

# **NEW BUSINESS**

**9-9-09**



## 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 Avenue  
Middleborough, MA 02346

August 31, 2009

Dear Board,

I respectfully request the following vehicle be deemed surplus so it can be put out to bid or disposed of.

1. 1997 Ford Crown Victoria Sedan (Car 93) VIN# 2FALP71W1VX229905

This 1997 Ford is a recycled police cruiser with very high miles with front end / steering problems and many other safety concerns. The cost of repairs on a vehicle of its age and high mileage far outweighs its value.

I highly recommend this vehicle be disposed of, parted out for body parts or scrapped.

Any questions, comments or concerns please contact me.

Respectfully,

A handwritten signature in cursive script that reads "Lance Benjamino".

Lance Benjamino  
Chief of Department

Danielle B. Breault  
5 Becca Ln.  
Middleboro, MA 02346

August 14, 2009

Board of Selectman  
Town Hall  
10 Nickerson Ave.  
Middleboro, MA 02346

Dear Board Members:

I moved to the Town of Middleboro on May 4 of this year from West Barnstable. In the Town of Barnstable I had town water but I had a septic system. On July 30<sup>th</sup> I received my first water and sewer bill from the Town of Middleboro and was shocked to see the amount due from water to be \$556.45 and a sewer total of \$407.83. I did install an irrigation system and the builder's suggestion because my yard is close to an acre and we were trying to get a new lawn established. Although I did have an irrigation system at my Cape home my water bill was approx. \$150 at its highest for the six months that included the summer months. That is the bill that I was accustomed to. So, after a sleepless night I called the water department the next day and spoke with Karen. She referred me to Mr. Joseph M. Ciaglo the Superintendent. She also suggested that an option for me would be to install a make up meter specifically for the irrigation. This make up meter was installed today, August 14<sup>th</sup> 2009. Mr. Ciaglo recommended that we get a water reading to ascertain what my personal use was and that there were no meter issues. I also contacted the company that installed the irrigation system to find out how many gallons per head per minute and what future recommendations would be to try to cut down on the water use. This whole experience has been quite a learning curve. Today, Mr. Ciaglo was kind enough to go through calculations with me to separate sewer usage v. irrigation. The calculation that we came up with started with our determining that my personal use is approx. 80 gallons/day given the meter readings without using the irrigation system. My bill for 05/06 – 06/30 was a period of 54 days. Given the days times the 80 gallons/day equals 4,320 gallons or 5.77 (6 units). The minimum charge is \$20.83, which includes 4 units and an additional 2 units @ \$1.80 gives us a total of \$24.43. I am respectfully requesting an **abatement** for the balance of the charge on my bill \$407.83 minus my actual sewer use of \$24.43, which **equals \$383.40**. Also, on the next bill from the date 6/23 to the date Mr. Ciaglo and I spoke on 07/31 we have ascertained that given my personal use of 80 gals/day and a meter read of 89 units or 66,572 gallons, my personal use was 2,960 gallons. Therefore, there would be **85 units to abate for the sewer on the next bill**. Today, 08/14/2009 Mr. Ciaglo is having a reading done of the domestic meter as the make up meter was installed today. I appreciate the kindness and time of both Karen and Mr. Ciaglo and I've done everything that they have suggested. It will certainly leave me with a good feeling about the Town that I have chosen to settle in with a follow up abatement. Thank you for your time and

consideration. Please feel free to call me if you have any questions.  
2013-2014 School Year - 10/1/13 to 9/30/14

Sincerely,

A handwritten signature in black ink that reads "Danielle B. Breault". The signature is written in a cursive style with a large initial 'D' and a long, sweeping underline.

Danielle B. Breault

cc: Mr. Joseph Ciaglo, Superintendent

Incorporated 1669



CRANBERRY CAPITAL  
OF THE WORLD



## Town of Middleborough

Massachusetts

Joseph M. Ciaglo  
Wastewater Superintendent

Department of Public Works  
48 Wareham Street  
Middleborough, MA 02346  
Tel. 508-946-2480  
Fax 508-946-2484

DIVISIONS  
Highway  
Sanitation  
Insect & Pest Control  
Tree Warden  
Water  
Wastewater

August 20, 2009

To: Board of Selectmen  
Town of Middleborough

From: Joseph M. Ciaglo  
Wastewater Supt.

Re: Sewer Charge Abatement Request  
Danielle B. Breault  
5 Becca Lane  
Middleborough, MA 02346

The resident listed above moved to Middleborough on May 04, 2009.

The home has Town water and sewer service.

The property has an irrigation system with nine zones running twenty minutes each daily.

The owner did not know that water use would equal sewer use so she contacted me to see if some of the sewer charges could be abated.

I advised her that only the Board of Selectmen could authorize an abatement.

However, the first order of business would be to determine the domestic use which went to the sewer versus what was used for irrigation purposes.

With the irrigation system off for a weeks time, it was determined that typically 80 gallons of water per day were used for domestic purposes.

The estimated domestic use was:

56 days X 80 GPD = 4480 gallons ÷ 748 gallons/CCF = 5.99 CCF

The minimum 5/8" meter charge which includes 5 CCF is \$ 20.83  
The one excess CCF charge is 1.80

The total bill would be \$ 22.63

The original bill was for \$ 407.83.

The abatement would therefore be in the amount of \$ 358.20.

The property owner has since had a make up meter installed so that irrigation use can be subtracted from the master meter to determine actual sewer use, for billing purposes.

I recommend granting this abatement.

The owner will likely request an abatement of a portion of the third quarter billing also, for the period of July thru September.

If the Board so desires I can apply this same formula to that time period after the bill is issued.

I am in the process of establishing a notification protocol at the time of property transfer to the new owner, of properties that have both Town water and sewer, that water use equals sewer use, and that if property has an irrigation system they have the option to have a makeup meter to reduce the sewer charges.

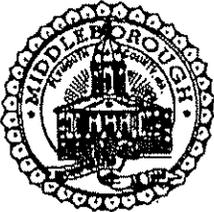
Hopefully, this procedure will prevent any future requests of this type.

cc: Charles J. Cristello  
Andrew P. Bargas  
Danielle B. Breault

Commonwealth of Massachusetts  
Town of Middleborough  
Judy M. MacDonald, Collector of Taxes

**Notice of Utility Charges**

Customer		Date	Present Reading	Date	Previous Reading	Usage 100 Cu.Ft.	Account Activity	Previous Balance	
ELLE B BREAUT 5 BECCA LANE MIDDLEBORO, MA 02346		06/30/2009	160	05/06/2009	18	142	<b>Service Billed</b>	Penalties	\$0.00
Do not send cash. Make check or money order payable to: <b>TOWN OF MIDDLEBOROUGH</b> P.O. Box 834 Reading, MA 01867-0406								Payments	\$36.00
								Adjustments	\$0.00
								<b>Total Past Due</b>	\$0.00
								Water	\$556.45
								Sewer	\$407.83
								Trash	\$52.00
								Fire Protection	\$0.00
<b>Due Date</b>	<b>Billing Date</b>	<b>Acct No.</b>		<b>Period covered by Quarterly Water/Sewer Charge</b>				<b>Total Current</b>	\$1,016.28
08/27/2009	07/28/2009	004-0936-00-02		04/01/2009 - 06/30/2009				<b>Total Amount Due</b>	<b>\$1,016.28</b>
OFFICE HOURS: Monday - Friday 8:45 AM - 5:00 PM				<b>Period covered by Quarterly Trash Charge</b>				<b>Due Date</b>	<b>08/27/2009</b>
PHONE NUMBER: (508)946-2420				07/01/2009 - 09/30/2009				Payments may also be made online at <a href="http://www.middleborough.com">www.middleborough.com</a>	
<b>CUSTOMER'S COPY - Retain for your records.</b>									



**MIDDLEBOROUGH WATER DEPARTMENT**

Questions about Water / Wastewater should be addressed to the Water Department - 48 Wareham St.  
508-946-2482 Monday - Friday 7:00 to 3:30

**SENIOR DISCOUNT** - 65 or older? You can sign up for a discount on your Water / Sewer usage at our office during business hours.

**TRASH AND RECYCLING NOTICE - ATTENTION**

Questions about trash / recycling should be addressed to the D P W - 48 Wareham St.  
508-946-2481 or 508-946-2480 Monday - Friday 7:00 to 3:30

\*\*\* RESIDENTS WHO BRING HOUSEHOLD RUBBISH TO A COMMON AREA \*\*\*  
(Private ways, access paths, common driveways, unaccepted roads, etc.)

