

# **MINUTES**

**For approval at the 12-21-09 meeting**

**Middleborough Board of Selectmen  
Meeting Minutes****December 7, 2009**

Chairman opened meeting at 7:01 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen P. Rogers, M. Brunelle, M. Duphily, S. McKinnon and A. Rullo.

**ANNOUNCEMENTS**

Chairman announced that nomination papers may be obtained from the Town Clerk, starting on 1-4-10 up until 12-12-10 and must be returned by 2-16-10. Chairman Rogers announced that this is his fifth year as a Selectman and that his term ends on 4-4-10. He will not be running again at the end of his term. He offered that he believes that it is fair to give others the chance to serve the Town. He further indicated that Mr. Rullo will also be up for re-election.

**NEW BUSINESS**

Robert Smith, district Manager for BBK addressed the Board and explained that the Burger King located at 460 West Grove Street had been for sale and company was the successful bidder. Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve Common Victuallers license for Burger King located at 460 West Grove Street with hours of operation as Sunday through Saturday from 6 a.m. until 12 a.m., subject to confirmation that outstanding taxes have been paid and subject to satisfactory inspection by the Health Department.  
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted to approve Betterment Agreement for 271 Everett Street in the amount of \$11,445.  
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve Betterment Agreement for 141 Colby Drive in the amount of \$14,800.  
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve Betterment Agreement for 120 Pleasant Street in the amount of \$21,980.10.  
Four in favor. P. Rogers abstained.

Police Chief Gates addressed Board to explain his request to call for a Civil Service list for the position of one Police Sergeant.  
Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve request to call for Civil Service list for the position of one Police Sergeant.  
Four in favor. P. Rogers abstained.

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Police Chief recommended promoting David Beals, Jr. to position of Police Sergeant Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve the temporary appointment of David A. Beals, Jr. to position of Police Sergeant.

Four in favor. P. Rogers abstained.

Chief Gates addressed the issue of Plymouth County Sheriff's Department's Reverse 911 program used to notify surrounding Towns if/when there is an incident that occurs at the prison that may pose concern to the public. The Chief recommended that the Town of Middleborough ask the Sheriff's Department to include it in its E-911 program. The Chief indicated that the Town of Middleborough will implement its own Reverse E-911 until such time as all of the necessary information is provided to the Sheriff's Department to begin the program through them. The Chief will have a meeting with the Town of Bridgewater and the Sheriff's Department to set up program. Board agreed that Chief may move forward and that he may notify the Sheriff's Department that Selectwoman Brunelle will now be the Board's contact when notification of a prison escape is necessary.

**HEARINGS, MEETINGS & LICENSES**

Charter Study Committee Chairwoman Caroline LaCroix addressed Board to present the report of the Committee as is presented on the attached. Chairwoman LaCroix began by introducing the members of the Committee. Chairwoman LaCroix spoke about Strong Town Manager forms of government. The Town of Middleborough is one of the first Town's to have included the Town Manager position under the Town Charter. Neil Rosenthol addressed Board and thanked Chairwoman LaCroix for all she's done on behalf of the Committee and for leading the Committee through the process of formulating its report. The Committee recommends staying with the present form of Town Government.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to extend the appointment of the CSC until July 1, 2010 in order that it may complete the development of the Town Meeting Warrant articles.

Four in favor. P. Rogers abstained. Steve Spataro addressed the Board and asked that the Board provide feedback and recommendations to the Committee. Mr. Rosenthol suggested having a "working meeting" with the Board of Selectmen.

R. Dunphy asked if there is a possibility of changing the form of government for the Town of Middleborough. Chairman Rogers and Selectwoman Brunelle explained that this is not what we were looking here. That would be better served through an elected Town Charter Committee.

Selectman McKinnon left meeting at 8:16 PM. Selectman McKinnon returned at 8:18 PM.

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Snowplowing/sanding – Private Ways

