

**HEARINGS, MEETINGS, LICENSES**

**2-9-09**

CRANBERRY CAPITAL  
OF THE WORLD



Phone: 508-946-2405  
Fax: 508-946-0058

**Town of Middleborough**  
Massachusetts

January 8, 2009

BOARD OF SELECTMEN

Adam M. Bond  
Patrick E. Rogers  
Steven P. Spataro  
Muriel C. Duphily  
Marsha L. Brunelle

Nolana Ricci (Natale)  
69 Highland Street  
Middleboro, MA 02346

**Sent Certified Mail – 7002 2410 0006 3764 2066**

RE: Animal Complaint

Dear Ms. Ricci:

A request has been made for the Board of Selectmen to hold a Hearing regarding an Animal Complaint filed by:

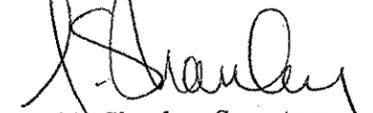
Susan McKay  
68 Highland Street

You have been named as the owner of the dog which is the subject of the complaint.

It is requested that you appear at the meeting of the Board of Selectmen on Monday, February 9, 2009 at **7:05 PM** to resolve this matter. The hearing will be held in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact this office if you have any further questions.

Sincerely,

  
Jackie Shanley, Secretary  
BOARD OF SELECTMEN

cc: Board of Selectmen  
Jaysen Tracey  
Susan McKay (sent certified mail 7002 2410 0006 3764 2073)

Middleborough Animal Control  
20 Center Street  
Middleborough MA

December 16, 2008

Att: Selectmen's Office  
Re: Nuisance Loose Dog Complaint

I am sending this letter, Hearing Request Form, Animal Control Incident Report and recommendation concerning a Nuisance Loose Dog complaint for Susan McKay – 68 Highland Street of a dog owned by Nolana Ricci (Natale) – 69 Highland Street. The petition for a hearing is being requested by Ms. McKay. Any other information or paperwork will be provided upon request.

Jayson Tracy  
Middleborough Animal Control  
508 946 2455



TOWN OF MIDDLEBOROUGH  
Animal Complaint Form  
MIDDLEBOROUGH POLICE DEPARTMENT  
99 NORTH MAIN STREET  
MIDDLEBOROUGH, MA 02346-2493



FAX (508) 947-1009

ANIMAL CONTROL OFFICER

COMPLAINT OF VICIOUS OR BARKING DOGS  
(Massachusetts General Laws Chapter 140, Section 157)

To: Animal Control Officer  
Board of Selectmen

Date Dec 4, 2008

I hereby make complaint hereon, that an animal(s) White German Shepard &  
owned or harbored by: Al & Nolana Natale 69 Highland St. Type of Animal Rottweiler  
residing in my vicinity on or near 68 Highland St. Name & Address  
Street or Locality  
is a nuisance by reason of: \_\_\_\_\_  
Pick from List Below

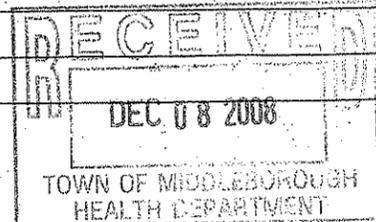
1.) ~~Vicious Disposition:~~  
~~(State Facts)~~

Trespassing: Oct 8, Oct 27, Dec 4 German shepard & rottweiler  
were in our yard. On Dec. 4, my husband was leaving for  
work and the white shepard was on the front walk. He shoood

2.) ~~Excessive Barking:~~ him away. He went towards the mailbox and the  
~~(State Facts)~~ rottweiler growled as he approached.

3.) Other Disturbance: On Oct 8th 2008, our female chocolate lab was outside  
~~(State Facts)~~ tried to her run, when the white german shepard came over.  
Our female was in heat. We heard her cry and ran out and saw  
the shepard mating with our dog. Our lab is now pregnant  
and is due approx, Dec 10th.