- MUST HAVE YOUR HOUSE NUMBER AND STREET CLEARLY MARKED ON TRASH BARREL
- NO BAGS WITHOUT STICKERS WILL BE COLLECTED

**REMINDER TO ALL RESIDENTS - ALL RUBBISH / RECYCLE MUST BE CURBSIDE BY 7:00 A.M.**

- Need a recycling bin? You may pick up a recycling bin and schedule, free of charge, at the D P W.
- Schedules and other information is also available on the Town web site [www.middleborough.com](http://www.middleborough.com)

**Quarterly Utility bills, including Trash collection will be mailed in August, November, February and May of each fiscal year.**

**ABATEMENT REQUEST** - Any requests for abatements must be submitted in writing, prior to the payment due date shown.

**COLLECTOR'S COPY**

Return with your payment by 08/27/09.

Do not send cash.

Make check or money order payable to:

**TOWN OF MIDDLEBOROUGH**

P.O. Box 834

Reading, MA 01867-0406

Z01008-000001

If your address has changed, correct it below.

DANIELLE B BREAUT  
5 BECCA LANE  
MIDDLEBORO, MA 02346

**Notice of Utility Charges**

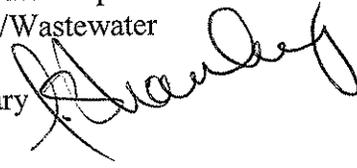
Property Location	Account Number	
5 BECCA LANE	004-0936-00-02	
<b>Payments may also be made online at <a href="http://www.middleborough.com">www.middleborough.com</a></b>	Previous Balance	\$36.00
	Penalties	\$0.00
	Payments	\$36.00
	Adjustments	\$0.00
	<b>Total Past Due</b>	\$0.00
	Water	\$556.45
	Sewer	\$407.83
	Trash	\$52.00
	Fire Protection	\$0.00
	<b>Total Current</b>	\$1,016.28
	<b>Total Amount Due</b>	<b>\$1,016.28</b>
	<b>Due Date</b>	<b>08/27/2009</b>

0730602009000040936000200001016286

# MEMO

TO: Paul Anderson, Superintendent of Water Department  
Joe Ciaglo, Superintendent of Water/Wastewater

FROM: Jackie Shanley, Confidential Secretary  
Board of Selectmen



DATE: August 25, 2009

Please review the attached and provide feedback for Board of Selectmen.

Thank you.

Attachment



August 20, 2009

Town of Middleborough  
Board of Selectmen acting as  
Sewer and Water Commission  
20 Centre Street  
Middleborough MA 02346

Re: Application for water and sewer  
Lot 15 Campanelli Business Park  
Leona Drive, Middleborough

Dear Members of the Board:

On behalf of our client Campanelli Middleborough Land II LLC we respectfully request that the Board allocate 705 Gallons per day ("GPD") of sewer capacity and 775 GPD of water capacity to the project to be constructed on the above referenced site.

The project will involve the construction of an approximately 20,000 square feet building of which approximately 17,600 square foot would be dedicated to distribution use and approximately 2,400 square feet would be dedicated to office use. The building is to be occupied by Bimbo Bakeries.

Expected Sewer flows are calculated based on 314 CMR 7.00 (The DEP Sewer Connection Program) as follows:

Office use: 2,400 square feet x 75 GPD/1000 square feet = 180 GPD  
Warehousing use: 35 employees x 15 GPD/employee = 525 GPD  
Total Sewer Flow = 705 GPD

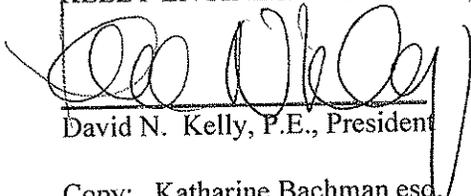
It is assumed that water use will be 1.1 times the sewer use = 775 GPD

It is our hope that the Board can grant this request at your next meeting.

If you have any questions or desire additional information please feel free to call.

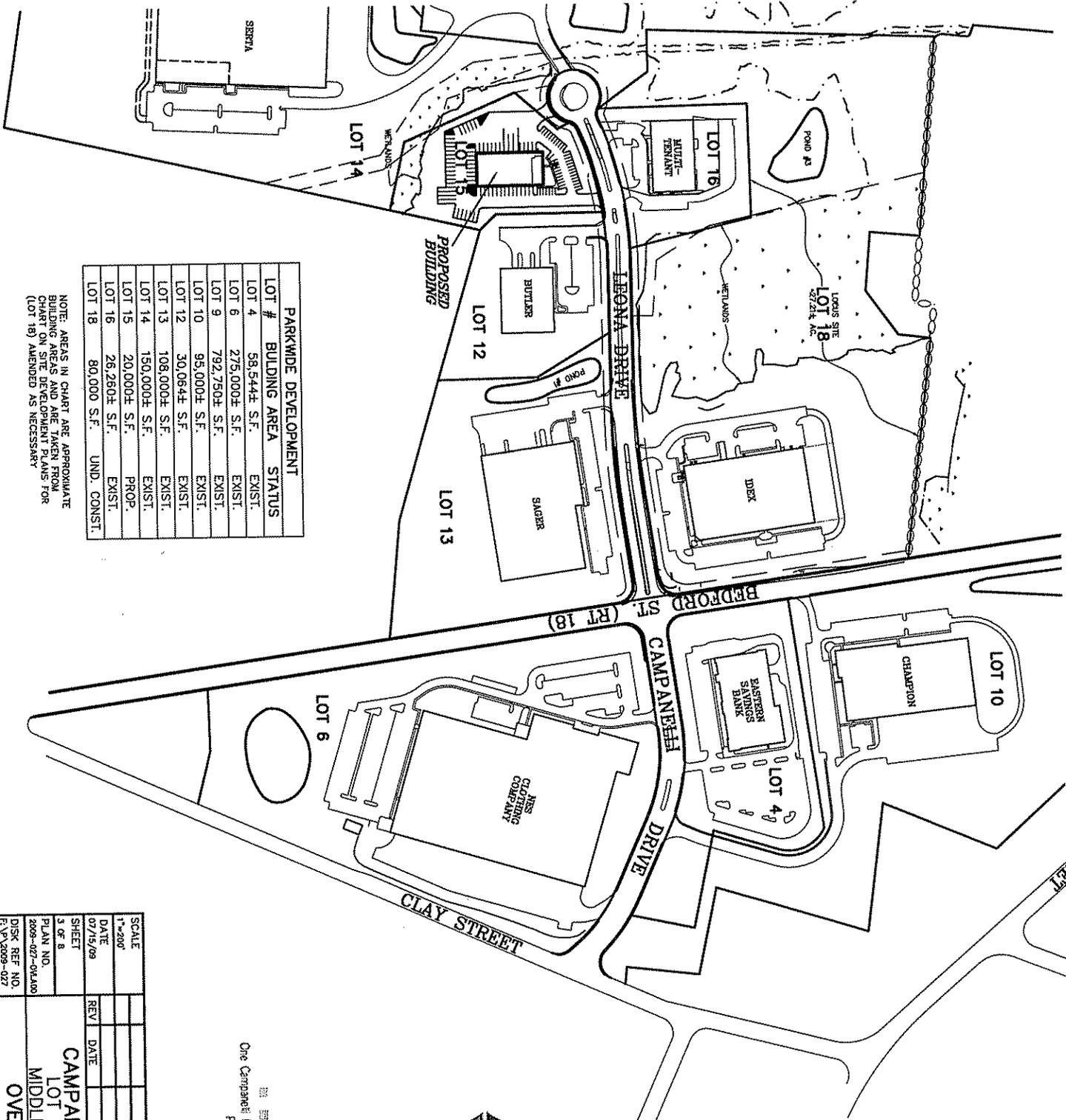
Sincerely,

KELLY ENGINEERING GROUP, INC.



David N. Kelly, P.E., President

Copy: Katharine Bachman esq.  
Dick Halverson-Campanelli Companies  
Joe Ciaglo-Middleborough Sewer Department  
Paul Anderson- Middleborough Water Department



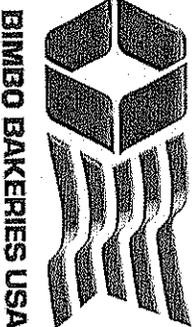
LOT #	BUILDING AREA	STATUS
LOT 4	58,544± S.F.	EXIST.
LOT 6	275,000± S.F.	EXIST.
LOT 9	792,750± S.F.	EXIST.
LOT 10	95,000± S.F.	EXIST.
LOT 12	30,064± S.F.	EXIST.
LOT 13	108,000± S.F.	EXIST.
LOT 14	150,000± S.F.	EXIST.
LOT 15	20,000± S.F.	PROP.
LOT 16	26,260± S.F.	EXIST.
LOT 18	80,000 S.F.	UND. CONST.

NOTE: AREAS IN CHART ARE APPROXIMATE BUILDING AREAS AND ARE TAKEN FROM CHART ON SITE DEVELOPMENT PLANS FOR (LOT 18) AMENDED AS NECESSARY.