Chairman Rogers briefly recapped what happened at the Board's previous meeting on November 16, 2009 relative to same. Chairman noted that the Town was served with a lawsuit seeking a preliminary injunction and named those identified as the ten tax paying residents of the Town of Middleborough who filed for the injunction. Chairman clarified that the document had misrepresented that the Board had voted to continue the practice of snowplowing private ways, when in fact it had not voted on anything. Chairman noted a corrected list of private ways that has been provided by the DPW. Chairman read aloud draft proposed policy for consideration by the Board with specific language, which, if implemented, would cease the lawsuit. Selectman McKinnon announced that he had some meetings in Adam Bond's Law Office and that he had paid for those meetings. He noted that he has not had any meetings there in a few months and any decisions that he makes tonight would have nothing to do with that. Selectwoman Brunelle suggested that in order not to have a lawsuit, we could bill the residents on these private ways, on a quarterly basis, at an amount that is not burdensome. Selectman McKinnon read aloud MGL Chapter 40, Section 5. Selectman Rullo noted that we can't deny the fact that we are in violation of the law. Selectwoman Duphily noted that what the Town has been doing is illegal and if it could go forward, it would be difficult to decide how the Town would decide which private ways would get plowed and which would not. She also noted that, as Selectmen, the Board wanted to go forward and not create waves for anyone, but the lawsuit that was filed prevents the Board from doing so. She explained to the public how to get the issue on the Annual Town Meeting Ballot. Selectwoman Brunelle noted that the Judge would have to agree with a Plan B, but there is no guarantee he/she would agree – Plan B would be to charge these residents a fee for the plowing/sanding, but it would require that every resident on the road would have to agree and be willing to pay. Selectman McKinnon referenced Town Bylaw, Section 40 referring to 70 percent of people as being required to sign petition to allow Town to grade road for certain fee. Chairman welcomed residents to offer comments. Board heard comments from various residents. Chairman thanked everyone for their comments. Upon motion by Selectman Rullo and seconded by Selectwoman Brunelle, Board voted to have Town Counsel review draft policy proposal and go to Attorney Bond to see if he'd agree for this season only.  
Four in favor. P. Rogers abstained.

Upon motion by Selectman Rullo and seconded by Selectwoman Brunelle, Board voted to present to the Court, if Attorney Bond says no.  
Four in favor. P. Rogers abstained.

Selectwoman Brunelle suggested that the fee system would be similar to trash fees. Liability form would need to be signed by residents releasing the Town.  
Steve Morris offered that if the Town can get them liability waivers they will get neighbors to sign.

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Office of Economic Development – Discussion on Community Development Strategy

OECD Director A. Nalevanko addressed Board and gave overview of 2010 Community Development Block Grant (CDBG). Board made suggestions on commercial improvements for the downtown area.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve plans submitted by OECD Director, as amended, to include target area of the Town Center.

Four in favor. P. Rogers abstained.

**TOWN MANAGER'S REPORT**

Upon motion by Selectman Rullo and Selectwoman Duphily, Board voted to Award contracts to the bidders listed below under the SERSG DPW Services IFB for a twelve month period (or six months for Items 1 and 2 as specified) for dates as amended. See attachment.

Four in favor. P. Rogers abstained.

Town Manager will draft letter to B. McCourt re Plymouth Street Bridge. Town Manager explained that we can move forward to get design done and funding for the bridge. They had to remove this bridge from list simply because it was inactive for so long.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to declare three vehicles as surplus:

1995 Chevrolet Corsica	Vehicle ID#1G1LD5542SY213653
1995 Chevrolet Corsica	Vehicle ID #1G1LD5540SY209004
1987 Chevrolet Pick Up	Vehicle ID #1GCGR24K9HF320275

Four in favor. P. Rogers abstained.

Town Manager - Public Safety Dispatch – Regionalization – hopes to have some results late January or early February.

FAA – Noise Impact study – Town Manager to put out press release seeking volunteer from North area of Middleboro.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to authorize posting of job vacancy for DPW Water Superintendent.

Four in favor. P. Rogers abstained.

Town Manager noted that he has distributed a memo to department heads with budget review schedule.

Web Site Update – working on finalizing the appearance.

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**CORRESPONDENCE**

#2 - Selectman Rullo noted letter from Fire Chief to Pierce Trustees thanking them for funding the fire station roof repairs.

#12 – Auburn Street bridge – Town Manager explained that the representatives of the Wildlands Trust were just weighing in and agree that there is no need to replace that bridge.

#3 - D. Dube – Selectman McKinnon noted letter from Mr. Dube thanking Town Manager for his assistance re curbing/sidewalk - Oak Street.

#11 – Comcast Volunteer Appreciation Open House Notice – Selectman McKinnon thanked them for their efforts.

#13 - Plympton Board of Assessors – Abatement noted with thanks to Assessor/Appraiser B. Erickson.

