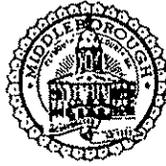


HEARINGS, MEETINGS, LICENSES
12-14-09



Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

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

MEMORANDUM

To: Board of Selectmen
From: Ruth McCawley Geoffroy, Planning Director *RMG*
Date: December 2, 2009
Re: Casino Pre- Planning Funds: Thompson Street Agricultural Heritage Corridor Study;
Oliver Estate Land Appraisal; and, Town Land Ring Road Geometry Layout

The development of a Resort/Casino on Precinct Street between Thompson and Plymouth Street may have significant impacts on the agricultural and historic resources of that area without aggressive planning by the Town to mitigate the effect of the casino. This was identified during the casino negotiations with the Oliver Estate and the Thompson Street corridor being listed by Middleborough as areas of potential impact and extreme sensitivity along with other properties of concern. The 4th Recital of the IGA identifies the expectation of substantial impact to the Town and that mitigation is provided through the means described in the IGA. Section 5-A. provides Pre-Opening Mitigation money for the Town's planning for the Casino and Section 25 of the IGA reflects the discussion from the negotiations and the list of sites that were of specific concern to the Town was reflected in the sentence "From the tribal side the [mutual] goal will be ... helping the Town with ...the protection of its open spaces, the maintenance and enhancement of its historic areas ..." The following projects are being proposed to help the Town investigate and plan for the preservation of both the Thompson Street corridor and the Oliver Estate in light of the fact that a casino will be constructed directly adjacent to them. Additionally, the Town continues to work toward selling the land across from Stop & Shop but must do so with the Ring Road layout preserved by easement. The third project would have the Town's traffic consultant develop geometry adequate to protect the location where the Ring Road must go so that the Town may sell this land for commercial development..

THOMPSON STREET AGRICULTURAL HERITAGE CORRIDOR STUDY:

The Planning Department and Conservation Agent have been working with the Committee to Preserve Thompson Street, to develop strategies to retain the working agricultural lands and rural character of Thompson Street and to preserve this historic landscape for the benefit of the entire Town of Middleborough. To accomplish this it is imperative that owners of farmland on Thompson Street keep their land in active and economically viable agricultural use and develop a succession plan to transfer the working farm to future generations. If farmland must be sold every effort should be made so that it may be sold to a farmer at an agricultural value which means cultivating grants and preservation partners for the purchase

of development rights. To effectuate this goal, Land for Good, a New England based non-profit organization, which focuses on farm transfer planning, farm viability and land preservation has been asked to assist the Town in this effort and has provided the attached proposal and scope of work to address the Thompson Street planning needs.

Cost: \$16,655

OLIVER ESTATE LAND APPRAISAL: The 54 acre Oliver Estate is located directly across from the KOA entrance on Plymouth Street on the north side of Route 44 with 3700 feet of frontage on the Nemasket River and abutting the Picone Farm on the north. It is significant to the history of Middleborough and Massachusetts as the home of an influential Tory family immediately preceding the revolutionary war in 1776. The house was built in 1742 and remains in museum quality condition. The property has been actively marketed for sale over the past two years with the house being kept on 5.5± acres abutting Route 44 and the remaining 48.5± acres to the north of the house to be developed. The 48± acres would support a 12 lot subdivision under current zoning, with significant wetland issues. However, potential development plans have been prepared for between 40 and 176 condominium units (Phase I & II) stretching from Plymouth Street to the Nemasket River. Middleborough officials have been working with a group of large conservation organizations both on the State level and non-profits to investigate preservation planning options for this property. The first step is to ascertain a true market value for the land to determine the types of alternatives that could be considered. The house has been appraised twice by the owners and the value identified is adequate for the Town's planning purposes. The value of the 48 acres depending on the type of the use assumed is very much in question. Attached you will find a proposal for two different types of appraisals: a Summary Appraisal and a Restricted Use Appraisal. Both of these are less than a full or "Self Contained" appraisal report which is normally used for grants. It is recommended that the Town consider the Summary Appraisal rather than the Restricted Use Appraisal, as we may wish to share this with other organizations and agencies and the very limited Restricted Use Appraisal is for client use only. It is also recommended that two different use scenarios be appraised: the convention 12 lot subdivision and high density multifamily use with between 40 and 176 units.

Estimated Cost: \$2,100

TOWN LAND SE OF ROTARY - RING ROAD GEOMETRY LAYOUT:

Create the layout geometry for the Ring Road over land owned by the Town of Middleborough and layout necessary to access abutting Commercial Development District property. The layout should be based on the State's 2003 DEIR for Route 44 and Vollmer Inc.'s Ring Road analysis done for the Planning Board in 2006 as part of the Community Development Plan implementation.