4.) Source of Annoyance to a Sick Person Residing in the Vicinity: \_\_\_\_\_  
~~(State Facts)~~



This complaint is made under the penalties of perjury.

Susan McKay - homeowner

[Signature]  
Complainant's Signature

Dec 4, 2008  
Date

# Animal Control Incident Report

Incident Log					
Last Name	First Name	Nmbr	Address	Home Phone	Breed
Ricci (Natale)	Nolana	68	Highland		G-shep

Incident/s
<p>10/8/08 Loose dog. ACO received a call from a resident at 68 Highland St who claims her dog was tied in her back yard and a white shepherd mix from 69 Highland came from across the street and mated with her dog. The caller claims the dogs from across the street trespass regularly.</p> <p>10/9/08 ACO contacted the Clerks Office and verified that there are no licensed dogs at the address.</p> <p>10/9/08 ACO visited 69 Highland Street and found no one home. The ACO could see a white dog matching the description barking through the door and another dog could be heard in the house. ACO left a call tag with the reason for the visit.</p> <p>10/27/08 ACO received a call from Ms. McKay -68 Highland Street- about the white shep being on the property of 68 Highland Street.</p> <p>10/28/08 ACO again visited the address and found no one home. ACO left a call tag.</p> <p>12/4/08 ACO received a call from Ms. McKay -68 Highland St- regarding the dogs from 69 Highland St being loose and in the yard of 68 Highland.</p> <p>12/5/08 ACO visited the address and found no one home. ACO left a call tag. ACO inquired with the Clerks Office and the dogs are still not licensed.</p> <p>12/15/08 ACO received paperwork from residents at 68 Highland Street for Selectmen Hearing. 12/16/08 ACO sent paperwork to Selectmen's Office.</p>

Middleborough Animal Control  
20 Center Street  
Middleborough MA

October 14, 2008

Att: Selectmen's Office  
Re: Recommendation for Nuisance Loose Dog Complaint of the dog owned by  
Nolana Ricci (Natale) – 69 Highland Street.

I am submitting this summary and recommendation, per request of the Board,  
regarding the dogs housed at 69 Highland Street.

The Animal Control Department was first contacted October 8th, 2008  
concerning the dogs owned by Ms. Nolana Ricci (Natale) being loose and continually  
trespassing on Ms. McKay's property. Ms McKay's daughter called to report that Ms.  
Ricci's (Natale) white shep mix had entered her yard and mated with her dog who was  
restrained by a dog run in their back yard. The Animal Control Officer visited Ms. Ricci's  
(Natale) address - 69 Highland Street- and found no one home and after inquiring with  
the Clerks Office, witnessed two unlicensed dogs.

The Animal Control Department has visited Ms. Ricci's (Natale) address three  
times concerning her dogs being loose and trespassing on their neighbors property in  
addition to not having the licensed with the town. As of sending this letter, Ms. Ricci  
(Natale) has yet to respond or contact the Department.

The Animal Control Department recommends that Ms. Ricci's (Natale) dogs are  
placed on a Permanent Restraining Order that requires her to cable restrain her dogs on  
her property at all times unless they are in the home and she be given 10 days to license  
the dogs in accordance to MGL 140 ss 137 or remove the dogs from the town.

Jayson Tracy  
Middleborough Animal Control  
508 946 2455



**Town of Middleborough**  
20 Centre Street, Second Floor  
Middleborough, Massachusetts 02346

**Robert J. Whalen**  
Building Commissioner  
Tel. 508-946-2426  
Fax 508-946-2305

February 3, 2009

Middleborough Board of Selectmen  
Middleborough Town Offices  
10 Nickerson Ave  
Middleborough, MA 02346

RE: Class II License for 5 Station Street

Honorable Board,

I have reviewed the application submitted by Raheel Ghafoor for a Class II License for the property located at 5 Station Street.

The property had a license for three cars under the previous owner. I would support this request.