**OTHER**

Selectman McKinnon announced that he has taken the required Ethics course on-line.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to adjourn meeting at 11:09 PM.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN



*Town of Middleborough*  
Office of Economic & Community Development  
20 Centre Street, Middleborough, MA 02346

Tel: 508-946-2402, Fax: 508-946-2413  
[Analevanko1@verizon.net](mailto:Analevanko1@verizon.net)

## Community Development Block Grant (CDBG) Overview 2010

### Eligible Activities

CDBG grant assistance is provided to qualifying cities and towns (under 50,000 in population) for housing, community, and economic development projects that meet the state Department of Housing and Community Development (DHCD) and federal objectives. The Town of Middleborough has pursued projects that meet the objective of *assisting low and moderate-income residents* and in our regional application with Lakeville we will continue to address this objective.

Eligible CDBG projects include but are not limited to:

1. Housing rehabilitation or development
2. Infrastructure, community/public facilities
3. Public social services
4. Planning
5. Removal of architectural barriers to allow access by persons with disabilities
6. Downtown or area revitalization

In a regional application projects are determined that meet the needs of all communities in that region (in our case in Middleborough & Lakeville). The projects need to be conducted across the two towns.

### Past Projects

Over the past ten years, the Town, through the OECD, has received funding for various projects including:

- 2005 CDF Housing Rehabilitation Grant: 32 Low to Moderate Households (LMI) served
- 2005 Housing Development Support Grant (HDSP): Renovated 153 Center St., creating 4 new affordable apartments
- 2003 HDSP: Faietti Building renovated, creating 7 new affordable apartments
- 2002 CDF Housing Rehabilitation Grant: 26 LMI Households served
- 2001 RRF: Streetlights and Building Façade improvements

- 2000 HDSP: Corsini Building Renovated: 7 new affordable apartments created
- 1999 HDSP: Peirce Building Renovated: 7 new affordable apartments created
- 1998 CDF: Streetscape and Building Façade improvements
- 1998 RRF: Clay Street Sewer extension

In addition to direct grants from the DHCD, the OECD has received funds from the repayment of Housing Rehab loans, called "Program Income" funds. With these funds, the OECD has created the following programs/projects since 2006:

- Sign and Façade Improvement Project
- Star Mill Re-use Feasibility Study
- Sidewalk repair Project
- After School "Engineering is Elemental" Program
- Home Repair Program (one of the most successful activities)

### **Community Development Strategy (CDS) - Priority Projects**

To date, through the public participation process, the below were identified as high priority projects (still anticipating feedback from some social service agencies, staff, Board of Selectmen, and input from one more public forum). All projects are not CDBG eligible but as part of our CDS process all priority projects are identified.

- Update Affordable Housing Plan
- Create affordable housing with potential mixed use in vacant mill buildings in town center.
- Improve housing conditions and support home repairs.
- Adopt inclusionary housing requirements for all housing developments over 6 units.
- Modify Town's multifamily zoning including increase in density and inclusionary provision for affordable housing.
- Increase senior housing to include assisted living.
- Support/facilitate better coordinated public social services (regional and local) that address homelessness and foreclosure prevention and senior services (i.e., emergency assistance, food pantry/food bank coordination, financial literacy).
- Assess youth service/program needs for delinquency/criminal activity/drug and alcohol prevention and enhance services to address need.
- Continue water main, drainage, parking lot, sidewalk infrastructure improvements in town center.
- Conduct a strategic planning and revitalization study for Everett Square.
- Make upgrades to the community's primary recreational facility to include pool infrastructure, pavement, and safety improvements.
- Work with staff/boards of local museums, theatres, cultural institutions, historic districts, natural resource groups, community groups, service clubs to develop a tourism promotion plan and marketing materials and obtain tourism grant funding/consultant services.
- Develop a marketing plan to recruit business to downtown and other commercial locations.

- Complete upgrade of economic development website as part of marketing plan.
- Identify properties near highway interchanges for potential commercial development.
- Develop strategies to attract/retain businesses in town center.
- Expand town center beautification efforts.
- Promote implementation of a range of strategies to protect working agricultural lands, including but not limited to the Thompson Street Agricultural Heritage Corridor.
- Continue to work with preservation partners to preserve open space and historic resources.
- Maintain the Town's rural character by providing the opportunity to combine natural resources with economic development such as recreation, eco-tourism, and agribusiness.
- Implement 43D priority development requirements for Middleborough Park @495 to include streamline permitting and development review guidelines.
- Pursue Growth District designation to access infrastructure funds to facilitate economic development and regional roadway construction to alleviate congestion at the Rotary and I-495.
- Pursue energy efficiency and cost savings in municipal buildings.
- Continue to upgrade Zoning By-laws including their full recodification and addition of a sign by-law and site plan review by-law.
- Upgrade the Subdivision Rules and Regulations including the addition of LID standards.