Estimated Cost: \$8,900



December 9, 2009

Ms. Ruth Geoffroy
Middleborough Town Planner
20 Centre Street
Middleborough, MA 02346

PROPOSAL

Land For Good (LFG) proposes to assist the Town of Middleborough and the Committee for the Preservation of Thompson Street by conducting the following project:

Purposes:

- 1) To develop strategies to retain the working agricultural lands and rural character in the Thompson Street neighborhood as a heritage landscape for the benefit of the entire Middleboro community.
- 2) To assist owners of farmland on Thompson Street to bring or keep the land in active, viable agricultural use for both the short and long term.

Activities:

1) Current status and viability. LFG will survey and report on the current status of the Thompson Street neighborhood relative to agricultural activity; soil suitability; natural, historic and cultural features including but not limited to those identified in the DEM Heritage Landscape Inventory and the Town's Open Space Plan; and, land tenure.. This will include a down-to-earth, realistic investigation and inventory of farm-derived economic activity, active and inactive agricultural land uses, type of agricultural uses, size of farms and land in common ownership and agricultural tenure patterns (e.g., ownership and leasing) to understand the quality, quantity and condition of land in active or inactive agricultural use and the characteristics of the agricultural activities being performed. LFG will interview Thompson Street neighborhood residents and gather existing information from the Town and other sources. Building on existing maps and other materials from the Town, we will work closely with the Town's Planning and Conservation Departments to respond to specific queries and concerns.

Deliverables: a draft report detailing the above, including a summary of concerns, conclusions and recommendations. The unique emphasis on agriculture and working land will provide the neighborhood and the Town with new information and insights. Deliverables will include one or more maps based on GIS mapping and analysis to graphically describe current conditions as well as scenarios and recommendations. Both GIS electronic files with usable data and data layers as well as paper maps will be submitted.

2) Farmland preservation. LFG will prepare a Farmland Preservation Action Plan for the Thompson Street neighborhood. This plan will include: a) a fact-based assessment of land protection possibilities (i.e. what land might qualify, what owners are interested, what owners have developed succession plans; what are the agricultural and non-agricultural values of interest); b) an investigation of potential partners to fund the acquisition of agricultural preservation or other restrictions; c) recommendations on additional strategies to fund or otherwise acquire such restrictions or other forms of land protection including but not limited to fee acquisition; d) identification of future owners and agricultural land uses to be conducted on land after protection occurs; and e) concrete next steps. LFG will contact and meet with land trusts, agencies, and other potential partners.

Deliverables: a draft Farmland Preservation Action Plan will be presented that details the above, including a status statement and contact information for all potential and likely partners.

3. Future agricultural activity. LFG will investigate current, planned and potential agricultural uses in the neighborhood with an eye to maximizing the economic viability of current and future agricultural enterprises on both large farms and smaller farmsteads. We will propose strategies to best preserve and strengthen agricultural activity and rural character and identify opportunities for new agricultural enterprises for individual farms (for both commercial and non-commercial operations) or for the neighborhood as a whole including what elements are critical for the future viability of Thompson Street farms of all sizes. LFG will generally address themes of farm business plans, succession (transfer) planning and opportunities such as leasing land when owners cease to farm. We will specifically address how to make the neighborhood's agricultural operations and characteristics resilient in light of proposed non-agricultural projects and other potential development. LFG will evaluate the potential impacts of development on the agricultural viability and character of the neighborhood and propose options for mitigation of potential negative impacts. We will identify ways in which the Town may assist farmers in the Thompson Street neighborhood including but not limited to actions of the Agricultural Commission, Historical Commission, and Planning Board; better use of the farmers' market; identify considerations relating to zoning, assessing practices and permitting of non-agricultural development, etc.

Deliverables: findings and recommendations for the proposed strategies and opportunities for the future viability of agriculture in the Thompson Street neighborhood will be presented in a draft report.

4. Final Report. The reports and plan identified in items 1-3 above shall be submitted to the Town in draft form for review and comment as they are completed. Five paper copies and an electronic version shall be submitted. After all sections are completed and comments from the Town and stakeholders are received the sections shall be compiled into one final report. Five paper copies and an electronic version shall be submitted. GIS electronic data files shall also be submitted.

Consultants & Partners. For this project LFG will partner with First Pioneer Farm Credit, Southeastern Massachusetts Agricultural Partnership (SEMAP) and Conservation Works.

- First Pioneer Farm Credit specializes in farm business management assistance and farm lending. As a consultant, Jon Jaffe will offer broad technical assistance on agriculture-focused economic development, and educational programming on estate planning, legal, business planning, and capital needs to the neighborhood and community (not to individual landowners).
- Southeastern Massachusetts Agricultural Partnership (SEMAP) is a nonprofit agricultural support organization. Under its “Farms Forever” program, Katie Cavanaugh will provide direct support to Thompson Street residents and coordinate with LFG around information gathering and identifying resources and additional partners.
- Conservation Works is a Massachusetts-based consulting firm. As a consultant, Pete Westover has over two decades of experience with farmland preservation, land trusts, and municipal and state conservation work. For this project, he will focus on farmland preservation assessments, resources and strategies.