Respectfully submitted,

Robert J. Whalen  
Building Commissioner

CRANBERRY CAPITAL  
OF THE WORLD

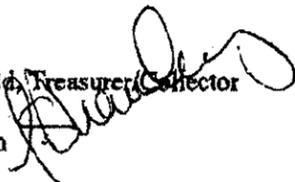


**Town of Middleborough**  
**Massachusetts**

Phone: 508-946-2405  
Fax: 508-946-0058

**NOTICE TO TAX COLLECTOR**

BOARD OF SELECTMEN  
Adam M. Bond  
Patrick E. Rogers  
Steven P. Spataro  
Muriel C. Duphily  
Marsha L. Brunelle

TO: Judy M. MacDonald, Treasurer/Collector   
FROM: Board of Selectmen  
RE: Class II Automobile Dealer's License  
DATE: January 23, 2009

Please inform this department, as well as the Board of Selectmen, as to whether or not the attached property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Your immediate attention to this request is appreciated.

Thank you.

(Town Seal)

The Middleborough Board of Selectmen will hold a public hearing on Monday, February 9, 2009 at 7:30 PM in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, for the purpose of discussing an application filed by Raheel Ghafoor for a Class II License for the premises located at 5 Station Street, Middleboro, MA (Assessor's Map 50N. L5916). Anyone desiring to be heard on this matter should appear at the time and place designated.

Adam M. Bond  
Patrick E. Rogers  
Steven P. Spataro  
Muriel Duphily  
Marsha L. Brunelle  
BOARD OF SELECTMEN

Publish: January 22, 2009

NO

*July M. M. [Signature]*  
P

(Town Seal)

The Middleborough Board of Selectmen will hold a public hearing on Monday, February 9, 2009 at 7:30 PM in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, for the purpose of discussing an application filed by Raheel Ghafoor for a Class II License for the premises located at 5 Station Street, Middleboro, MA (Assessors Map50N, L5916). Anyone desiring to be heard on this matter should appear at the time and place designated.

Adam M. Bond  
Patrick E. Rogers  
Steven P. Spataro  
Muriel Duphily  
Marsha L. Brunelle  
BOARD OF SELECTMEN

Publish: January 22, 2009

5178

57

5913

110

42

CENTER (50') AVE

34

86

5919

18

2

30

5916

1

35

Gas  
Depot & Service  
E Station St  
Middleboro, MA 02346  
(508) 947-5111

100

5918

6

34

509

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

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

REPLY TO POST OFFICE BOX 201  
MIDDLEBORO, MA 02346-0201  
FAX (508) 947-7147

WAREHAM OFFICE:  
219 MAIN STREET  
(508) 295-2115

February 4, 2009

VIA FAX 508-946-2320

Charles J. Cristello, Town Manager  
Town of Middleborough

RE: Land exchange – South Middleborough Fire Station

Dear Charlie:

I enclose drafts of a notice of meeting and minutes of a meeting with respect to South Middleboro Protective Association, Inc. which you asked me to prepare in connection with a proposed land exchange consisting of the rear part of the South Middleboro Fire Station property and a parcel on Wareham Street adjoining the fire station property.

The fire station property is subject to a reverter if it ceases to be used for fire station purposes. The right to reverter is held by the South Middleboro Protective Association, Inc. and the Trustees of the South Middleboro Protective Association. Authorization for the exchange would be needed from both of the holders of the right to reverter. I don't know if the trust has any existence at this point.

I gave copies of this letter and enclosures to John F. Healey.

Very truly yours,



Daniel F. Murray  
Town Counsel

DFM/k  
Encl.  
T1331

cc: John F. Healey

MINUTES OF SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
OF

SOUTH MIDDLEBORO PROTECTIVE ASSOCIATION, INC.

A special meeting of the Board of Director of the above captioned corporation was held on the date, time and at the place set forth in the written waiver of notice signed by all the Directors, fixing such time and place, and affixed to the minutes of this meeting.