## Community Support

DHCD requires extensive documentation of community need and community support for the proposed projects. The DHCD requires the identification of geographic target areas that are intended as the focus of community development efforts. Census data and surveys must document this need.

The OECD must also document community support for the proposed activity. Community support can be identified in many ways:

Meetings: The DHCD requires Public Hearings before applying for the grant. However, Public Hearings alone are not sufficient. The OECD needs to outreach to other groups in Middleborough, such as the Council on Aging, Middleborough Youth Advocates and Veterans' groups.

Affordable Housing Committee: This Committee is underway and is providing support for the CDBG application through help with advocacy, data collection, and surveys.

Surveys: The OECD will survey past recipients of Housing Rehab loans and grants as to satisfaction. In addition, a sign up sheet is available in the OECD Office for the public to sign to show their support.

Letters of Support: The OECD will seek letters of support for activities proposed.

Public hearings/citizen participation processes on the CDS were held from October 2009 through December 2009. In addition to general public forums, input strategy and priority projects was sought through: Middleborough Veteran's Council, Middleborough Youth Advocates, Council on Aging, presentations at televised Middleborough Board of Selectmen meetings, Middleborough on the Move (downtown development non-profit), Middleborough department head meeting, meeting of potential beneficiaries, etc... Meetings/forums/presentations were held on following dates:

Date/Time	Community Group/General Public	Location
Oct. 6, 2009/4:00 p.m.	Middleborough At Home	Town Offices
Oct. 20, 2009/10:00 a.m.	General Public	Town Library
Oct. 20, 2009/4:00 p.m.	General Public	Selectmen's Meeting Room
Oct. 20, 2009/6:00 p.m.	General Public	Selectmen's Meeting Room
Oct. 21, 2009/8:00 a.m.	Middleborough Youth Advocates	25 Wareham St.
Oct. 26, 2009/7:00 p.m.	Board of Selectmen Meeting	Selectmen's Meeting Room
Nov 3, 2009/4:00 p.m.	Middleborough At Home	Town Offices
Nov 4, 2009/8:00 a.m.	Middleborough on the Move	Town Offices
Nov 4, 2009/9:00	VFW Breakfast	Town Library
Nov. 18, 2009/8:00 a.m.	Middleborough Youth Advocates	25 Wareham St.
Nov 24, 2009/6:00 p.m.	General Public	Selectmen's Meeting Room
Nov 30, 2009/7:00 p.m.	Board of Selectmen Meeting	Selectmen's Meeting Room
Dec. 7, 2009/7:00 p.m.	General Public	Selectmen's Meeting Room
Dec. 7, 2009/7:00 p.m.	Board of Selectmen Meeting	Selectmen's Meeting Room

As part of the discussions, the target area for projects was discussed and remains the same as what was developed for the FY2009 application. The targeted area (Middleborough Center) consists of two census tracts: the complete 5423 and blocks 3 and 4 of track 5422. This area was selected for a variety of reasons based on need, census tract income data, condition of houses, community input, unemployment data, % of youth.

The Board of Selectmen of the **Town of Middleborough** voted at their meeting held on \_\_\_\_\_, 2009 to award contracts to the bidders listed below under the SERSG DPW Services IFB for a twelve month period (or six months for Items 1 and 2 as specified) commencing ~~1/1/09~~ or ~~7/1/09~~. This award is *for dates* conditioned upon the receipt of the appropriate documents specified in the above IFB. The SERSG Regional Administrator will collect these documents on behalf of the Board of Selectmen and present them to the *as amended* Board for final approval and signature.

