legal advice in real estate transactions. I am not sure if you also will be billing our account for your response to our inquiry.

Attached is a letter I received from Gerard S. Marsan of Marsan & Marsan. His letter is in response to 2 issues (Rents for residents and lawn watering charges) that I have been discussing with Corey Farcas, Heidi Balben, Wayne Perkins and Dan Murray. I have also attached the information that I sent Dan Murray. While I have talked twice with Dan Murray, he has not sent me his decision on these issues. He did say he would send me a copy his response to the Middleboro Rent Control Board and that Gerard Marsan was not speaking for him. While I have not talked to Diane Lawton. AGO, about these issues, based upon my past contacts with her I would also suspect that Gerard Marsan does not speak for her either.

The Edgeway Homeowners Association Board is asking you to give us legal advice on whether our views on these issues have any merit. We are authorizing the expenditure of \$600 researching the issues of rent control and lawn watering charges. In order to keep these expenses under some control we would expect to be informed if the cost exceeds \$600 before authorizing any further expenditure.

We would also like to know if Gerard Marsan and Edgeway Realty Trust could withhold any action based upon his letter until Dan Murray and you could complete your research. Would such a letter to Mr. Marsan come from you or me?

Attached are background information and our views and questions on these issues. If we can be of any additional help in gathering information, please let us know.

Sincerely,

Charles Jeans, President

CC: Robert Kraus
Diane Lawton, AGO

EDGEWAY HOMEOWNERS ASSOCIATION
46 LYN LANE
MIDDLEBORO, MA 02346

April 14, 2008

Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Attn: Diane Lawton

Dear Diane:

I am sending you a copy of the complete materials I have sent to the lawyers representing the Edgeway Homeowners Association. The issues have entered a new phase where the lawyer for Edgeway Realty Trust, Gerard Marsan, has sent me a letter instructing me in what I should be telling the members of the Association. He has claimed to be speaking for the Middleboro Town Counsel, Dan Murray, as well as you. I have confirmed with Mr. Murray that he does not speak for him.

Dan Murray has told me that I will receive a copy of his response to these issues to the Middleboro Rent Control Board. I will send all of you a copy of his letter. I feel that the time has come for us to get our own legal opinion on the issues facing us here in Edgeway Park. I would appreciate any advice or opinions you may give us in these matters.

Sincerely,

Charles Jeans, President
Edgeway Homeowners Association



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MARTHA COAKLEY
ATTORNEY GENERAL

(617) 727-2200
www.ago.state.ma.us

April 25, 2008

Charles Jeans
Edgeway Homeowners Association
46 Lyn Lane
Middleboro, MA 02346

Re: Your Complaint of April 14, 2008

Dear Mr. Jeans:

This letter acknowledges the receipt of the complaint you submitted on, April 14, 2008 and received by this Unit on April 23, 2008 that concerns an issue involving a manufactured housing community. Specifically, your complaint pertains to lawn watering charges and rental increases.

I am currently in the process of reviewing your complaint to determine an appropriate course of action to resolve your grievance. You will be notified in a timely manner of the outcome of this review and options that may potentially resolve your complaint. Meanwhile, please provide me with a telephone number by which I may contact you.

Should you have questions or concerns regarding this matter, please contact me at 617-727-2200, extension 2460 or by email at rachel.beach@state.ma.us

Regards,

A handwritten signature in cursive script that reads "Rachel Beach".

Rachel Beach
Policy Coordinator/Community Liaison
Manufactured Housing Unit
Consumer Protection Division
Public Protection & Advocacy Bureau