SCALE	1"=200'
DATE	07/15/09
SHEET	3 OF 8
PLAN NO.	2008-027-04-100
DISK REF. NO.	F:\A\2008-027
DRAWN BY	C.A.
CHKD BY	DAL
APPD BY	PKW
REVISION	BY
<b>CAMPANELLI COMPANIES</b> LOT 15 LEONA DRIVE MIDDLEBOROUGH, MASS <b>OVERALL LAYOUT</b> <b>PLAN</b>	
<b>KELLY ENGINEERING GROUP, INC.</b> CIVIL ENGINEERING CONSULTANTS 0 CAMPANELLI DRIVE • BRAintree, MA • 02184 PHONE: 781 843 4333 FAX: 781 843 0028	
SHEET NO.	<b>3</b>

One Campanelli Drive • P.O. Box 980995 • Braintree • MA • 02185-0995  
 Phone 781-849-1442 Fax 781-356-6862  
<http://www.campanelli.com>

**Campanelli Companies**



APPROVED, TOWN OF MIDDLEBOROUGH-  
 PLANNING BOARD ACTING AS THE S.P.G.A.  
 UNDER THE DEVELOPMENT OPPORTUNITIES  
 DISTRICT ZONING BY LAW.

DATE OF APPROVAL: \_\_\_\_\_  
 DATE OF ENDORSEMENT: \_\_\_\_\_

Incorporated 1669  
339 Years of Progress



CRANBERRY CAPITAL  
OF THE WORLD



## Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street  
Middleborough, MA 02346  
Tel. 508-946-2480  
Fax 508-946-2484

Donald A. Boucher  
Highway Superintendent  
Joseph M. Ciaglo  
Wastewater Superintendent  
Richard E. Tinkham  
Water Superintendent

DIVISIONS  
Highway  
Sanitation  
Insect & Pest Control  
Tree Warden  
Water  
Wastewater

August 28, 2009

To: Board of Selectmen

From: Paul Anderson  
Water Superintendent

Re: Water Application Request  
Lot 15  
Campanelli Business Park

I have reviewed the request for water developed by Kelley Engineering Group on behalf of Campanelli Middleborough Land LLC; the request is for 775 gallons per day.

The Town of Middleborough is currently 0.63 million gallons a day below the combined permitted and registered authorized withdrawal and the infrastructure is capable of meeting demand.

The applicant would be responsible for all fees associated with this project and must meet all current Water Department specifications.

I recommend the Board approve the request with these conditions.

Please do not hesitate to contact me with any concerns or questions.

Cc. Charles J. Cristello, Town Manager  
Andrew Bagas, Director of Public Works  
Joseph M. Ciaglo, Wastewater Superintendent

Incorporated 1669  
340 Years of Progress



CRANBERRY CAPITAL  
OF THE WORLD



*Town of Middleborough*

*Massachusetts*

Department of Public Works

48 Wareham Street

Middleborough, MA 02346

Phone 508-946-2485 Fax 508-946-2484

Joseph M Ciaglo  
Wastewater Superintendent

August 26, 2009

To: Board of Selectmen  
From: Joseph M. Ciaglo  
Wastewater Supt.  
Re: Sewer Allocation Request  
Lot 15  
Campanelli Business Park

I have reviewed the request for sewer allocation developed by Kelly Engineering Group on behalf of Campanelli Middleborough Land II LLC.

The request is for 705 gallons per day.

Based upon the projected use the request is consistent with 314 CMR 7.00, the Massachusetts DEP Sewer Connection Program.

The Campanelli Park has been approved for 75,000 gallons of wastewater per day.

A total of 29,685 GPD has been allocated to date.

A total of 43,315 GPD is available for allocation.

I recommend that the Board approve the request.

Sewer Fees associated with this project are as follows:

Permit Connection Fee	\$	200.00
Commercial Structure Fee		250.00
20,000 square feet at \$ 0.05/S.F.		1000.00
TOTAL	\$	1450.00

If you have any questions I may be reached at 508-946-2485.

cc: Charles J. Cristello  
Andrew P. Bagas  
Paul Anderson  
Middleborough Building Dept.

*Incorporated 1669*  
*336 Years of Progress*



CRANBERRY CAPITAL  
OF THE WORLD



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

Town Manager

508-947-0928  
FAX 508-946-2320

**MEMORANDUM**

To: Board of Selectmen  
From: Charles J. Cristello, Town Manager  
Date: September 4, 2009  
Subject: **Special Town Meeting Articles**

I have attached a draft motion for Article 3 that balances the FY 2010 budget and a draft Five Year Forecast that incorporates those budget adjustments for your consideration next Wednesday evening. I have also attached background information on each of the warrant articles that you will be reviewing that evening. Assessor/Appraiser Barbara Erickson has informed me that there is \$191,147.09 available for appropriation in Overlay Surplus. We are also able to transfer \$30,000 for the high school walkway design from the remaining appropriation for the high school roof. Approximately \$165,000 would come from Free Cash since I am assuming that we will prevail in our insurance claim and Article 13 will not be necessary.

Please feel free to call me if you have any questions.

DRAFT

ARTICLE 3

I move that \$500,000 be transferred from the Debt Stabilization Account to department 710, the Debt Services budget.

I move that \$50,000 be transferred from the Council on Aging Trust fund to offset department 541, Council on Aging budget.

I move to reduce the following FY 2010 accounts by a total of \$689,586 in order to offset the local aid cut:

<u>DEPARTMENT</u>	<u>ACCOUNT #(S)</u>	<u>REDUCTION AMOUNT</u>
Finance Committee	542400	\$74
Selectmen	542000	\$883
Town Manager	511103	\$1,718
Town Manager	534300	\$140
Town Manager	542200	\$1,000
Town Accountant	511101	\$1,857
Assessors	511104	\$4,031
Treasurer/Collector	531100	\$6,746
Law Department	530400	\$2,092
Information Technology	524600	\$1,548
Information Technology	542500	\$1,548
Information Technology	542700	\$1,549
Town Clerk	542400	\$616
Elections & Registration	530400	\$2,250
Conservation Commission	511155	\$1,505
Planning Board	511104	\$2,030
Planning Board	524600	\$773
Zoning Board	511104	\$477
Administrative Office Building	511121	\$2,351
Building Department	511138	\$5,157
Sealer Weights & Measures	542900	\$94
Animal Control	519100	\$300
Animal Control	542900	\$300
Animal Control	543000	\$400
Animal Control	545000	\$300
Animal Control	571000	\$200
Health Department	511158	\$4,635
Veterans' Services	524500	\$744
Library	511104	\$5,683
Library	524100	\$1,538
Library	542500	\$1,323
Park Department	511168	\$1,521
Park Department	523900	\$1,200
Park Department	524100	\$499
Park Department	524500	\$499

<u>DEPARTMENT</u>	<u>ACCOUNT #(S)</u>	<u>REDUCTION AMOUNT</u>
Park Department	545000	\$100
Park Department	548900	\$100
Park Department	557100	\$500
Historical Commission	511105	\$26
Police Department	511123	\$54,530
Fire Department	511134	\$39,811
DPW Highway	511148	\$17,223
DPW Rubbish Removal	511148	\$26,007
School Department		\$343,708
Health and Life Insurance	517400	\$100,000
Workers' Compensation	517100	\$50,000

I move to increase the Debt Services budget by \$49,940 from taxation (for a total budget of \$6,181,168)

I move to increase the following FY 2010 accounts in department 162 Elections & Registration by a total of \$20,425 from taxation to pay for two special elections:

Election Officers	511108	\$12,225
Police Officers	511109	\$4,500
Custodial	511163	\$1,400
Computer Service	530400	\$2,300

I further move that the Town transfer the unexpended balance of \$21,000 from Article 7 of the May 13, 2008 Annual Town Meeting and \$22,000 from Free Cash to department 919 Employee Fringe Benefits for the purpose of reimbursing employees of the School Department and Gas and Electric Department and their spouses/dependents for increases in health insurance HMO and PPO deductibles and co-payments paid by said employees and their spouses/dependents during Fiscal Year 2010 in excess of the amounts of such deductibles and co-payments applicable during Fiscal Year 2007.