Approach. This project is unique in its focus on a highly valued agricultural neighborhood as a community asset. The proposed methodology may serve as a model for use by the Town with other properties and sections of town. LFG is open to including other properties and/or areas of town in this proposal or as stand-alone add-ons at a future time.

LFG utilizes a community-based, collaborative process. Our online project collaboration SharePoint site enables project participants (farmers, landowners, town officials, neighbors—to access and contribute to project materials as developed.

LFG prides itself on high quality management. As project manager, Kathy Ruhf will develop and oversee the work plan and all aspects of the proposed activities, and serve as liaison with town officials. , The team will be supported by clerical and business management staff, a landscape architect and GIS personnel from LFG. LFG offices are located in Belchertown, MA and Keene, NH.

Our timeline for this project is 8 months, commencing within two weeks of date of signed contract. Each of the three phases will take approximately two months, with an additional two months for final reporting and wrap-up.

Budget. The total budget for this project is \$16,655. Please see attached spreadsheet for a breakdown of line items and cost per activity area. Payment. Payment may be made by Town check, net 45 days, with 80% due on receipt of the draft reports and the remaining 20% due upon receipt of final report.

Landowner assistance. In concert with the above community project, LFG and FPFC will work directly with landowners in the Thompson St. neighborhood toward future farm business viability, continued agricultural activity, and succession. We will conduct assessments and planning with landowners and residents including farm transfer plans, leases, and business development. As clients, these neighborhood residents will contract privately with LFG and FPFC. We will partner with SEMAP and others to seek additional funds as a match to or to subsidize fee-for-service from landowners and residents on a case-by-case basis.

PROPOSAL SIGNATURE PAGE

The undersigned hereby offers and agrees to provide the above described services.

_____ Bob Bernstein, Co-director

_____ Date

Land For Good
29 Center Street
Keene, NH 03431
&
P.O. Box 11
Belchertown, MA 01007

Accepted by:

_____ Signator for the Town

_____ Print Name and Title

_____ Date

Town of Middleborough
10 Nickerson Ave
Middleborough, MA 02346

The Town hereby acknowledges receipt of and agrees to this submittal based additionally on the following Addenda.

1. Excel spreadsheet: Thompson Street Budget

Thompson Street Ag Planning Project Budget				
	LFG	LFG	TOWN	SEMAP
	HOURS	RATE/HR.	FUNDS	IN KIND
Survey and report on the current status				
Interview area residents	20	\$95	\$1,900	
Gather and analyse information from town and other sources	7	\$95	\$665	\$1,500
Write and distribute draft report	6	\$95	\$570	
Farmland preservation				
Evaluate neighborhood-wide opportunities and challenges	12	\$95	\$1,140	
Contact & engage with land trusts, agencies	12	\$95	\$1,140	\$800
Prepare a draft farmland preservation action plan	6	\$95	\$570	
Future agricultural activity				
Investigate current, planned and potential agricultural uses and opportunities	12	\$95	\$1,140	
Propose viability strategies at individual landowner, farm operator, neighborhood, community levels	20	\$95	\$1,900	
Identify capital needs and resources	8	\$95	\$760	
Write and distribute draft report	4	\$95	\$380	
Compile final report	7	\$95	\$665	
Project Management				
Project administration; contract admin; contract management	10	\$95	\$950	
SharePoint online collaboration site	8	\$30	\$240	
Planning, coordination, meetings with town officials and stakeholders	15	\$95	\$1,425	\$1,200
Clerical and business management	18	\$30	\$540	
Operating expenses			\$500	
GIS maps of project area (1-3)	8	\$95	\$760	
Travel				
Mileage reimbursement 1,200 miles (multiple interviews/meetings per trip)		\$0.55	\$660	
Travel time @ \$25 per hour	30	\$25	\$750	
TOTAL			\$16,655	\$3,500
				SEMAP
Landowner Direct Assistance				CASH
Individual farm tenure, succession, viability and/or planning assistance		flat fee	\$0	\$3,000

Recollecting Nemasket

by Michael Maddigan

The Olivers in the 'Small Oliver House' at Muttock

Standing at Muttock, half-hidden down a tree and stone wall-lined lane is one of Middleborough's architectural and historical gems, the Peter Oliver, Jr., House. The Oliver House, sometimes called the "Small Oliver House" (in distinction to the much grander Oliver Hall which stood atop Muttock Hill), was built in 1769 by Middleborough Royalist Judge Peter Oliver for his son, Doctor Peter Oliver, Jr., who wed Sally Hutchinson, daughter of then Lieutenant-Governor Thomas Hutchinson in February, 1770. Because the date of construction nearly coincides with the marriage date, it is likely that the house was built as a wedding gift for the couple.