The meeting was called to order by the President and the proposed land exchange between the Town of Middleborough and White McGill Realty, LLC or some other party involving conveyance by the Town of a 1.7 acre parcel part of the South Middleborough Fire Station property in exchange for a conveyance to the Town of a 1.3 acre parcel on Wareham Street abutting the easterly side of the South Middleborough Fire Station property was presented to the meeting. After discussion, upon motion duly made, seconded and carried out was –

VOTED, to approve a land exchange between the Town of Middleborough and White McGill Realty LLC or some other party which exchange would consist of conveyance by the Town of a 1.7 acre parcel part of the South Middleborough Fire Station property in exchange for a 1.3 acre parcel to be conveyed to the Town located on the southerly side of Wareham Street (Route 28) abutting the easterly side of the South Middleborough Fire Station property;

VOTED, to waive and release the corporation's right to revert under a deed of South Middleboro Protective Association, Inc. et al. dated March 27, 1991 recorded in the Plymouth County Registry of Deeds in Book 10762, Page 260 with respect to the 1.7 acre parcel to be conveyed by the Town; and

VOTED, to authorize the President and Treasurer to execute and deliver on behalf of the corporation an instrument to be recorded to waive and release the corporation's right to revert set forth in said deed recorded in Book 10762, Page 260 with respect to said 1.7 acre parcel.

There being no further business to come before the meeting, upon motion duly made, seconded and unanimously carried, the same was adjourned.

\_\_\_\_\_  
Secretary/Clerk

Approved:

\_\_\_\_\_  
President

WAIVER OF NOTICE OF SPECIAL MEETING  
 OF THE BOARD OF DIRECTORS  
 OF  
 SOUTH MIDDLEBORO PROTECTIVE ASSOCIATION, INC.

WE, the undersigned, being all of the Directors of the Corporation, hereby agree and consent that a special meeting of the Board of Directors of the Corporation be held on the date and time and at the place designated hereunder, and do hereby waive all notice whatsoever of such meeting and of any adjournment or adjournments thereof.

We do further agree and consent that any and all lawful business may be transacted at such meeting or at any adjournment or adjournments thereof as may be deemed advisable by the Directors present thereat. Any business transacted at such meeting or at any adjournment or adjournments thereof shall be as valid and legal and of the same force and effect as if such meeting or adjournment meeting were held after notice.

Place of Meeting:

Date of Meeting:

Time of Meeting:

Purpose of Meeting: To consider approving a land exchange between the Town of Middleborough and White McGill Realty LLC or some other party which exchange would consist of 1.7 acre parcel part of the South Middleborough Fire Station property to be conveyed by the Town of Middleborough in exchange for a parcel to be conveyed to the Town located on the southerly side of Wareham Street (Route 28) abutting the easterly side of the South Middleborough Fire Station property and containing 1.3 acres; to waive and release the corporation's right to reverter under a deed of South Middleboro Protective Association, Inc. et al. to the Town of Middleborough dated March 27, 1991 recorded in the Plymouth County Registry of deeds in Book 10762, Page 260 with respect to the 1.7 acre parcel to be conveyed by the Town; and to authorize the President and Treasurer to execute and deliver on behalf of the corporation an instrument to be recorded to waive and release the corporation's right of reverter set forth in said deed with respect to the 1.7 acre parcel.

DATED: February 4, 2009

\_\_\_\_\_  
 President

\_\_\_\_\_  
 Director

\_\_\_\_\_  
 Vice President

\_\_\_\_\_  
 Director

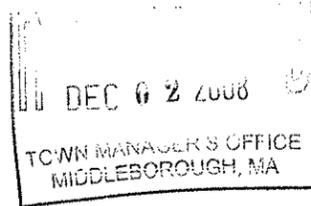
\_\_\_\_\_  
 Treasurer

\_\_\_\_\_  
 Director

\_\_\_\_\_  
 Secretary/Clerk

\_\_\_\_\_  
 Director

Chief Gary Russell



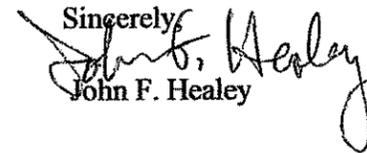
11/04/08

Dear Gary,

Attached, you will find a letter and a plan from Dan White formally offering to swap a 1.3 acre parcel with 275+ feet of frontage between the existing So. Middleborough Fire Station and the Grange Hall for 1.7 acres of land which is the interior back land of the Fire Station property.