12005

8/31/2009

# FIVE YEAR FORECAST

	ACTUAL	ESTIMATE	FORECAST	FORECAST	FORECAST	FORECAST	FORECAST
	FY 08	FY 09	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>SOURCES</b>							
Tax Levy	25,253,490	26,500,879	27,964,549	29,263,663	30,445,255	31,656,386	32,897,796
Levy	631,337	662,522	699,114	731,592	761,131	791,410	822,445
2 1/2 % increase	616,052	801,148	600,000	450,000	450,000	450,000	450,000
New growth	366,006	460,055	397,572	332,361	263,257	198,413	140,610
Debt exclusions	0	0	0	0	0	0	0
Capital exclusions	0	0	0	0	0	0	0
Override	0	0	0	0	0	0	0
Total Tax Levy	26,866,885	28,424,604	29,661,235	30,777,616	31,919,643	33,096,209	34,310,850
Other Revenue	19,797,796	20,376,768	19,077,707	19,077,707	19,077,707	19,077,707	19,077,707
State Aid (net)	N/A	1,456,732	1,456,732	1,456,732	1,456,732	1,456,732	1,456,732
SBAB Reimbursement	6,696,000	6,700,000	6,100,000	6,222,000	6,346,440	6,473,369	6,602,836
Local Receipts	1,233,045	600,000	0	0	0	0	0
Free cash	1,323,837	4,969,932	5,662,516	5,792,731	5,890,485	5,944,572	6,073,837
Water and Wastewater	1,187,217	4,683,431	5,374,130	5,374,130	5,374,130	5,374,130	5,374,130
Offsets	235,000	781,164	573,776	0	0	0	0
FAM	0	320,000	1,255,850	358,700	347,000	330,681	319,462
Fund 53/Debt Stabilization	30,472,895	39,888,027	39,500,711	38,282,000	38,492,494	38,657,191	38,904,704
Total Other Revenue	57,339,780	68,312,631	69,161,946	69,059,615	70,412,137	71,753,399	73,215,555
Total Sources							
USES							
State assessments	0	0	0	0	0	0	0
Overlay	722,309	722,309	350,000	350,000	400,000	350,000	350,000
Other expenses	0	0	0	0	0	0	0
Total	0	722,309	350,000	350,000	400,000	350,000	350,000
Appropriations							
Article 2	67,398,526	67,398,526	68,810,507	70,805,888	72,465,419	74,043,776	76,173,034
Article COLA's @2%	0	0	0	212,876	430,009	651,485	877,391
Trash Disposal	0	0	0	0	0	0	0
Other articles	0	0	0	0	0	0	0
Total approp.	0	67,398,526	68,810,507	71,018,764	72,895,428	74,695,261	77,050,425
Total Uses	0	68,120,835	69,160,507	71,368,764	73,295,428	75,045,261	77,400,425
EXCESS (Shortfall)	57,339,780	191,796	1,439	(2,309,148)	(2,883,292)	(3,291,861)	(4,184,871)

*DBA-DT*

# ARTICLE 2 - DETAIL

	ACTUAL FY 08	BUDGET FY 09	FORECAST FY 2010	FORECAST FY 2011	FORECAST FY 2012	FORECAST FY 2013	FORECAST FY 2014
<b>SALARIES &amp; WAGES - TOWN</b>							
General Government	0	3,589,411	3,652,824	3,652,824	3,652,824	3,652,824	3,652,824
Police	0	3,519,403	3,463,000	3,463,000	3,463,000	3,463,000	3,463,000
Fire	0	2,384,349	2,485,149	2,485,149	2,485,149	2,485,149	2,485,149
Public Works	0	1,124,975	1,042,821	1,042,821	1,042,821	1,042,821	1,042,821
Total Town Salaries	0	10,618,138	10,643,794	10,643,794	10,643,794	10,643,794	10,643,794
Other Town Expenses @ +2%	0	1,735,289	1,753,656	1,788,729	1,824,504	1,860,994	1,898,214
<b>TOTAL TOWN EXPENSES</b>	0	12,373,427	12,397,450	12,432,523	12,468,298	12,504,788	12,542,008
<b>WATER AND WASTEWATER</b>							
Salaries & Wages @2%		1,181,874	1,267,647	1,299,338	1,331,822	1,365,117	1,399,245
Expenses		3,788,058	4,394,869	4,493,393	4,558,664	4,579,455	4,674,592
		4,969,932	5,662,516	5,792,731	5,890,485	5,944,572	6,073,837
<b>EDUCATION COSTS</b>							
Salaries & Wages @ 2%		20,446,352	20,608,776	21,020,952	21,441,371	21,870,198	22,307,602
Other Expenses @+2%		4,421,855	4,510,292	4,600,498	4,692,508	4,786,358	4,882,085
Transportation @5%		2,292,730	2,307,367	2,422,735	2,543,872	2,671,066	2,804,619
<b>TOTAL EDUCATIONAL EXPENSES</b>	0	27,160,937	27,426,435	28,044,185	28,677,751	29,327,622	29,994,306
<b>EMPLOYEE BENEFITS</b>							
Health Insurance @10%		10,255,433	10,550,507	11,605,558	12,766,113	14,042,725	15,446,997
Retirement		3,385,373	3,501,494	3,572,898	3,572,898	3,572,898	3,572,898
Workmen's Comp		620,846	350,000	350,000	350,000	350,000	350,000
FICA @ 5%		510,644	514,589	540,318	567,334	595,701	625,486
Unemployment		175,000	175,000	175,000	175,000	175,000	175,000
Other		0	11,400	11,400	11,400	11,400	11,400
<b>TOTAL EMPLOYEE BENEFITS</b>		14,947,296	15,102,990	16,243,774	17,431,346	18,736,324	20,170,381
<b>DEBT SERVICE</b>							
New Debt Service	0	5,864,664	6,181,167	5,974,348	5,684,177	5,227,464	5,097,066
<b>UNCLASSIFIED</b>							
CAPITAL OUTLAY	0	2,082,270	2,039,949	2,039,949	2,039,949	2,039,949	2,039,949
WASTE TRANSFER	0	0	0	0	0	0	0
<b>TOTAL APPROPRIATIONS</b>	0	67,398,526	68,810,507	70,805,888	72,465,419	74,043,776	76,173,034

va1



## WARRANT FOR SPECIAL TOWN MEETING

Middleborough, Massachusetts

To Bruce D. Gates, Police Chief or any of the  
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School, on Monday, September 21, 2009 at 7:00 P.M.**, to act on the following articles:

ARTICLE 1. To see if the Town will vote to rescind that part of the vote taken under Article 2 of the May 26, 2009 Annual Town Meeting, which was to transfer from Free Cash to Debt Service the amount of \$549,940.00, or act anything thereon. ✓

ARTICLE 2. To see if the Town will vote to rescind the vote taken under Article 10 of the May 26, 2009 Annual Town Meeting, which vote was to transfer the amount of \$42,000.00 from Free Cash to pay all relevant and necessary expenses associated with the clean-up of an oil leak at the Green School site, 251 East Main Street, or act anything thereon. ✓

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source to supplement and/or adjust departmental budgets for Fiscal Year 2010, or act anything thereon. ✓

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to pay for all relevant and necessary expenses associated with the clean-up of an oil leak or other improvements at the Green School site, 251 East Main Street, or act anything thereon. 55071 ✓

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon. 31, ✓

438.21 Sewer Water

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, the Wastewater Enterprise Unreserved/Retained Earnings Account, or other available source to fund sick leave buy-backs or act anything thereon. 15634  
14,445.80 Wastewater

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing for the purpose of remodeling, reconstruction or making extraordinary repairs to the Middleborough High School plaza deck/front entranceway and walk, or act anything thereon. 30,000

ARTICLE 8. To see if the town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing to purchase cruisers for the Police Department, or act anything thereon. 66,789

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the repair of the South Middleborough Fire Station roof, or act anything thereon. 15,000

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a recycling truck, or act anything thereon. 161,985

ARTICLE 11. To see if the Town will vote to amend its local room occupancy excise tax under General Laws Chapter 64G, Section 3A to increase the rate to six percent (6%), said excise to take effect on the first day of the calendar quarter which quarter begins at least thirty days after the vote to amend under this article, or act anything thereon. N/A

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing, a sum of money to refurbish two (2) 1-18, 1-15kv uninterruptible power supplies (UPS's) for the Bank building and Town Hall submitted by the Information Technology department, or act anything thereon. 10,000

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing, a sum of money to purchase electronic equipment to replace electronic equipment which was damaged by water, or act anything thereon. 20,000

ARTICLE 14. To see if the Town will vote to appropriate a sum of money to purchase a conservation restriction or other interest in land including the fee for protection of public water supplies with respect to land on and off Miller Street, Middleborough, MA believed to be owned by Seven Hills Corporation, Ernesto Caparrotta, Trustee shown as Lots 1837, 2835 and 3729 on

Assessors' map 106, containing 89 acres more or less; to meet this appropriation to authorize the Treasurer with the approval of the Board of Selectmen to borrow the sum appropriated under Chapter 44 of the General Laws or any enabling authority; to authorize the Board of Selectmen to purchase on behalf of the Town, a conservation restriction or other interest in land with respect to such land on such terms and conditions as the Board determines and to authorize the Board of Selectmen to expend \$40,000.00 of unexpended proceeds from borrowing authorized under Article 19 of the May 21, 2007 Special Town Meeting as part of the purchase price; provided, however, that the borrowing authorized hereunder shall be contingent upon approval by the Commonwealth of Massachusetts of a grant application by the Town for a grant by the State to the Town in the amount of \$400,000.00 in connection with the conservation restriction or other interest and the receipt of \$300,000.00 in private grant funds; and provided further, that the Commonwealth of Massachusetts and/or an agency of the Commonwealth of Massachusetts and The Nature Conservancy may be grantees and parties with enforcement authority under any conservation restriction in addition to the Town; or act anything thereon. *Borrowing*

ARTICLE 15. To see if the Town will vote to increase the membership of the Police Station Building Study Committee established under Article 11 of the warrant for the June 7, 2004 Special Town Meeting from the present nine members to eleven members and to authorize the Town Moderator to appoint the new members, or act anything thereon. *N/A*

ARTICLE 16. To see if the Town will set the charge for each written demand issued by the Treasurer/Collector a fee in the amount of fifteen dollars (\$15.00) to be added and collected as part of the tax as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of January 1, 2010, or act anything thereon. *N/A*

ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of \$300,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems. *Borrowing*

Given, under our hands at Middleborough, this 24th day of August 2009.