Until relatively recently, it had been believed that the house had been built in 1762, as is recorded in Weston's "History of the Town of Middleboro." However, a number of finds uncovered during restoration of the house in the mid-1940s disprove Weston and confirm the later date. When the front doorsill was replaced at the time of restoration, a penny dated 1769 was discovered in the center. Additionally, the date 1769 appears scratched on the foundation of the easternmost (right) chimney, and is also handwritten on the wall of the "best bedroom" closet (which had been subsequently hidden by layers of wallpaper). Finally, Peter Oliver, Jr., for whom the house was built, did not take up residence in Middleborough until 1764.

The house is stated to be similar in design to the Wythe House at Williamsburg, Virginia, though the Oliver House has front and back halls both upstairs and downstairs. At one time, the Oliver House also had attic rooms for slaves, though these accommodations were later removed. So architecturally significant is the house, in fact, that it was extensively documented as part of the Historic American Buildings Survey during the 1930s, the records of which are housed in the Library of Congress.

The first occupant of the house, Dr. Peter Oliver, Jr., was born in 1741, son of Peter and Mary (Clarke) Oliver. Educated as a physician at Harvard Col-



THE OLIVER HOUSE: at Muttock remains one of Middleborough's most significant domestic buildings. So recognized, in fact, was it for the quality of its architecture, that it was documented as part of the Historic American Buildings Survey in the 1930s, when photographs and measured drawings were taken of the house and its features.

lege, the younger Oliver came to Middleborough in May, 1764, establishing his practice the following month in a small shop built by his father at Muttock. Oliver described his practice thusly: "I gradually got a little business but poor pay."

Oliver became engaged in August, 1765, to Sally Hutchinson, the sister of his college roommate and the daughter of Thomas Hutchinson, the most powerful man in the Massachusetts colony, and a staunch Loyalist. Following their 1770 marriage, the Olivers had three children, all of whom were born in the house: Margaret Hutchinson Oliver in 1771, Thomas Hutchinson Oliver in 1772, and Peter Oliver III in 1774.

During the Olivers' residency, several notable personages were entertained here. Governor Hutchinson was a frequent visitor to his daughter, until his ultimate departure from New England, June 1, 1774, and so commonplace were his visits that he referred to the house simply as the "summer house." One room, today, is known as the Hutchinson Chamber in his honor.

Benjamin Franklin was a guest in the house for three

days in the summer of 1773, being the guest of honor at an evening reception attended by many prominent Middleborough residents including Reverend Sylvanus Conant, Dr. Samuel Clarke, and Elkanah Leonard. The motive behind this hospitality was, allegedly, an attempt by the Loyalist establishment to woo the influential Franklin over to its cause. While only speculation, this theory does seem substantiated by the fact that Hutchinson considered Franklin to be "the Great director" of the Massachusetts radicals. At any rate, Franklin was not swayed, and he later infuriated the Olivers by leaking personal correspondence from Hutchinson, and Oliver's uncle Andrew Oliver, to Thomas Whately, former secretary to British Lord Grenville. Nonetheless, one of the ground floor parlors is still known as the Franklin Room.

Rising sentiments for independence from Britain increased the public antipathy towards the Oliver and Hutchinson families, and other Loyalists. In January, 1774, Dr. Oliver's, brother-in-law Elisha Hutchinson was forced to seek refuge in Middleborough after fleeing from an angry mob in

Plymouth which had attempted to stone him. Oliver's father, Judge Peter Oliver, then serving as Massachusetts Chief Justice, was impeached February 24, 1774, by the General Court, and an orchestrated campaign to vilify him was undertaken. The death of Judge Oliver's brother Andrew, and the departure for England in June, 1774, of the Hutchinson family, left Judge Oliver to bear the full wrath of colonial disaffection, and he was forced by a deputation of what he termed "Middleborough brutes" to sign a promise not to exercise his office, August 24, 1774.

Peter Oliver, Jr., himself, was forced by a mob of forty men which had assembled outside his house the following month, to sign a similar agreement not to accept any commission from British military governor General Gage. Ultimately, a second mob, headed by Reverend Sylvanus Conant, in February, 1775, forced Peter Oliver, Jr., to flee to Boston where his remaining family had gone. During the blockade of the city, he served as a common soldier. He left America, never to return, in April, 1776, and he died embittered in 1822; never seeing his Muttock home again.