**DPW SERVICES FOR CALENDAR YEAR 2010.**

<u>ITEM NO. and DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>Quantity</u>	<u>Total Value</u>
<b>1. Pavement Reclamation for six-month period 7/1/09-12/31/09</b>			
Mass. Pavement Reclamation - Hanover, MA			
<i>BIDDER'S NAME</i>			
Reclaiming per square yard	\$2.37 per square yard	20,000	\$47,400.00
Excess Loading of Reclaimed Material	\$0.01 per cubic yard	100	\$1.00
Structure Remodeling per vertical foot	\$0.01 per vertical foot	10	\$0.10
	<b>Item Sub-Total</b>		<b>\$47,401.10</b>
<b>2. In-Place Bituminous Concrete for six-month period 7/1/09-12/31/09</b>			
<b>Zone E: Bridgewater, Middleborough &amp; Raynham</b>			
Aggregate Industries - Saugus, MA			
<i>BIDDER'S NAME</i>			
In-Place Bituminous Concrete	\$55.65 per ton	5,000	\$278,250.00
Structure Adjustments	\$140.00 each	48	\$6,720.00
Structure Rebuilt	\$300.00 each	10	\$3,000.00
Hand Work	\$92.71 per ton	50	\$4,635.50
Sawcutting	\$1.00 per linear foot	0	\$0.00
Playgrounds/Parking Lots	\$55.65 per ton	1,500	\$83,475.00
	<b>Item Sub-Total</b>		<b>\$376,080.50</b>
<b>3. RANDOM CRACK SEALING</b>			
Crack-Sealing - Raynham, MA			
<i>BIDDER'S NAME</i>	\$6.23 per gallon		\$0.00
	\$4,100.00 per day	10	\$41,000.00
<b>4. HOT ASPHALT CHIP SEAL</b>			
All States Asphalt - Sunderland, MA			
<i>BIDDER'S NAME</i>			
Stone Chip Seal	\$1.96 per square yard	20,000	\$39,200.00
Leveling Course	\$115.00 per ton	0	\$0.00
Sand Chip Seal	\$1.85 per square yard	10,000	\$18,500.00
Leveling Course	\$115.00 per ton	0	\$0.00
Double Chip Seal	\$3.60 per square yard	10,000	\$36,000.00
Leveling Course	\$115.00 per ton	0	\$0.00
	<b>Item Sub-Total</b>		<b>\$93,700.00</b>

**5. INSTALLATION OF STEEL BEAM GUARD RAIL**

Commonwealth Guardrail - Westfield, MA

*BIDDER'S NAME*

Straight (Metal Posts)	\$20.10 per foot	2,000	\$40,200.00
Straight (Wooden Posts-Galvanized)	\$19.90 per foot	0	\$0.00
Straight (Wooden Posts-Rust)	\$20.50 per foot	2,000	\$41,000.00
Curved (Galvanized)	\$22.00 per foot	100	\$2,200.00
Curved (Rust)	\$22.50 per foot	100	\$2,250.00
End Pieces (Galvanized)	\$50.00 each	24	\$1,200.00
End Pieces (Rust)	\$52.00 each	24	\$1,248.00
	<b>Item Sub-Total</b>		<b>\$88,098.00</b>

**7. COLD PLANING**

T.L. Edwards, Avon, MA

*BIDDER'S NAME*

	\$1.68 per square yard	10,000	\$16,800.00
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**8. SIDEWALK CONSTRUCTION AND SETTING OF CURBS AND EDGING**

Capone Bros - Randolph, MA

*BIDDER'S NAME*

Earth Excavation (cubic yds)	\$ 22.00 per cubic yard	1000	\$22,000.00
Unclassified Excavation (cub yds)	\$ 22.00 per cubic yard	1	\$22.00
Class A Rock Excavation (cub yds)	\$ 35.00 per cubic yard	1	\$35.00
Stump Excavation (cubic yards)	\$ 100.00 per cubic yard	1	\$100.00
Muck Excavation (cubic yards)	\$ 1.00 per cubic yard	1	\$1.00
Topsoil Excavated and stacked (cub yds)	\$ 5.00 per cubic yard	1	\$5.00
Dense graded stone (cubic yards)	\$ 30.00 per cubic yard	100	\$3,000.00
Processed gravel (in place) (cubic yds)	\$ 28.00 per cubic yard	40	\$1,120.00
Installation of concrete sidewalks & wheelchair ramps (full depth construction) (sq yds)	\$ 60.00 per square yard	100	\$6,000.00
Installation of bituminous concrete sidewalk overlay	\$ 149.00 per ton	1	\$149.00
Installation of bit. concrete sidewalks and wheelchair ramps (full depth construction) (sq yds)	\$ 35.00 per square yard	1	\$35.00
Installation of bituminous concrete berms and curbs	\$ 8.00 per linear foot	1	\$8.00
Install of Granite Curb - Straight - Type VB	\$ 20.00 per linear foot	1	\$20.00
Furnish and Install Granite Curb Corners - Type A	\$ 175.00 each	1	\$175.00
Furnish and Install Granite Curb Inlet - Straight -Type A	\$ 250.00 each	1	\$250.00
Furnish and Install Granite Curb Inlet - Curved -Type A	\$ 283.00 each	1	\$283.00
Furnish and Install Granite Curb - Straight - Type VB	\$ 30.00 per linear foot	1	\$30.00
Furnish and Install Granite Curb - Curved - Type VB	\$ 33.00 per linear foot	1	\$33.00
Furnish and Install Granite Curb - Curved - Type VA4	\$ 35.00 per linear foot	1	\$35.00
Furnish and Install Granite Curb - Straight - Type VA4	\$ 32.00 per linear foot	1	\$32.00
Furnish and Install Granite Curb - Straight - Type SB	\$ 24.00 per linear foot	500	\$12,000.00
Furnish & Install Granite Transition Curb for wheelchair ramps & driveways - Straight - Type VB (lin ft)	\$ 34.00 per linear foot	20	\$680.00
Furnish & Install Granite Transition Curb for wheelchair ramps & driveways - Curved - Type VB (lin ft)	\$ 36.00 per linear foot	20	\$720.00
Furnish and Install Transition Slope to Vertical (each)	\$ 290.00 each	8	\$2,320.00
Furnish and Install Handicap Panels (rubber ADA) (each)	\$ 500.00 each	24	\$12,000.00
Granite Curb - Removed and Reset - Type VB (linear ft)	\$ 22.00 per linear foot	100	\$2,200.00
Granite Curb - Removed and Reset - Type SB (linear ft)	\$ 22.00 per linear foot	100	\$2,200.00