\_\_\_\_\_  
PATRICK E. ROGERS

\_\_\_\_\_  
MURIEL C. DUPHILY

\_\_\_\_\_  
MARSHA L. BRUNELLE

\_\_\_\_\_  
STEPHEN J. MCKINNON

\_\_\_\_\_  
ALFRED P. RULLO, JR.  
BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all Inhabitants of said Town of Middleborough, qualified to vote as expressed in said Warrant, to meet at the time and place for the purpose specified by causing an attested Copy of the same to be published in the Middleboro Gazette on the **3rd day of September, 2009**, that date being more than fourteen days before the time specified for said meeting.

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BRUCE D. GATES, Police Chief

ARTICLES 1-2



*Massachusetts Department of Revenue Division of Local Services*  
*Navjeet K. Bal, Commissioner Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs*

June 16, 2009

Charles Cristello, Town Manager  
Town of Middleborough  
10 Nickerson Ave.  
Middleborough, MA. 02346

Dear Mr. Costello:

Thank you for our conference call regarding the free cash position of the Town of Middleborough. As a result of this conversation, I am forwarding this letter to you so that all parties understand what steps need to be taken in an effort to have a certified tax rate for FY10.

As discussed, due to various appropriations over the past few years from certified free cash, it was discovered that an accounting error occurred which resulted in an overstatement in your free cash position. As a result of this situation, Middleborough will need to take the following steps prior to having your FY10 tax rate approved:

1. The balance sheet for the close of FY09 must be submitted, and free cash certified. We have informed you of the reductions necessary due to the free cash overstatement;
2. Middleborough needs to rescind a free cash appropriation of \$591,940 taken at your 2009 annual town meeting at your fall special town meeting;
3. The Town then needs to take action to balance the budget for FY10 at your special town meeting. These steps could include an appropriation from certified free cash from the close of FY09, or you may consider reducing the FY10 budget, or finally town meeting may transfer from available funds as town meeting deems necessary;
4. Once these steps are taken to resolve the overstatement of free cash, Middleborough can proceed with the normal process to set their FY10 tax rate.

It is my understanding based upon our conversation that these steps can be achieved by the community. If we can be of any assistance during this process, feel free to contact me or your field representative Diane Dziura.

Sincerely,

Gerard D. Perry  
Director of Accounts  
Massachusetts Department of Revenue

**Middleborough Public Schools  
Memorandum**

ARTICLES 4 : 7

**To:** Charles Cristello, Town Manager  
**From:** Thomas P. Tatro, Director of Business, Finance, and Operations  
**Date:** September 1, 2009  
**Subject:** Confirmation of Warrant Article Amounts



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As you requested, please be advised that the dollar amounts for the School Department's article requests for the Fall 2009 Town Meeting are as follows:

Green School Oil Leak	\$55,070.43
High School Entranceway Engineering (not to exceed / "up to")	\$30,000.00

I trust this is sufficient for your purposes; if you have any questions or require any further information please contact me.

cc: Dr. Robert M. Sullivan, Superintendent of Schools

ARTICLE 5

Middleborough Public Schools  
Memorandum

To: Charles Cristello, Town Manager  
From: Dr. Robert M. Sullivan, Superintendent  
Thomas P. Tatro, Director of Business and Finance  
Date: July 24, 2009  
Subject: Possible FY09 Unpaid Invoice Situation



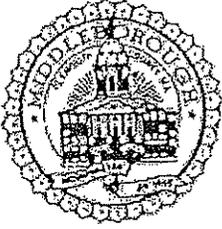
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Attached is a correspondence from our Special Education Director concerning the subject topic. Specifically, it appears that the School Department may be obligated for approximately \$30,000 in tuition charges pending the outcome of a Department of Elementary and Secondary Education (DESE) investigation and determination. As this came to our attention prior to the close of the fiscal year FY09, we have no means of reserving funds sufficient to satisfy this pending/potential obligation.

Therefore and accordingly, we thought it prudent to alert you as to its existence and possible reality. This may well become an article/agenda item for the next Town Meeting. Please be assured that we will do everything possible to avoid this additional expenditure, but it may be beyond our control.

As the situation progresses, we will keep you informed. Thank you for your understanding and continued support through these difficult financial times!

cc: Middleborough School Committee  
Melissa Deutschmann, Special Education Director  
Steven Dooney, Town Accountant  
Pamela Butler, Accounts Payable



MIDDLEBOROUGH PUBLIC SCHOOLS  
Special Education Department

Melissa G. Deutschmann  
Director

112 Tiger Drive  
Middleborough, MA 02346  
(508) 946-2013  
FAX: (508) 946-2009

July 7, 2009

To: Mr. Tom Tatro  
From: Melissa Deutschmann  
Re: Tuition Bills and Tuition Credit from Protestant Guild for Human Services

Tom,

As we discussed this morning, Middleborough received notice from the DESE in March 2009 that Foxborough would share joint fiscal and programmatic responsibility for student J. R effective the date of the notice (copy of notice attached). Foxborough appealed this ruling (copy of letter attached) and we are currently awaiting a decision on that appeal. My conversations with the Compliance Officer at DESE who handles these cases have indicated that the ruling will likely be overturned in Foxborough's favor; however, the original decision remains in effect until a new letter is issued from DESE.

Upon receipt of the DESE notice, Protestant Guild for Human Services adjusted its tuition invoices for April, May, and June 2009, billing us for 50% of the established monthly rate. We paid those bills when due and Foxborough was billed for the remaining half of each of those months' tuition. Protestant Guild also issued a tuition credit (original attached) for half the amount we paid in March 2009, because we had been billed for the full amount prior to receipt of the DESE notice.

I expected the decision on the appeal to come before the end of the fiscal year, but unfortunately it did not. When the decision on the appeal does come – and if it does overturn the first ruling in Foxborough's favor – we will be responsible for paying the portion of the tuition that has been charged to Foxborough. For FY09, this would mean half of each month's tuition for April, May, and June, or approximately \$28,000 total. Additionally, if we process the attached tuition credit, we would be responsible for repaying that amount (\$9,181.50) as well. Total costs in FY10, to cover this FY09 situation, could amount to approximately \$37,200.

Per your recommendation, I am sending you the tuition credit and this description of the situation for your reference. Should we get further information from the DESE regarding the status of Foxborough's appeal, I will let you know immediately.

Please let me know if you have any questions.

Sincerely,  
Melissa

RHCI 311 SERVICE ROAD E. SANDWICH MA 02537  
 RHCE 311 SERVICE ROAD MA 02537  
 3a PAT. CNTL # HAB81489  
 b. MED. REC. # M049149  
 5 FED. TAX NO. 043071419  
 6 STATEMENT COVERS PERIOD FROM 060109 THROUGH 063009  
 7 0133

8 PATIENT NAME a BRYANT, JULIE  
 9 PATIENT ADDRESS a 182 SOUTH STREET  
 b SOUTH YARMOUTH c MA d 02664  
 10 BIRTHDATE 09091975 11 SEX F 12 DATE 052909 13 HR 09 14 TYPE B 15 SRC 1  
 16 DHR 30 17 STAT 30  
 31 OCCURRENCE DATE 04 052508  
 32 OCCURRENCE DATE  
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 36 OCCURRENCE SPAN FROM THROUGH  
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38 MILLDEBORO FIRE DEPARTMENT  
 125 NORTH MAIN STREET  
 MIDDLEBORO, MA 02346  
 39 VALUE CODES AMOUNT  
 40 VALUE CODES AMOUNT  
 41 VALUE CODES AMOUNT

42 REV. CD.	43 DESCRIPTION	44 HCPCS / RATE / HIPPS CODE	45 SERV DATE	46 SERV. UNITS	47 TOTAL CHARGES	48 NON-COVERED CHARGES	49
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0420	PHYSICAL THERAPY	97110GP	060509	2	13800		
0420	PHYSICAL THERAPY	97110GP	061209	1	6900		
0420	PHYSICAL THERAPY	97140GP	061209	1	6900		
0420	PHYSICAL THERAPY	97110GP	061909	1	6900		
0420	PHYSICAL THERAPY	97140GP	061909	1	6900		
0420	PHYSICAL THERAPY	97110GP	062309	1	6900		
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0001 PAGE 1 OF 1 CREATION DATE 070409 TOTALS 75900 0

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 51 HEALTH PLAN ID  
 52 REL INFO Y Y  
 53 ASG BEN.  
 54 PRIOR PAYMENTS  
 55 EST. AMOUNT DUE  
 56 NPI 1265489736  
 57 OTHER  
 58 PRV ID

58 INSURED'S NAME BYRANT, JULIE  
 59 P. REL 18  
 60 INSURED'S UNIQUE ID 0608AH1498  
 61 GROUP NAME  
 62 INSURANCE GROUP NO.