Realworth

Appraising and Consulting

Post Office Box 2018
New Bedford, Massachusetts 02741
Telephone: 508-990-2332 Fax: 508-990-2380

November 30, 2009

Ruth McCawley Geoffroy
Planning Director
Town of Middleborough
20 Center Street
Middleborough, MA 02346

Re: Appraisal of approximately 40 acres, identified as portions of Lots 2098 & 2867 on Assessors' Map 41, Plymouth Street, Middleborough, MA, based on the hypothetical condition that approximately seven acres in the southeastern portion of the property (to be further identified by the Town of Middleborough) are excluded from Lots 2098 & 2867

Dear Ms. Geoffroy:

You have asked us to provide a quote for an appraisal report for the above-referenced property, under two possible reporting formats, with the option of including an estimate of value of the property as a multi-family development under the hypothetical condition that a permit could be obtained for multi-family development as shown on a certain plan, "Proposed Condominium Development at the Peter Oliver Estate," drawn by KFP Architects, Inc., dated August 26, 2009, and showing 176 units. The purpose of the appraisal would be to estimate the market value of the property, as of a current date. The function of the appraisal would be for decision making relative to a possible acquisition of the property.

Should you engage our services for a Summary Appraisal Report, two original copies of the report, in conformity with the Uniform Standards of Appraisal Practice as promulgated by the Appraisal Standards Board, would be completed and submitted to you. The fee for a Summary Appraisal Report would be \$1,500.00. In the event that you request an additional estimate of value, of the property as a multi-family development under the hypothetical condition outlined above, the total fee for a Summary Appraisal Report would be \$2,100.00. In either case, the anticipated completion date for the report would be about three weeks from your notice to proceed.

Should you engage our services for a Restricted Use Appraisal Report, two original copies of the report, in conformity with the Uniform Standards of Appraisal Practice as promulgated by the Appraisal Standards Board, would be completed and submitted to you. The fee for a Restricted Use Appraisal Report would be \$750.00. In the event that you request an additional estimate of value, of the property as a multi-family development under the hypothetical condition described above, the total fee for a Restricted Use Appraisal Report would be \$1,200.00. In either case, the anticipated completion date for the report would be within three weeks of your notice to proceed.

Thank you very much for considering Realworth Appraising & Consulting for this assignment.

Sincerely,

A handwritten signature in black ink that reads "Mark D. Truran". The signature is written in a cursive, slightly slanted style.

Mark D. Truran



McMAHON ASSOCIATES
45 Bromfield Street | 6th Floor | Boston, MA 02108
p 617-556-0020 | f 617-556-0025
www.mcmtrans.com

December 9, 2009

Ms. Ruth Geoffroy, Planning Director
Town of Middleborough
Town Hall Annex
20 Centre Street
Middleborough, MA 02346

RE: Engineering Design Services
Ring Road Alignment/Right-of-Way Plan

PRINCIPALS
Joseph W. McMahon, P.E.
Rodney P. Plourde, Ph.D., P.E.
Joseph J. DeSantis, P.E., PTOE
John S. DePalma
William T. Steffens
Casey A. Moore, P.E.

ASSOCIATES
Gary R. McNaughton, P.E., PTOE
John J. Mitchell, P.E.
Christopher J. Williams, P.E.
John F. Yacapsin, P.E.
Thomas A. Hall
Mark A. Roth, P.E.

Dear Ms. Geoffroy:

McMahon Associates is pleased to submit this proposal for the design of the proposed alignment and right-of-way requirements for the Ring Road connecting Route 18, Route 44, and Route 28. The design services included in this scope of work are limited to the Ring Road between Route 44 and Route 28; however, limited design of the Ring Road alignment will be required beyond those roadways to establish the appropriate geometry. The specific tasks are detailed below.

Scope of Services

- Review previous design alternatives and supporting documents related to the Ring Road alignment. We will assess the feasibility of the previously proposed alignment and its conformance with MassDOT and FHWA requirements and the cross sections and lane assignments will be developed for this alignment.
- Obtain available ground survey, topographic information, property line information, wetland delineation, and aerial photography of the project limits. It is assumed that this information will be provided by the Town of Middleborough or is readily available through MassGIS, USGS or other such sources. No survey data collection or additional wetland delineation is anticipated for this effort.
- Establish preliminary roadway cross sections and lane assignments. Roadway cross section requirement and lane assignments will be established based on available traffic volume data. It is anticipated that sufficient data is available through recent traffic studies completed for the Route 18 area and the Middleborough Rotary or other historic sources. The proposed Ring Road is anticipated to generally require a four-lane cross section with additional turn lanes provided at signalized intersections and driveways. The roadway cross section will be established in accordance with MassDOT guidelines.

Corporate Headquarters: Fort Washington, Pennsylvania

Serving the East Coast from 11 offices throughout New England, the Mid-Atlantic, and Florida

- Identify temporary and permanent driveway access connections to the proposed Ring Road to serve abutting commercial development parcels.
- This scope of services assumes that Route 44 will be grade separated from the Ring Road with a diamond type interchange where Route 44 crosses over the Ring Road. While vertical alignment of the Ring Road is not expected to be critical to the right-of-way requirements and therefore this scope does not include an assessment of the vertical geometry.
- Coordinate with the Town of Middleborough to incorporate review comments on the preliminary design alternative. As part of our work, McMahon will also attend one (1) meeting with the Town of Middleborough staff to review the preliminary design.
- Prepare alignment plans for the Ring Road between Route 28 and Route 44 incorporating Town of Middleborough comments.
- Prepare proposed right-of-way plans for the Ring Road between Route 28 and Route 44. The plans will be of sufficient detail for incorporation into existing property plans for the abutting development parcels.