I have discussed the transfer with Town Counsel, Dan Murray. Based on that discussion, I believe that the transfer will require a vote of South Middleboro Protective Association and Town Meeting.

I understand you will be forwarding this offer to the new Fire Chief and to the Selectmen and Town Manager for review and action.

Sincerely,  
  
John F. Healey

Cc: Dan White



**SAM WHITE & SONS**  
we move mountains

Mr. Gary Russell  
Police Chief and Acting Fire Chief

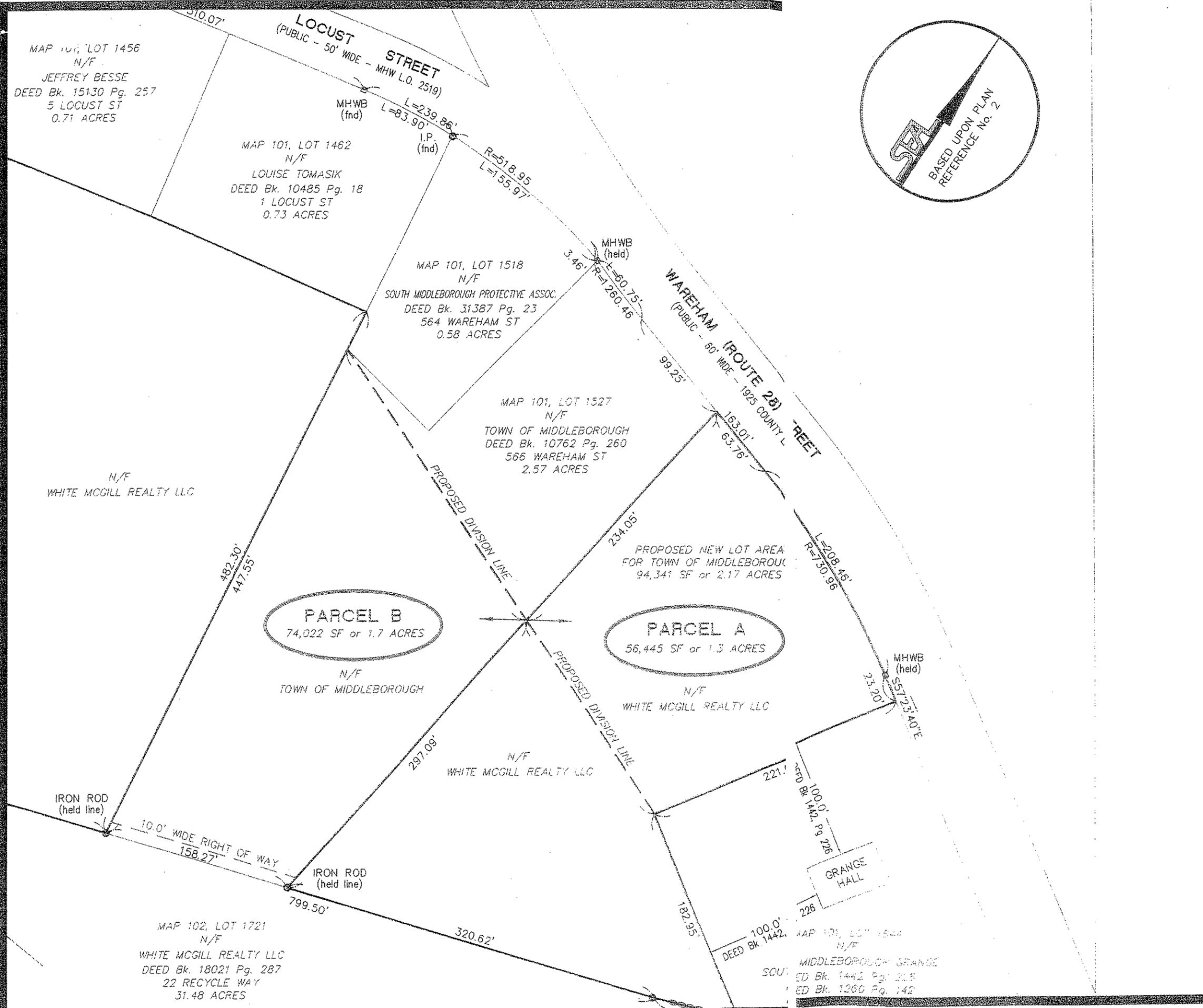
11/03/08

Dear Mr. Russell,

We have purchased the land that is currently behind and to the left of the fire station located on Wareham St. We would like to propose a land swap, that I believe would be beneficial for both parties involved. Facing the station, we would like to trade the property to the left of it with the frontage on Wareham St, for the back portion of the property that the fire station now sits on. I feel that this would enable both parties to make better use of their respective properties. I have included a plan so that you can visualize this proposal. Thank you for giving this matter some serious thought.

Sincerely,

Daniel T White  
President



MAP 101, LOT 1456  
N/F  
JEFFREY BESSE  
DEED Bk. 15130 Pg. 257  
5 LOCUST ST  