63 TREATMENT AUTHORIZATION CODES  
 64 DOCUMENT CONTROL NUMBER  
 65 EMPLOYER NAME TOWN OF MIDDLEBOROUGH F

66 DX 7220  
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69 ADMIT DX  
 70 PATIENT REASON DX  
 71 FPS CODE  
 72 ECI  
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 74 PRINCIPAL PROCEDURE CODE  
 75 OTHER PROCEDURE CODE  
 76 ATTENDING NPI 1184624330 QUAL 1GA33943  
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 77 OPERATING NPI QUAL  
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 78 OTHER NPI QUAL  
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80 REMARKS  
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 10 BIRTHDATE: 09091975  
 11 SEX: F  
 12 DATE: 052909 09  
 13 HR: 09  
 14 TYPE: 09  
 15 SNO: 30  
 16 DHR: 30  
 17 STAT: 30  
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MILDEBORO FIRE DEPARTMENT  
 125 NORTH MAIN STREET  
 MIDDLEBORO, MA 02346

42 ICD CODE	43 DESCRIPTION	44 HCPCS / RATE / ICD9S CODE	45 SEGM DATE	46 REW UNIT	47 TOTAL CHARGES	48 NON-COVERED CHARGE
0420	PHYSICAL THERAPY	97110GP	060209	1	6900	23.10
0420	PHYSICAL THERAPY	97110GP	060509	23.10 2	13800	46.20
0420	PHYSICAL THERAPY	97110GP	061209	1	6900	23.10
0420	PHYSICAL THERAPY	97140GP	061209	1	6900	21.61
0420	PHYSICAL THERAPY	97110GP	061909	1	6900	23.10
0420	PHYSICAL THERAPY	97140GP	061909	1	6900	21.61
0420	PHYSICAL THERAPY	97110GP	062309	1	6900	23.10
0420	PHYSICAL THERAPY	97140GP	062309	1	6900	21.61
0420	PHYSICAL THERAPY	97110GP	062509	1	6900	23.10
0420	PHYSICAL THERAPY	97140GP	062509	1	6900	21.61
<b>TOTALS</b>					<b>75900</b>	<b>0</b>

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 \$ 248.14

0001 PAGE 1 OF 1  
 CREATION DATE 070409 TOTALS 75900

70 PAYER NAME: MILDEBORO FIRE DEPARTM  
 71 HEALTH PLAN ID  
 72 PRIOR PAYMENTS  
 73 EST. AMOUNT DUE  
 74 NPI: 1265488736

75 INSURED'S NAME: BYRANT, JULIE  
 76 PIPED: 18  
 77 INSURED'S UNIQUE ID: 0608AH1498  
 78 GROUP NAME  
 79 INSURANCE GROUP NO.

80 TREATMENT AUTHORIZATION CODES  
 81 DOCUMENT CONTROL NUMBER  
 82 EMPLOYER NAME: TOWN OF MIDDLEBOROUGH FIR

83 ICD 9: 7220  
 84 ATTENDING: NPI 184624330 QUAL: GA33943  
 85 FIRST: PAUL

86 ADMIT DK  
 87 PRINCIPAL PROCEDURE CODE  
 88 OTHER PROCEDURE CODE  
 89 ATTENDING: NPI 184624330 QUAL: GA33943  
 90 LAST: HOULE  
 91 OPERATING: NPI  
 92 LAST: PAUL  
 93 OTHER: NPI  
 94 LAST: PAUL  
 95 OTHER: NPI  
 96 LAST: PAUL

1 CAPE COD HOSPITAL 27 PARK ST HYANNIS MA 02601-5230 0000000000		2 CAPE COD HOSPITAL PO BOX 849091 BOSTON MA 02284		3a PAT. CNTL.# 000090195470 b. MED. REC.# 0712188 5 FED. TAX NO. 0000		4 TYPE OF BILL 0131 7 STATEMENT COVERS PERIOD FROM 051909 THROUGH 051909																							
8 PATIENT NAME a BRYANT JULIE B			9 PATIENT ADDRESS a 182 SOUTH STREET b SOUTH YARMOUTH c MA d 02664 e																										
10 BIRTH DATE 09091975		11 SEX F	12 DATE 051909		13 HR 16		14 TYPE 3		15 SRC 1		16 DHR 01		17 STAT 01		18 19 20 21		19 20 21		20 21		22 23 24		25 26 27 28		29 ACCT STATE				
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42 REV. CD 1		43 DESCRIPTION X-RAY EXAM OF NECK SPIN		44 HCPCS / RATES / HIPPS CODE 72040		45 SERV. DATE 051909		46 SERV. UNITS 1		47 TOTAL CHARGES 31800		48 NON-COVERED CHARGES 49		50		51		52		53		54		55		56			
23 0001 PAGE 1 OF 1		CREATION DATE 062309		TOTALS		31800																							
50 PAYER NAME A VFIS B HMO BLUE C		51 HEALTH PLAN ID 999990000 999990079		52 REI INFO Y Y		53 ASG BEN. Y Y		54 PRIOR PAYMENTS \$		55 EST. AMOUNT DUE 31800		56 NPI 1114984671 OTHER 042103600 PRV ID 2222001210		57		58		59		60		61		62		63			
58 INSURED'S NAME A BRYANT JULIE B B BRYANT JULIE B C		59 P.REL 01 01		60 INSURED'S UNIQUE ID 0608AH1498 MTN983754911		61 GROUP NAME MIDDLEBORO FIR MIDDLEBOROUGH		62 INSURANCE GROUP NO. 004046179		63		64		65		66		67		68		69		70		71		72	
63 TREATMENT AUTHORIZATION CODES A B C		64 DOCUMENT CONTROL NUMBER 5089581934 CP		65 EMPLOYER NAME MIDDLEBORO FIRE DEPARTME MIDDLEBORO FIRE DEPARTME		66		67		68		69		70		71		72		73		74		75		76			
66 DX 7220		67		68		69		70		71		72		73		74		75		76		77		78		79			
69 ADMIT DX		70 PATIENT REASON DX		71 PPS CODE		72 ECI		73		74		75		76		77		78		79		80		81		82			
74 PRINCIPAL PROCEDURE CODE DATE		a. OTHER PROCEDURE CODE DATE		b. OTHER PROCEDURE CODE DATE		c. OTHER PROCEDURE CODE DATE		75		76 ATTENDING NPI 1184624330		QUAL		77 OPERATING NPI		QUAL		78 OTHER NPI		QUAL		79 OTHER NPI		QUAL		80			
c. OTHER PROCEDURE CODE DATE		d. OTHER PROCEDURE CODE DATE		e. OTHER PROCEDURE CODE DATE		76		77		78		79		80		81		82		83		84		85		86			
80 REMARKS WC		81 a		81 b		81 c		81 d		82		83		84		85		86		87		88		89		90			

2009 JUL 13 A 10:34

**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

July 22, 2009

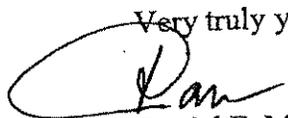
Jonathan Witten, Esquire  
Daley and Witten, LLC  
156 Duck Hill Road  
Duxbury, MA 02332

RE: Town of Middleborough

Dear Jon:

Your most recent bill to the Town of Middleborough of \$7,200.00 was received and processed for payment. The Law Department's Fiscal Year 2009 budget was insufficient to pay the entire bill. The amount of \$6,767.00 was paid on or about July 17, 2009, so there is a balance of \$433.00 which remains unpaid. I asked the Board of Selectmen to include the unpaid amount for appropriation as an unpaid bill at the next town meeting. The next town meeting will probably be in October or November, 2009.