(Sidewalks continued)			
Granite Curb Inlet - Removed and Reset (each)	\$ 100.00 each	1	\$100.00
Granite Curb Corner - Removed and Reset (each)	\$ 100.00 each	1	\$100.00
Granite Edging Removed and Reset (linear ft)	\$ 22.00 per linear foot	1	\$22.00
Granite Curb Removed and Stacked (linear ft)	\$ 1.00 per linear foot	1	\$1.00
Granite Curb Inlet - Removed and Stacked (each)	\$ 1.00 each	1	\$1.00
Furnish and Install Granite Edging - Straight - Type SB			
	\$ 24.00 per linear foot	1	\$24.00
Mail Boxes Removed and Reset (each)	\$ 125.00 each	40	\$5,000.00
Loam and Seed (square yds)	\$ 11.00 per square yard	1000	\$11,000.00
Pavement Sawcutting / Grinding (linear ft)	\$ 2.50 per linear foot	500	\$1,250.00
Sweeping (Manual cleanup following Sawcutting / Grinding) (lin ft)	\$ 0.01 per linear foot	500	\$5.00
	<b>Item Sub-Total</b>		<b>\$82,956.00</b>

**12. MICRO PAVING**

Sealcoating Inc. - Hingham, MA

BIDDER'S NAME

Surface Course (1 lift)	\$2.64 per square yard	10,000	\$26,400.00
Leveling Course (2 lifts)	\$4.53 per square yard	10,000	\$45,300.00
Leveling Course with crack repair (2 lifts)	\$4.68 per square yard	1,000	\$4,680.00
	<b>Item Sub-Total</b>		<b>\$76,380.00</b>

**Total Value of All Contracts \$822,415.60**

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**Chair, Board of Selectmen**

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Please note that this is a unit price contract. Contract values above are based on estimated quantities, and it is understood that the contractor will provide the quantities actually required by the municipalities.

**Middleborough Board of Selectmen  
Meeting Minutes**

**December 14, 2009**

Chairman opened meeting at 7:08 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were: Selectmen P. Rogers, M. Brunelle, M. Duphily, S. McKinnon and A. Rullo.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve 11/30/09 meeting minutes.  
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve 11/30/09 Executive Session meeting minutes.  
Four in favor. P. Rogers abstained.

**ANNOUNCEMENTS**

Nemasket Apartments has openings. Middleborough residents get first priority. There will be additional openings in January and only one Middleborough resident is on the waiting list.

**NEW BUSINESS**

**Wastewater abatement - 9 Clayton Road**

Town Manager explained that the water meter on property at 9 Clayton Road reads in gallons and not cubic feet. Due to mechanical mistake in billing (not converting before factoring fee due), abatement is justified. Town Manager to look into whether or not this is the only gallon meter in Town.

Upon motion by Selectwoman Brunelle and seconded by Selectman Rullo, Board voted to approve abatement in the amount of \$10,037.28.  
Four in favor. P. Rogers Abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve placement of holiday sign on Town Hall lawn by Middleboro Education Association, starting immediately until 1/6/09.  
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve Town Hall Auditorium rental by Middleboro Lion's Club for 4/9/10 from 12 Noon until 12 Midnight.  
Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to appoint Louise Dery-Wells as a member of the Cultural Council.  
Four in favor. P. Rogers abstained.

