

HEARINGS, MEETINGS, LICENSES
9-14-09



MIDDLEBOROUGH FIRE DEPARTMENT

125 North Main Street

Middleborough, Massachusetts 02346



LANCE M. BENJAMINO
Fire Chief

Tel: 508-946-2461
Fax: 508-946-2464

Middleborough Board of Selectmen
10 Nickerson Ave
Middleborough, MA 02346

September 10, 2009

Dear Board,

I have recently achieved the six-month point of my career as the Chief of the Middleborough Fire Department, the Town Manager and I think it is a good time to provide you with my assessment, recommendations and discuss the Matrix report on the department.

As you may be aware it has been an extremely busy six months for me: trying to get to know everyone and the operations of the town as well as dealing with the budget reductions, major fires, increased responses, apparatus and station repairs, including a major flood in Central Station, all while attempting to establish standard operating guidelines and response directives to utilize our personnel in the safest and most efficient manner that our budget allows.

My assessment of the department thus far is that we have a great team of dedicated firefighters and officers who work extremely hard to provide the best service possible to the citizens and visitors of Middleborough. I do believe the department is relatively understaffed to provide prompt, safe and adequate response to fire, EMS, rescue or hazardous material incidents within our seventy square miles of area to cover. I am fully aware of the current fiscal situation the town is in and that a recommendation of more personnel will not be a popular one. However, I do agree with the Matrix report and the January 28, 2002 report to the Board of Selectmen, that the best way to provide staffing in our stations is to provide an ambulance service with dual trained firefighter/paramedics. Enclosed are my cost projection and a proposed plan of operation for staffing the stations and providing an ALS ambulance service.

As for the current condition of the stations: Central Station as nice as it is, it has many ongoing issues. Recently we sustained significant damage to equipment, supplies, furnishings, documents and the structure due to a flood from an 8" water main break. I am currently working with Able Restoration and the Insurance Company to get our equipment and department back in working order. We also continue to have HVAC issues that make it difficult to maintain an equal and comfortable temperature, making it very inefficient to operate and continues to cause water damage to the ceilings and walls. I continue to work with Colletti HVAC to rectify the issues, however it is very expensive, due to the amount of work that needs to be done. Also, all of the keypad locks on all the interior doors are inoperable, leaving the secure areas of the department vulnerable, at this time we cannot afford to repair them and is a lower priority than the flood and the HVAC. North Station, due to the lack of personnel remains un-staffed and is beginning to show the effects of lack of use (mice, maintenance etc.). However it is in very good condition. I have issued an order for the on duty Shift Commander to check the substations daily and rectify and/or report any issues of the same. South Station is in desperate need of a roof, it leaks quite significantly when it rains, causing damage to the fire, burglar and electrical panels, as well as the structure, ceilings, floors and furnishings. I have contracted Randall Electric to repair the electric service entering the building and requested quotes for the roof replacement from several contractors, provided the money is voted at town meeting. Also the apparatus floor is in poor shape with large cracks, poor drainage and can only accommodate our older Engines – in the event we purchase newer equipment or need to rotate equipment to South Station we need to keep in mind that it may not fit.

I am also concerned with the age and condition of some of our apparatus, we currently have in-service; a 1986 Engine (Pumper) twenty-three (23) years old, 1989 Engine (Pumper) twenty (20) years old, 1984 Forestry truck twenty-five (25) years old, 1967 Forestry truck forty-two (42) years old, 1989 Tanker twenty (20) years old and a 1972 Dive Rescue truck thirty-seven (37) years old. All of the vehicles have passed a vehicle inspection and all pumps and aerial devices have been certified this year, however, the age and condition of these vehicles remain to be a maintenance and cost efficiency issue, not to mention a safety concern. I have established a very aggressive maintenance program to keep the trucks we do have in the safest and best condition we can, however my maintenance budget is being depleted very rapidly. I also have applied for an AFG grant for a new Engine, as you know there is no guarantee of being awarded. I do recommend that Capital Planning keep in mind that these vehicles should begin to be replaced one at a time rather than be hit with one enormous bill for apparatus.

I look forward to meeting with you on September 14, 2009.

Respectfully,

A handwritten signature in cursive script, reading "Lance Benjamino".