Very truly yours,

  
Daniel F. Murray  
Town Counsel

DFM/s  
82-117

cc: Board of Selectmen (via FAX#: 508-946-0058)  
Town Accountant (via FAX#: 508-946-2315)  
Board of Appeals (via FAX#: 508-946-2305)

1500

HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE 08/05  
Claim #: 076330

MIDDLEBOROUGH POLICE DEPT PRIMARY  
99 NORTH MAIN ST  
MIDDLEBOROUGH MA 02346-0000

RECEIVED  
AUG 05 2009

PICA

1. MEDICARE <input type="checkbox"/> (Medicare #)		MEDICAID <input type="checkbox"/> (Medicaid #)		TRICARE <input type="checkbox"/> (Sponsor's SSN)		CHAMPVA <input type="checkbox"/> (Member ID#)		GROUP HEALTH PLAN <input type="checkbox"/> (SSN or ID)		FECA BLK LUNG <input checked="" type="checkbox"/> (SSN)		OTHER <input type="checkbox"/> (ID)		1a. INSURED'S I.D. NUMBER (For Program in Item 1) 014548359																											
2. PATIENT'S NAME (Last Name, First Name, Middle Initial) SILVIA ROBERT F						3. PATIENT'S BIRTH DATE MM DD YY 02 13 1963			SEX M <input checked="" type="checkbox"/> F <input type="checkbox"/>			4. INSURED'S NAME (Last Name, First Name, Middle Initial) SILVIA ROBERT F																													
5. PATIENT'S ADDRESS (No., Street) 277 PURCHASE ST						6. PATIENT RELATIONSHIP TO INSURED Self <input checked="" type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Other <input type="checkbox"/>						7. INSURED'S ADDRESS (No., Street) 277 PURCHASE ST																													
CITY MIDDLEBOROUGH			STATE MA			8. PATIENT STATUS Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Other <input type="checkbox"/>						CITY MIDDLEBOROUGH			STATE MA																										
ZIP CODE 02346-0000			TELEPHONE (Include Area Code) (508) 946-0021			Employed <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/>			Student <input type="checkbox"/> Student <input type="checkbox"/>			ZIP CODE 02346-0000			TELEPHONE (Include Area Code) (508) 946-0021																										
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)						10. IS PATIENT'S CONDITION RELATED TO: a. EMPLOYMENT? (Current or Previous) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO b. AUTO ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO c. OTHER ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						11. INSURED'S POLICY GROUP OR FECA NUMBER NONE																													
a. OTHER INSURED'S POLICY OR GROUP NUMBER						a. EMPLOYMENT? (Current or Previous) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						a. INSURED'S DATE OF BIRTH MM DD YY 02 13 1963																													
b. OTHER INSURED'S DATE OF BIRTH MM DD YY						b. AUTO ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						SEX M <input checked="" type="checkbox"/> F <input type="checkbox"/>																													
c. EMPLOYER'S NAME OR SCHOOL NAME						c. OTHER ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						b. EMPLOYER'S NAME OR SCHOOL NAME																													
d. INSURANCE PLAN NAME OR PROGRAM NAME						10d. RESERVED FOR LOCAL USE						c. INSURANCE PLAN NAME OR PROGRAM NAME																													
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below. SIGNATURE ON FILE DATE												d. IS THERE ANOTHER HEALTH BENEFIT PLAN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, return to and complete item 9 a-d.						13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE I authorize payment of medical benefits to the undersigned physician or supplier for services described below. SIGNED SIGNATURE ON FILE																							
14. DATE OF CURRENT ILLNESS (First symptom) OR INJURY (Accident) OR PREGNANCY (LMP) MM DD YY				15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS. GIVE FIRST DATE MM DD YY								16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY																													
17. NAME OF REFERRING PROVIDER OR OTHER SOURCE CORBETT MICHAEL L				17a. NPI				17b. NPI 1417967373				18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY																													
19. RESERVED FOR LOCAL USE												20. OUTSIDE LAB? \$ CHARGES <input type="checkbox"/> YES <input type="checkbox"/> NO				22. MEDICAID RESUBMISSION CODE ORIGINAL REF. NO.																									
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY (Relate Items 1, 2, 3 or 4 to Item 24E by Line) 1. 71617 TRAUM ARTHROPATHY												23. PRIOR AUTHORIZATION NUMBER								24. A. DATE(S) OF SERVICE From MM DD YY To MM DD YY																					
B. PLACE OF SERVICE				C. EMG				D. PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) CPT/HCPCS MODIFIER				E. DIAGNOSIS POINTER				F. \$ CHARGES				G. DAYS OR UNITS				H. ICD-9-CM Family Plan				I. ID. QUAL				J. RENDERING PROVIDER ID. #									
1 06 29 09 06 29 09 12				L4360 RT				Pneumati walking boot prefab				1				38698				1				NPI 1417967373																	
																\$ 297.48				NPI																					
																				NPI																					
																				NPI																					
																				NPI																					
																				NPI																					
																				NPI																					
25. FEDERAL TAX I.D. NUMBER 04-3462490						SSN EIN <input type="checkbox"/> <input checked="" type="checkbox"/>						26. PATIENT'S ACCOUNT NO. NSMSILVR00						27. ACCEPT ASSIGNMENT? (For gov. claims, see back) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO																							
31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.) MICHAEL CORBETT 08 03 2009												32. SERVICE FACILITY LOCATION INFORMATION a. b.												28. TOTAL CHARGE \$ 38698						29. AMOUNT PAID \$ 297.48						30. BALANCE DUE \$ 38698					
												33. BILLING PROVIDER INFO & PH # (866) 225-8839 NEEDHAM ORTHO & SPORTS MEDIC 300 CHESTNUT ST NEEDHAM MA 02492-0000 a. 1912917840																													

*Incorporated 1669*  
*339 Years of Progress*



CRANBERRY CAPITAL  
OF THE WORLD



## Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street  
Middleborough, MA 02346  
Tel. 508-946-2480  
Fax 508-946-2484

DIVISIONS  
Highway  
Sanitation  
Insect & Pest Control  
Tree Warden  
Water  
Wastewater

Donald A. Boucher  
Highway Superintendent  
Joseph M. Ciagio  
Wastewater Superintendent  
Richard E. Tinkham  
Water Superintendent

September 1, 2009

Mr. Charles Cristello  
Town Manager  
10 Nickerson Avenue  
Middleboro, MA 02346

Re: FY09 Unpaid Bill

Dear Mr. Cristello;

Enclosed please find an invoice from Nexgen that was not paid in fiscal year FY09. The invoice was not received by the Water Department until August 31, 2009. The cause for the delay is not known.

Would you please include this invoice as an "Unpaid Bill" for the upcoming Town Meeting?

Sincerely,

Barbara Boulay  
Water Department



# Invoice

8714 Darby Ave.  
Northridge, CA 91325  
Fed Tax ID #95-4505812

Visit our web  
[www.nexgenproducts.net](http://www.nexgenproducts.net)

Date	Invoice #
5/12/2009	52426

Bill To
MIDDLEBORO WATER DIST ACCOUNTS PAYABLE 48 WAREHAM STREET MIDDLEBORO, MA 02346

Ship To
MIDDLEBORO WATER DIST ATTN: BILL WARNER <i>Wager</i> 55 EAST GROVE STREET MIDDLEBORO, MA 02346

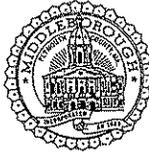
P.O. Number	Terms	Rep	Account #	Ship	Via	FOB	Order #
VERBAL	NET 45 DA...	512	MID58S	5/12/2009	UPS	NEXGEN	50856
Qty. Ship...	Qty. Backor...	Item Code	Description			Price Each	Amount
2		1051-2 DISC Freight	SAF LUBE (2 DOZ/CS) DISC Freight Charges MASS NON TAX			202.00 -20.20 54.41 0.00%	404.00T -20.20T 54.41 0.00
<b>Total</b>						\$438.21	

Phone #	Fax #
818 982-5242	818 982-3496

REMIT TO:  
P.O. Box 29680  
Phoenix, AZ 85038-9680

Finance charge of 1.5% per month on all invoices over 30 days old.

Incorporated 1669  
339 Years of Progress



ARTICLE 6

CRANBERRY CAPITAL  
OF THE WORLD

*ROK*

# Town of Middleborough

Massachusetts

Department of Public Works

48 Wareham Street  
Middleborough, MA 02346  
Tel. 508-946-2480  
Fax 508-946-2484

Donald A. Boucher  
Highway Superintendent  
Joseph M. Ciaglo  
Wastewater Superintendent  
Richard E. Tinkham  
Water Superintendent

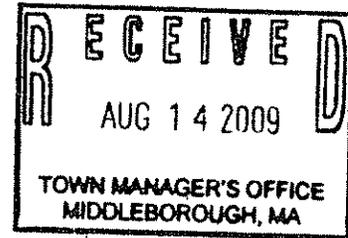
15,634

14,455.80

from Wastewater

August 14, 2009

To: Charles J. Cristello  
Town Manager  
  
From: Joseph M. Ciaglo  
Wastewater Supt.  
  