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Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve 2010 Renewal Liquor Licenses, as presented.  
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve 2010 Common Victualler's Renewal licenses numbers 1-19, as presented.  
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve 2010 Automatic Amusement Device Renewal licenses, as presented, except for "Not the Same Old Country Store" until confirmation that this store is still in business.  
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon, and seconded by Selectwoman Brunelle, Board voted to approve 2010 Automobile Dealer Renewal licenses, as presented, except for Wareham Street Motors, subject to receipt of report by Building Commissioner and confirmation of all taxes paid.  
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve 2010 Taxi Renewal licenses, as presented, subject to confirmation of all taxes paid.  
Four in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve 2010 Live Entertainment Renewal licenses, as presented, except for Victor's Restaurant & Pub, subject to confirmation of all taxes paid.  
Four in favor. P. Rogers abstained.

Chairman advised Board's secretary that VFW request to remain open until 2 A.M. on New Year's Eve. must be provided on letterhead.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to certify that LDT, d.b.a. The Courtyard Restaurant did not renew its 2010 Liquor license.  
Four in favor. P. Rogers abstained.

**OLD BUSINESS**

Goals and Objectives

Board members selected their top three priorities under Goals & Objectives. Town Manager will compile list for the Board.

Selectwoman Brunelle suggested combining some, such as financial planning with budget discussions and #15. She asked Town Manager to look over for consideration And to include in list what we are already working on.

**HEARINGS, MEETINGS & LICENSES**

**Casino Pre-Planning Funds:**

**Thompson Street Agricultural Heritage Corridor Study**

Planning Director R. Geoffroy presented the attached three proposals for the Board re Casino Pre-Planning Funds: Thompson Street Agricultural Heritage Corridor Study; Oliver Estate Land Appraisal; and Town Land Ring Road Geometry Layout.

Bob Bernstein founder and director of Land for Good addressed the Board to propose that his company assist the Town of Middleborough and the Committee for the Preservation of Thompson Street by conducting the project as outlined in the attached proposal. Selectwoman Brunelle asked if this would be on an individual basis or would it be mandatory that everyone be involved. R. Geoffroy explained that what the Town will be paying for would not be to include everyone. Individual farm planning will come from other funds that are not Town related. The idea is to give farmers options. Most landowners want to keep their land as agricultural. This is an effort to give them the tools to help them keep land as agricultural.

Jane Lopes offered that the Historical Commission voted unanimously to support this application. The Committee approached the Historical Commission looking for ways to preserve their land as agricultural land. It is not just the Casino, but also the location of Oak Point at the other end of Thompson Street. It is one of the last rural areas and historical buildings and landscapes in Town.

Mr. Bernstein explained that it's all about informing people and increasing the likelihood that they will make the best choice. It's all about educating the residents. Hope to outline as many options as possible for consideration.

A representative of the Agricultural Commission noted that because of the level of personal finances and the privacy of that, the Commission believes having an independent company provide services, is best.

Mrs. Bassett hopes Board will support this proposal. A. Frawley addressed Board to say he agrees with Mrs. Bassett. J. Spalding addressed Board to offer that this would lay the ground work for future community development. She supports the proposal. Town Manager supports the proposal.

Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve the use of Casino Pre-Planning Funds for the proposal re

**Middleborough Board of Selectmen  
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Thompson Street Agricultural Heritage Corridor Study in the amount of \$16,655 under the direction of the Town Manager.

Four in favor. P. Rogers abstained.

**Oliver Estate Land Appraisal**

Town Manager supports. Jane Lopes offered that the Historical Commission unanimously voted to support.

Upon motion by Selectwoman Brunelle and seconded by Selectwoman Duphily, Board voted unanimously to approve the use of \$2,100 for the Oliver Estate Land Appraisal, under the care of the Town Manager.

Four in favor. P. Rogers abstained.

**Town Land Ring Road Geometry Layout**

Town Manager supports. Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve the use of \$8,900 for the Town Land Ring Road Geometry Layout, under the direction of the Town Manager.

Four in favor. P. Rogers abstained.

**Town's I.T. System – Report on Proposed Assessment**

Selectwoman Brunelle left meeting. Selectman Rullo reviewed his report as presented on the attached.

Selectman Rullo suggested that the proposed Resort Casino will not have a dramatic impact on I.T. infrastructure. Selectman McKinnon disagreed, noting that there will be more children in the school system and the Town will need to know the expandability.

Finance Committee member Jason Ruth addressed Board to say that he did research today and for FY10. He found some possible grants on state website that would be applicable to our Town – Energy Efficiency and Block grant. He wants to do some more research. He will give copies to the Town Manager as requested by Selectwoman Duphily. He feels assessment is necessary. B. Giovanoni thanked Selectman Rullo for providing report. Finance Committee Chairman R. Pavadore offered that he had spoken with Selectman Rullo, agrees with his recommendation, and asks to keep the Finance Committee in the loop. He wants to make sure that we do not veer off the Finance Committee's original request.

Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted to authorize Town Manager to move ahead on this issue and return to Board when ready to do so.

Four in favor. P. Rogers abstained.

Chairman thanked Selectman Rullo for providing report.

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Selectwoman Brunelle returned to meeting.

**TOWN MANAGER'S REPORT**

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve FY'10 Indirect Costs Report.

Four in favor. P. Rogers abstained.

Town Manager will forward Insurance Advisory letter to the Board in which it supports utilizing MIIA Health Insurance program.

Selectwoman Duphily asked Town Manager if this program/benefits will be the same for employees as what they have now. Town Manager responded that, at minimum, the program will be the same. Selectman Rullo asked Town Manager when he will begin talking to bargaining units about it. Town Manager responded that he has already introduced, but will discuss further in January.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to procure health care products from MIIA beginning 7/1/10.

Four in favor. M. Brunelle abstained. Chairman acknowledged Town Manager's time spent on this.

Town Manager asked the Board to think about Town Report dedication and cover. Selectwoman Brunelle suggested residents make suggestions. Selectwoman Duphily suggested Historical Commission make suggestions.

Board agreed to discuss Town Hall room rental correspondence from Captain Wiksten at another time.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to authorize posting job vacancy to fill position of Wastewater Operator/Mechanic. Selectwoman Brunelle requested posting be put on website. Town Manager agreed.

**OTHER**

Selectwoman Duphily reported that she had received a telephone call today from a resident that the odor from the landfill has been extremely strong over the past few days – methane gas. She asked that this be looked into. She also, suggested that the Historical Commission compile a list of appropriate names for streets that can be chosen from. Selectwoman Brunelle added that the Planning Department must be included. Chairman requested notice be sent to Bruce Gates that Board would like some say in how these names come about and that we are also asking Historical Commission and Planning

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Board. Jane Lopes offered that the Historical Commission could come up with some generic names, but that it might be better if there's a new subdivision, asking the Historical Commission to come up with a name at that time instead.

Selectwoman Duphily offered that she doesn't want indiscriminate silly names for driveway streets. J. Lopes suggested asking Planning Board to develop policy.

R. Geoffroy noted that streets were re-named for E-911, therefore, there is an issue with renaming existing streets.

Selectman Rullo recognized group of people who built house this past week for disabled Veteran. John Falcione stepped up to be General Contractor and wanted to recognize him.

J. Spalding noted that this weekend, she had MRC volunteers assist with H1N1 clinics. She thanked them for being local heroes.

Selectwoman Brunelle asked when feasibility study is due back on St. Luke's hospital. Chairman Rogers responded that the Police Station Building Study Committee is meeting on Wednesday. He can provide feedback after that.

Selectman Rullo asked if the Selectmen independently register for the MMA meeting and cover own expense, to which the response was yes.

**CORRESPONDENCE**

#2 Fire Department received staffing grant.

#7 Hillcrest complaint – appears to be resolved. To be kept on file.

Upon motion by Selectman McKinnon and Seconded by Selectwoman Brunelle, Board voted by Roll Call to go into Executive Session at 9:40 PM to discuss strategy relative to Pending Litigation. Roll Call: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes; M. Brunelle, Yes; P. Rogers, Yes. Chairman announced Board would not return into Open Session.

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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN



*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 4<sup>th</sup> 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

<b>Thompson Street Ag Planning Project Budget</b>				
	LFG	LFG	TOWN	SEMAP
	HOURS	RATE/HR.	FUNDS	IN KIND
<b>Survey and report on the current status</b>				
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	
<b>Farmland preservation</b>				
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	
<b>Future agricultural activity</b>				
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	
<b>Compile final report</b>	7	\$95	\$665	
<b>Project Management</b>				
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	
<b>Travel</b>				
Mileage reimbursement 1,200 miles (multiple interviews/meetings per trip)		\$0.55	\$660	
Travel time @ \$25 per hour	30	\$25	\$750	
<b>TOTAL</b>			<b>\$16,655</b>	<b>\$3,500</b>
				<b>SEMAP</b>
				<b>CASH</b>
Individual farm tenure, succession, viability and/or planning assistance		flat fee	\$0	<b>\$3,000</b>

# 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*

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## *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 | 6<sup>th</sup> 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. Picurde, 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.

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- 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.