Lance Benjamino
Fire Chief

ALS Ambulances / Staffing Sub Stations
 Cost Projection
 Personnel

Step 1 Firefighter/Paramedic (including Night Shift Diff. 6%, EMT 1%, Specialty pay 1%):

Base pay = \$46,920.00
 HMO Indiv. = \$ 5,344.56
 Medicare 1.45% \$ 680.34
 9% Retirement \$ 4,222.80
 Workers Comp. \$ 450.29

Total = **\$57,617.99**
 X 8

Cost of Personnel = **\$460,943.92** (8 FF/EMTP, Individual Insurance)

Step 1 Firefighter/Paramedic (including Night Shift Diff. 6%, EMT 1%, Specialty pay 1%):

Base pay = \$46,920.00
 HMO Family. = \$14,003.64
 Medicare 1.45% \$ 680.34
 9% Retirement \$ 4,222.80
 Workers Comp. \$ 450.29

Total = **\$66,277.07**
 X 8

Cost of Personnel = **\$530,216.56** (8 FF/EMTP, Family Insurance)

Total Personnel Cost = **\$991,160.48** (16 Firefighter/EMTParamedics Salary + Fringe Benefits)
 (MFD) EMS Coordinator = \$10,000.00 (Estimated)
 Liability/Malpractice Ins. = \$3,600 (\$225 ea. X 16)
 Firefighting PPE (Gear) = \$40,000 (Full set of PPE: pants, boots, coat, helmet, light + radio \$2,500 ea.)
 Initial station uniform = \$17,200 (Uniform allowance \$1075 ea.)
 Overtime (Callback) = \$51,100 (Estimated 25% of the 1459 transports will require callback when 2nd amb used
 - Avg overtime rate \$46.70/hr, 3hr minimum)

Total Cost of Personnel = **\$1,113,060.48**

**ALS Ambulances / Staffing Sub Stations
Cost Projection
Equipment**

Ambulances (Class I, Type III Box Style) = \$340,000 (\$170,000 ea., Approximately 5 year life span)
 12 Lead Defibrillator / Monitor/Pacer = \$50,000 (\$25,000 ea., Approximately 5 year life span)
 Medical / medication supplies = \$10,000 (\$5,000 ea. Amb – medications will be exchanged 1 for 1)
 ALS State License / Inspections = \$1,000 (\$600 Lic., \$200 Inspection each Amb.)

Total Equipment Cost = **\$401,000** (Amb cost could be financed over 5 yrs.)

**ALS Ambulances / Staffing Sub Stations
Revenue Projection**

Ambulance Rates (February 27, 2006)

Service	Rate
Basic Life Support	\$450.00
Basic Life Support – Mileage	\$16.00
Advanced Life Support	\$525.00
Advanced Life Support – Mileage	\$16.00
Advanced Life Support 2	\$750.00
Airways	\$130.00
Mast Trousers	\$75.00
IV Drug Administration	\$125.00
Cardiac Monitoring	\$175.00
Defibrillation	\$130.00
Oxygen Administration	\$70.00
Vehicle Accident	\$140.00
Extra Attendant	\$150.00

Average bill based on above rates = \$657.80

Transports 2008 = 1,459 x \$657.80 = **\$959,730.20**

Transports 1,459 (does not include mutual aid)
 Avg. Bill \$657.80
 Subtotal \$959,730.20
 Billing Charge \$10,000
 Net Recoverable \$949,730.20

Collection Rates
 50% = \$474,865.10
 60% = \$569,838.12
 70% = **\$664,811.14**
 + \$250,000.00 (AMR)
 = **\$914,811.14**

ALS Ambulances / Staffing Sub Stations

Proposed Operations:

Shift

1 Captain
1 Lieutenant
9 Firefighters, 4 of which will be EMT Paramedics

Central Station

1 Captain
1 Lieutenant
5 Firefighters, 2 of which will be FF/Paramedics (Ambulance)

North Station

2 Firefighter/Paramedics (Ambulance)

South Station

2 Firefighter/EMT – Class V amb (Engine)

(Town Seal)

The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, September 14, 2009 at 7:30 PM, for the purpose of discussing an application filed by Outback Engineering on behalf of Elliot Schneider, Lot 3 Wareham Street Realty Trust, for a Special Permit under the Water Resource Protection District By-law, to allow the construction of a used car dealership and its associated parking area in the WRPD 23 district at 352 Wareham Street, Assessors Map 72, Lots 5421 and 4657. Anyone wishing to be heard on this matter should appear at the time and place designated.