Deliverables

This scope of services is intended to establish the right-of-way requirements for the future Ring Road to be constructed by others. The deliverables for this scope of services includes plans locating the right-of-way limits for the Ring Road within the Town owned property between Route 28 and Route 44. It is assumed that the actual parcel plans for the Town owned property will be prepared by others based on information resulting from this effort. Approximate alignment plans for the Ring Road and the Route 44 eastbound ramps will be developed in sufficient detail to establish the right-of-way requirements only.

Schedule

The preliminary alignment plans can be completed within two weeks of notice to proceed and receipt of available record information. These plans will be reviewed with the Town of Middleborough and final plans will be completed within two weeks of receipt of the Town's comments.

Fee

The tasks on this project will be completed on a time and materials basis with a not-to-exceed fee of \$8,900, inclusive of out-of-pocket expenses. Revisions to the scope of services, additional

meeting attendance, or major revisions to the Ring Road alignment are not included in this scope of work and, if requested, would require an amendment to this contract.

Conditions

The conditions of our agreement call for the execution of this contract in the space provided below with the understanding that invoices will be provided monthly and are payable within 30 days. Invoices not paid within 30 days are subject to a 1.5% monthly interest rate charge, in accordance with the attached standard provisions. If invoices are not paid within 90 days, the client will be notified and work on the project will be stopped until outstanding invoices have been paid. The fee quoted above is valid for a period of 90 days from the date of this contract. Any changes in the specific work program described above will result in an adjustment in the conditions and fees.

If you should have any further questions or require further information, please feel free to contact me. We appreciate the opportunity to submit a proposal on this project and look forward to continuing our work with the Town of Middleborough.

Very truly yours,



Gary R. McNaughton, P.E., PTOE
Vice President & General Manager

Attachment

Accepted for Town of Middleborough:

By: _____ Title: _____
(Signature of Authorized Representative)

_____ Date: _____
(Printed Name of Authorized Representative)

MCMAHON ASSOCIATES, INC.
STANDARD PROVISIONS FOR PROFESSIONAL SERVICES
JANUARY 1, 2009

SERVICES

McMahon Associates, Inc. reserves the right to make adjustments for individuals within these classifications as may be desirable in its opinion by reason of promotion, demotion, or change in wage rates. Such adjustments will be limited to the manner in which charges are computed and billed and will not, unless so stated in writing, affect other terms of an agreement, such as estimated total cost. The following rates will apply to actual time devoted by McMahon Associates, Inc. staff to this project computed to the nearest one-half hour.

<u>PERSONNEL</u>	<u>HOURLY RATES</u>
Principal	\$250.00
Senior Associate	\$225.00
Senior Engineer/Planner VIII/Associate	\$215.00
Senior Engineer/Planner VII/Associate	\$200.00
Senior Engineer/Planner VI/Associate	\$185.00
Senior Engineer/Planner V/Associate	\$170.00
Senior Engineer/Planner IV/Associate	\$160.00
Senior Engineer/Planner III	\$145.00
Senior Engineer/Planner II	\$135.00
Senior Engineer/Planner I	\$125.00
Chief of Surveys	\$130.00
Traffic Control/Construction Specialist	\$125.00
Party Chief	\$100.00
Engineer VI	\$120.00
Engineer V	\$115.00
Engineer IV	\$105.00
Engineer III	\$100.00
Engineer II	\$ 90.00
Engineer I	\$ 85.00
Technician/Word Processor IV	\$ 85.00
Technician/Word Processor III	\$ 80.00
Technician/Word Processor II	\$ 75.00
Technician/Word Processor I	\$ 65.00
Survey Technician	\$ 65.00
Field Traffic Count Personnel	\$ 40.00