0.71 ACRES

MAP 101, LOT 1462  
N/F  
LOUISE TOMASIK  
DEED Bk. 10485 Pg. 18  
1 LOCUST ST  
0.73 ACRES

MAP 101, LOT 1518  
N/F  
SOUTH MIDDLEBOROUGH PROTECTIVE ASSOC.  
DEED Bk. 31387 Pg. 23  
564 WAREHAM ST  
0.58 ACRES

MAP 101, LOT 1527  
N/F  
TOWN OF MIDDLEBOROUGH  
DEED Bk. 10762 Pg. 260  
566 WAREHAM ST  
2.57 ACRES

**PARCEL B**  
74,022 SF or 1.7 ACRES  
N/F  
TOWN OF MIDDLEBOROUGH

**PARCEL A**  
56,445 SF or 1.3 ACRES  
N/F  
WHITE MCGILL REALTY LLC

N/F  
WHITE MCGILL REALTY LLC

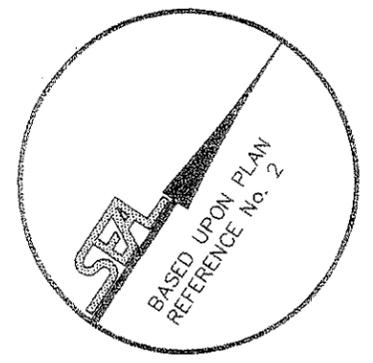
IRON ROD  
(held line)

IRON ROD  
(held line)

GRANGE  
HALL

MAP 102, LOT 1721  
N/F  
WHITE MCGILL REALTY LLC  
DEED Bk. 18021 Pg. 287  
22 RECYCLE WAY  
31.48 ACRES

MAP 101, LOT 1544  
N/F  
MIDDLEBOROUGH GRANGE  
DEED Bk. 1442 Pg. 215  
DEED Bk. 1260 Pg. 142



<b>PROPOSED LAND SWAP</b>					
SITE: MAP 101, LOTS 2251 & 1527 WAREHAM STREET MIDDLEBOROUGH, MASSACHUSETTS					
PREPARED FOR: WHITE MCGILL REALTY LLC					
<b>SILVA ENGINEERING ASSOCIATES, P.C.</b> <small>CIVIL ENGINEERS, LAND SURVEYORS &amp; ENVIRONMENTAL CONSULTANTS 1615 BEDFORD STREET BRIDGEWATER, MA. 02324 PHONE (508) 697-3100 FAX (508) 697-3136 www.silvaeng.com</small>					
SCALE	DRAWN	CHECKED	DATE	ACAD FILE	SHEET
1" = 80'	SRM	2	10/17/08	99026LS	1