Patrick E. Rogers
Muriel C. Duphily
Marsha L. Brunelle
Stephen J. McKinnon
Alfred P. Rullo, Jr.
BOARD OF SELECTMEN

Publish: August 27, 2009 and September 3, 2009

*Payment is forthcoming - Advertiser #300074

BOARD OF SELECTMEN
MIDDLEBOROUGH, MASSACHUSETTS

PETITION
FOR PUBLIC HEARING

This Petition, when completed and signed, must be filed with the Town Clerk, Town Hall, Middleborough, Massachusetts.

Middleborough, MA July 14, 192009

To the Board of Selectmen
Middleborough, Massachusetts

I/We hereby petition your Board for a public hearing for a Special Permit which is subject to Board of Selectmen approval under the Water Resource Protection Districts By-law.

A. (Give location of property in question.)

To allow the construction of a used car dealership and its associated parking area in the WRPD 23 district at 352 Wareham St., Assessors Map 72 Lots 5421 and 4657, as shown on the attached plan.

B. State full names and addresses of last known abutting property owners, and the owners of land within 300 feet of the land which is the subject of this petition. Also state the owners of the land immediately across the street from the subject property. Please attached a certified list of these property owners to this petition.

C. Respectfully submitted,

Signature: [Signature]

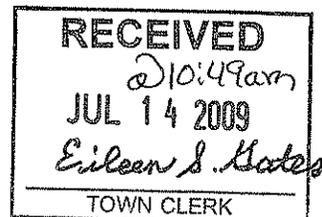
Printed Name: ELLIOT SCHWARTZ

Address: 10 OWL DR

Sudon, MA 02007

Telephone Number: 508-897-1218

LOT 3 WAREHAM ST
RENTY TRUST



**TOWN OF MIDDLEBOROUGH
WATER RESOURCE PROTECTION DISTRICT
PETITION SUBMITTAL CHECKOFF SHEET**

Applicant must initial each item or the application/petition will not be accepted.

No.	Description	Initial	N/A
1.	The plan has a cover page showing the location of the water supply Zone 2 and 3, with the proposed project site identified.	<u>JY</u>	___
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	<u>JY</u>	___
3.	The plan shows existing waterways adjacent, on or near the property.	<u>JY</u>	___
4.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.		
	Note: If the site has no approval required other than a home lot then a Land Surveyor stamp will be accepted.	<u>JY</u>	___
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>JY</u>	___
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	<u>JY</u>	___
7.	The submittal contains the abutters list.	<u>JY</u>	___
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	<u>JY</u>	___
9.	The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover.	<u>JY</u>	___
10.	The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods.	<u>JY</u>	___

No.	Description	Initial	N/A
11.	The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage.	<u>JY</u>	—
12.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	—	<u>JY</u>



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

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

September 8, 2009

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

Subject: Application for W.R.P.D. Special Permit for 352 Wareham Street, Assessors' Map: 072
Lot: 4657 and 5421, Zoned GU/W.R.P.D. Z3.

Dear Board,

I have reviewed the application filed by Outback Engineering for a special permit under the W.R.P.D. District By-Law to allow the construction of a used car dealership and its associated parking area. The proposed car dealership will be located at 352 Wareham Street in the W.R.P.D. Z3 District. I would support this request because it meets the requirements of Water Resource Protection District By-Law, Section XII, G.3.j. *

Due to a misunderstanding in the past regarding this site, I would like to have it noted in the Special Permit that no site work begin until the building permit for the new office and storage building have been issued.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

*See attached

RJW/d

SECTION XII

WATER RESOURCE PROTECTION DISTRICTS BY-LAW

(also known as WRPD BY-LAW)

A. PURPOSE OF DISTRICTS

The purpose of the Water Resource Protection Districts is to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Middleborough; to preserve and protect existing and potential sources of drinking water supplies; to prevent temporary and permanent contamination of the environment; and to protect, preserve, conserve and maintain the water and natural resources of the Town and to prevent their pollution.