TERMS

1. **Invoices** - Invoices will be provided on a monthly basis and will be based upon percentage of completion or actual hours, plus expenses. Payment is due to McMahon Associates, Inc. within 30 days of the invoice date. Unpaid balances beyond 30 days are subject to interest at the rate of 1.5% per month. This is an annual percentage rate of 18%.
2. **Confidentiality** - Technical and pricing information in this proposal is the confidential and proprietary property of McMahon Associates, Inc. and is not to be disclosed or made available to third parties without the written consent of McMahon Associates, Inc.
3. **Commitments** - Fee and schedule commitments will be subject to renegotiation for delays caused by the client's failure to provide specified facilities or information, or any other unpredictable occurrences.
4. **Expenses** - Automatic Traffic Recorder equipment usage will be billed at \$25.00 per 24-hour count. Incidental expenses are reimbursable at cost, plus an administration fee of 10%. These include subconsultants, reproduction, postage, graphics, reimbursement of automobile usage at the IRS-approved rate, parking and tolls. Expenses which by company policy are not billed as reimbursable expenses to clients and therefore, will not be billed as part of this contract include the following: air travel, rental car, lodging, meals, and long distance phone charges between McMahon Associates offices. If it becomes necessary during the course of this project to travel elsewhere, those travel costs will be treated as reimbursable expenses. These expenses will be reflected in the monthly invoices.
5. **Attorney's Fees** - In connection with any litigation arising from the terms of this agreement, the prevailing party shall be entitled to all costs including reasonable attorney's fees at both the trial and appellate levels.
6. **Ownership and Use of Documents** - All original drawings and information are to remain the property of McMahon Associates Inc. The client will be provided with copies of final drawings and/or reports for information and reference purposes.
7. **Insurance** - McMahon Associates, Inc. will maintain at its own expense Workman's Compensation Insurance, Comprehensive General Liability Insurance and Professional Liability Insurance and, upon request, will furnish the client a certificate to verify same.
8. **Termination** - This agreement may be terminated by the authorized representative effective immediately on receipt of written notice. Payment will be due for services rendered through the date written notice is received.
9. **Binding Status** - The client and McMahon Associates, Inc. bind themselves, their partners, successors, assigns, heirs, and/or legal representatives to the other party to this Agreement, and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Contract.

Report on Proposed IT Assessment December 14, 2009

Scope of Project:

To make a recommendation to the Board of Selectmen (BOS) if they should proceed with The Network Analysis and Assessment as defined in the scope of work as presented by HUB TECH and recommended by the Finance Committee (FINCOM).

Understanding of Facts:

Summary of why FINCOM believes an assessment is needed:

- Review will identify current and future savings
Potential for consolidation with School, Police, Fire and G&E
Productivity improvements

- FINCOM has attempted assessments at least three times in the past 10-14 years but has resulted in a more Town wide review of processes and were not focused on the IT Function

These reviews consisted of the 1995 DOR IT , November 2005 DOR Department Audit and the May 2007 DOR Financial Management review all indicate that a need exists for a technical audit to review hardware, software , service and integration of IT infrastructure.

- FINCOM believes a base line of the status of the current network is required to provide a backdrop to assess future investments in IT infrastructure

Summary of Work to Arrive at Recommendation:

Meeting on November 23rd:

- Town Manager (Charles Cristello)
- IT Director (Rodger Brunelle)
- Superintendent of Schools (Dr. Robert Sullivan)
- School Dpt. Business Mgr (Thomas Tatro)
- School IT Staff (Mark Mobley)
- School IT Staff (Theresa Craig)

The discussion focused on consolidation opportunities, security needs, need for a technical review and assessment of network, review for potential cost savings, and if an assessment were to be performed by an outside consultant where should the focus be placed

Summary of November 23rd Discussion:

- Both General Government and School Department staff felt that a Technical Review and Network assessment would not be a useful tool to help them assess where their limited investment dollars should be spent. Both function believed they could perform a technical mapping of the current network and some statistical data on network performance.

- Both General Government and School Department staff felt that a better use of a consultant review would be to review their individual Three Year Technology Plans to assure that future funding is being invested wisely. The school department is particularly interested in a review of the 3- year Technology Plan which was revised and submitted to the Department of Elementary and Secondary Education in June 2009. The plan revisits many elements of necessary upgrades to the infrastructure, hardware and software. They believe it would be beneficial to have an outside consultant review these plans and test the assumptions behind them against current technology developments.

- Both General Government and School Department staff also agreed that a review of their security measures would also be useful.

- Both General Government and School Department staff have by choice kept their networks separate from one another as a security measure. However, both Town and School do share financial applications, which is more than most municipalities have accomplished.

- The school department supplied a list of possible vendors to perform this review with all contact information and General Government also agreed with this. This list is attached.

Meeting with Police Chief Gates on December 7, 2009

Summary of Discussion:

The department has one server, approximately 10 desktops, and 8 lap tops for the cruisers. It should be noted that the chief believes his desk tops are two years passed their scheduled replacement. The department uses one officer 20 hours per week to maintain equipment and software.

The department's network is not connected with the Town IT network. This is configured this way to be in compliance with State and Federal Agency contracts allowing exchange of data...

The chief also noted that all his IT purchases are made by the Town's IT department but that he uses his own internal IT support to install and get the new hardware up and running.

Consolidation and cost savings were not apparent to the Chief and did not see how an assessment would benefit his department.

Meeting with G&E Department Manager John Granahan December 11, 2009

A description of the G&E Network is attached to this report.

Summary of Discussion:

The General Government IT does provide a level of service to the G&E department. The services provided include payroll processing, paying of vendor bills and deposit of cash receipts. Further integration of accounting function would not be appropriate due to the differences in the mandated reporting. The networks however are not connected and transfer of data is accomplished via a disc. This may appear as an outdated means of data transfer but the networks are not connected due to security requirements place on the G&E department by Homeland Security and other agencies.

The G&E IT function is entirely staffed and maintained by outside vendors. The G&E General Manager also feels that his network is assessed and changed on regular basis and does not feel that participation in this proposed assessment would be useful. He also believes that the level of integration between his system and the General Government is correct.

Recommendation:

During these very challenging financial times it is important that we not leave any stone unturned in our search for savings and productivity. We must also understand where we need to be in terms of our IT infrastructure to insure that it will meet our needs in the next 3-5 years along with the investments required. In addition both the School Department and the General Government believe that their operations would benefit from an assessment of the IT Department. The challenge came in identifying the scope of work which would yield the best tool to meet these requirements and the additional requirements identified by the FINCOM to help them define and assess the request for additional investments in our IT infrastructure.

My recommendation is to have the Town Manager seek quotations for an assessment of the town wide IT network with the following scope of work:

Complete a review and comment on the planning for future technology, security, wireless access, remote access, and expansion. (Review School Department and General Governments 3-Year Technology Plan)

Assessment of current data and network security measure town wide with comment on current status and required enhancements with associated cost for recommended improvements

Assessment of Current Disaster Recovery Plan

Assessment of Town IT Department in terms of physical security and protection of equipment.

In addition the IT Director and the School Department will provide to the FINCOM a network mapping and all available statistical data available regarding network performance.

Listing of Suggested Companies to Perform Assessment

LCN
260 Libbey Parkway
Weymouth, MA 02189
Contact: Michael D. Lieb, President, LCN
PH: 781-340-1400 x127
FX: 781-340-1444
email: mlieb@lcn-inc.com
website: <http://www.lcn-inc.com>

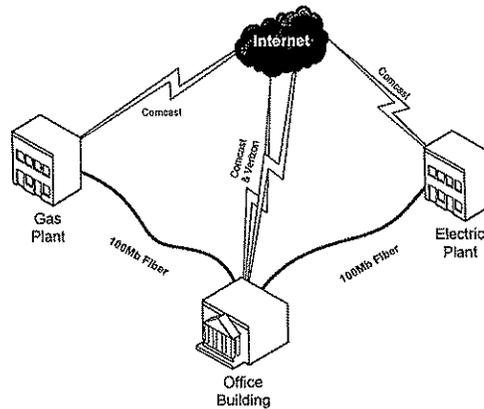
Merrimack Education Center (MECNET)
2 Republic Road
North Billerica, MA 01862
Contact: Sharon Grover-Renda, Dir. of Sales & Marketing
PH: 978-275-1600
PH: 978-275-1602
FX: 978-275-1699
email: srenda@mecnet.net

Precision IT Group, LLC
109 State Street
Boston, MA 02109
Contact: Mark Giglietti, President
PH: 888-426-2344 X83
FX: 877-755-6273
email: mgiglietti@precisionit.net
website: <http://www.precisionit.net>

Unicom / Div. of Custom Computer Specialists
6 Blackstone Valley Place - Suite 402
Lincoln, RI 02865
Contact: Catherine Burton, Contract Manager
PH: 401-775-1247
FX: 401-765-6440
email: cburton@unicom-inc.com

HUB Tech
44 Norfolk Avenue
S. Easton Ma 02375

Fax Number 508-238-1146
Contact Brian McDonald
Phone# 508-238-9887
Email bmcDonald@hubtechnical.com



Existing systems and configuration.

Network configuration.

The fiber network configuration has some redundancy. The Administrative office building is a point of failure for the fiber link between the Gas plant and the Electric plant. Backup connectivity is VPN connections to the Firewall at between each location.

Computer systems

The three main servers at the office building are the Harris billing system, Great Plains Server and the Small Business Server. The Gas and Electric SCADA systems are independent and are on their own dedicated computers and networks at the gas and electric plants

Harris Server

Role: Maintain customer accounts and billing. The operating system for this computer is Red Hat Enterprise Linux. The server is backed up each night to local NAS disk, tape and remote NAS disk.

Small Business Server

Role: Domain server, file storage and E-mail. The operating system is Microsoft Small Business Server 2003. The server is backed up each night to local NAS disk, tape and remote NAS disk.

Great Plains Server

Role: SQL server and Accounting. The operating system is Microsoft Windows Server 2003 Standard edition. The existing server is backed up each night to local NAS disk, tape and remote NAS disk.

SCADA Systems

Role: Monitoring of gas and electric systems. The systems are not backed up each night. The SCADA systems are independent of the office network and are maintained by the vendors.

Overview