B. SCOPE OF AUTHORITY

The Water Resource Protection Districts shall be considered as overlying other zoning districts. Any use prohibited under existing zoning by-laws applicable to the portions of the district so overlaid shall continue to be prohibited under this WRPD By-law.

C. DEFINITIONS

For the purposes of this section, the following terms are defined below:

Aquifer: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

Groundwater: All the water found beneath the surface to the ground. In this By-law the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Natural Vegetation Area: Area of lot kept in it's unaltered, natural, existing vegetated condition including trees, woods, brush, etc.; land having a well-established cover of native plants (grasses, ground covers, trees, mulch, etc.) Land altered or paved as a result of a previous use, may be restored to a natural vegetation area. The purpose of said area is to provide and encourage natural drainage patterns, groundwater recharge and natural separation to groundwater tables through uneven topography, leaf litter, dense vegetation and slow rates of runoff.

33CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this By-law except that necessary for:

- i. limited projects as defined by 310 CMR 10.53 (3);
- ii. creation of wetland replacement or flood storage mitigation;
- iii. installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;
- iv. maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section I. below. The SPGA shall determine to its satisfaction that any land disturbing activity or activities shall be in compliance with this provision and to that end may reasonably require any of the following:
 - v. determination of Applicability by the Conservation Commission;
 - vi. a plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above and the area which is within twenty-five (25) feet of the wetland.

- j. Any use that will render more than 40 % of any lot impervious. Special Permits may be issued for alterations resulting in less than 40% impervious area provided that pre-development runoff rates from a lot shall not exceed post-development runoff rates for storms up to and including the 100-year storm. Except for single or two (2) family residential uses, all parking areas shall be impervious and be equipped with oil, grease, and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structure or drainage outfalls. Stormwater from parking areas, if recharged, shall be via infiltration basins or similar systems covered with natural vegetation and dry wells/leaching structures shall be used only where other methods are infeasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 50% of any lot area shall be maintained as a Natural Vegetation Area. This provision does not apply to lots within the Downtown Business District.

H. WRPD Z4 USE REGULATIONS

1. WRPD Z4 – Permitted Uses: Except as specified in H.2 and H.3 below, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z4.

5/14/01 Town Meeting



Town of Middleborough

CONSERVATION COMMISSION

MEMORANDUM

TO: Board of Selectmen
Planning Board
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Patricia J. Cassady, Conservation Agent

DATE: July 31, 2009

RE: W.R.P.D. Application – 352 Wareham Street (Map 72, Lots 5421 & 4657)

This memo is in response to a memo received by the Board of Selectmen's Confidential Secretary for a W.R.P.D. application to construct a used car dealership and parking area in a zone 3 under W.R.P.D. at 352 Wareham Street.

There are no wetland resource areas on or near the site and therefore the Conservation Department has no issue with the proposal.

If you have any questions don't hesitate to contact the Conservation Department at 508-946-2406.

pjc



Town of Middleborough

Massachusetts

BOARD OF SELECTMEN

Patrick E. Rogers
Muriel C. Duphily
Marsha L. Brunelle
Alfred P. Rullo, Jr.
Stephen J. McKinnon

MEMORANDUM

TO: Planning Board
 Conservation Commission
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Jackie Shanley
Confidential Secretary to the Board of Selectmen

DATE: July 16, 2009

SUBJECT: W.R.P.D. Application

Attached is a W.R.P.D. application filed by Outback Engineering on behalf of Elliot Schneider, Lot 3 Wareham Street Realty Trust, for a Special Permit under the Water Resource Protection District By-law, to allow the construction of a used car dealership and its associated parking area in the WRPD 23 district at 352 Wareham Street, Assessors Map 72, Lots 5421 and 4657.

The Selectmen will conduct a hearing on this application on **Monday August 24, 2009 at 7:30 PM.**

Further information and a copy of the plan are attached. Drainage report is located in Selectmen's Office, if needed.

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, August 19, 2009 by 12 Noon.**

Even if you have no comments to make regarding the plan, please send a note stating that you have reviewed the plans.

Please contact the Selectmen's Office if you have any further questions.

Attachments

cc: Board of Selectmen
Town Manager