Re: Article for Special Town Meeting  
Sick Leave/Vacation Buyback



Robert A. Correia, Operator/Lab Technician retired effective July 31, 2009.

Mr. Correia rate of pay was GMEG/Skilled Services, Step 9, which is \$ 24.0930 per hour.

75 Sick Days X 8 hrs./day X	\$ 24.0930	=	\$ 14,455.80
<del>42 Vacation X 8 hrs./day X</del>	<del>\$ 24.0930</del>	<del>=</del>	<del>\$ 8,095.25</del>
	TOTAL DUE		<del>\$ 22,551.05</del>

Supporting documentation is attached.

I suggest the following language for the article:

Article \_\_\_\_\_

To see if the Town will vote to transfer the sum of Twenty Two Thousand Five Hundred Fifty One Dollars and Five Cents, ( \$ 22,551.05) from the Wastewater Enterprise System Unreserved/Retained Earnings Account for the purpose of Sick Leave/Vacation Buyback for Robert A. Correia, Operator/Lab Technician, retired, or act anything thereon.

LAB TECH 3/13/98

V DTE - 21ST STP ANNIV DTE - 3/13/06

ROBERT CORREIA - 2009

TY - \$400.00

CARRY-OVER		SICK	VACATION	PERSONAL
DATE USED	DATE ACCRUED	ACCRUED 1/1/09	21D 21D	4D
		223D 2.5H		
	1/21/09	224D 6.5H	42D	4D
	2/21/09	226D 2.5H	42D	4D
	3/21/09	227D 6.5H	42D	4D
3/28/09				-1D
	4/21/09	229D 2.5H	42D	3D
				-1D
5/18/09				2D
	5/21/09	230D 6.5H	42D	-1D
6/1/09				1D
	6/21/09	232D 2.5H	42D	-1D
6/22/09				4D
	7/1/09	232D 2.5H	42D	-1D
7/6/09				-1D
7/15/09				-1D
7/17/09				1D
	7/21/09	233D 6.5H	42D	-1D
7/24/09				0
	7/31/09	233D 6.5H	42D	
				RETIRE
				7/31/09

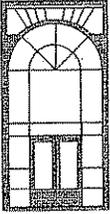
SKILLED SERVICE - STEP 9

75 x 8 x \$24,0930 14,455.80

~~42 x 8 x \$24,0930 8,095.25~~

22,551.05

Window  
to the World



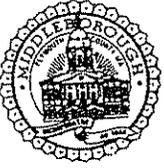
Middleborough Public Library  
102 North Main St., Middleborough, MA 02346

Danielle M. Bowker  
Director

August 7, 2009

Memo to: Charles Cristello, Town Manager  
From: Danielle Bowker, Library Director  
Re: Request for funding at Special Town Meeting scheduled for  
September 21, 2009

Marilyn Thayer, Children's Librarian, will be retiring in April, 2010. She will be eligible for sick-leave buy back in a amount not to exceed \$15,634. Please include that amount on the Warrant for that meeting.



ARTICLE 7  
MIDDLEBOROUGH PUBLIC SCHOOLS

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

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

Thomas Tatro  
Director of Business and Finance  
Theresa Craig  
Acting Assistant Superintendent

August 13, 2009

To: Charles Cristello, Middleborough Town Manager

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

Subject: Proposed Article for Fall 2009 Town Meeting

As requested, I am providing you with some suggested language for the High School project for the Fall Town Meeting:

To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation of account or other available source or by borrowing under General Laws, Chapter 44, Section 7, for the purpose of contracting for engineering and architectural design service for remodeling, reconstruction or making extraordinary repairs to the Middleborough High School Plaza Deck/ Front Entranceway and Wall, or act anything thereon.

As you may know, a site survey and condition report was completed and issued by Russo Barr Associates in December 2008, which indicated significant structural, safety, and other concerns and the need for timely corrective action. A copy of this report is available for your review.

If you have any questions or require any additional information please do not hesitate to contact Mr. Tatro, or me. Thank you.

RMS/pjr

Cc: Middleborough School Committee  
Mr. Thomas P. Tatro, Director of Business and Finance

**Middleborough Public Schools  
Memorandum**

ARTICLES 4:7

**To:** Charles Cristello, Town Manager  
**From:** Thomas P. Tatro, Director of Business, Finance, and Operations  
**Date:** September 1, 2009  
**Subject:** Confirmation of Warrant Article Amounts



---

As you requested, please be advised that the dollar amounts for the School Department's article requests for the Fall 2009 Town Meeting are as follows:

Green School Oil Leak	\$55,070.43
High School Entranceway Engineering (not to exceed / "up to")	\$30,000.00

I trust this is sufficient for your purposes; if you have any questions or require any further information please contact me.

cc: Dr. Robert M. Sullivan, Superintendent of Schools

ARTICLE 8

**FALL 2009 SPECIAL TOWN MEETING**  
**SEPTEMBER 21, 2009**

**POLICE DEPARTMENT 210**

**WARRANT REQUEST:**

To see if the Town will vote to raise and appropriate the sum of \$66,789.00 by taxation or from available funds, or by borrowing, to purchase three (3) cruisers for the Police Department or act anything thereon.



July 6, 2009

Middleborough Police Department  
 Attn: Lt. Bruce Gates  
 508-946-2453 / Fax# 508-947-1009

Please find below a quote per the Plymouth County, Cooperative Procurement

Contract #09-10-11. M.G.L. c.30B applies to the procurement of all commodities quoted. Plymouth County contract items have been collectively purchased pursuant to M.G.L. c 30B sec. 1c and M.G.L. c.7 sec. 22B. The governmental body is responsible to determine the applicability of M.G.L. c 30B to off contract items, including, but not limited to off contract items that have already been properly procured under M.G.L. c 30B sec. 1c and M.G.L. c. 7 sec. 22A (purchases from a vendor on a contract with the Commonwealth), other contracts procured under M.G.L. c 30B sec 1c and M.G.L. c.7 sec. 22B, or any M.G.L. c. 30B contract between the vendor and the jurisdiction. All off contract items must be procured under M.G.L. c. 30B.

Pg.	Item	Unit Cost	Qty.	Total
53	2009/2010 Ford Taurus SE per 09-03 specs:	\$ 19,395.00	3	\$ 58,185.00
31 #205	Solid State Flashers	65.00	3	195.00
32 #227	Whelen (4) TR3 Led grille lights	225.00	3	675.00
35 #311/312	Code 3 (6) Led Hideaways BBRBB	770.00	3	2,310.00
36 #503	Federal 650 Siren	335.00	3	1,005.00
23 #17	Vent Shades front/rear	65.00	3	195.00
24 #35	Tint Windows	325.00	3	975.00
55 #325	Auto Start	325.00	1	325.00
46 #1455	Charge Guard	125.00	2	250.00
	install customer supplied 2-way radio			<u>included</u>
Contract Total:				\$ 64,115.00
Non-contract Items:				
	Sound Off Ultra Lite 13" rear upper deck	295.00	3	885.00
	Remote kits CDM1250 and MCS2000 model II	175.00	3	525.00
	Ram Lap top Mount	195.00	2	390.00
	Ram234panip	437.00	2	<u>874.00</u>
Non-contract sub total:				2,674.00
Total:				\$ 66,789.00

Paul Leon  
 Fleet Manager  
 508-573-2626

ARTICLE 9

Charles Cristello

---

**From:** Lance Benjamino  
**Sent:** Friday, August 07, 2009 9:49 AM  
**To:** Charles Cristello  
**Subject:** RE: Roof

Charlie,

Please submit the following Article:

**Article 1.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$15,000.00** to pay for all relevant and necessary expenses associated with the repair of the South Middleborough Fire Station's roof or take any other action thereon.

Thank you,

Lance Benjamino  
Fire Chief

---

**From:** Charles Cristello  
**Sent:** Thu 8/6/2009 2:50 PM  
**To:** Lance Benjamino  
**Subject:** RE:

Lance,

Send me a request for the roof so we can address it at the special.

Charlie

---

**From:** Lance Benjamino  
**Sent:** Friday, July 31, 2009 3:05 PM  
**To:** Charles Cristello  
**Subject:**

Charlie,

I have been notified that our newest firefighter (Allan Deane) has been accepted into the Mass Firefighting Academy (MFA) starting on August 31, 2009 and the Academy needs to know by August 6th if he will be attending or not. Anticipating a budget reduction of not less than 1.5% (according to the newspaper), that will equal one position (\$39,810.90).

Do you think I should send him? and assume firefighter Souza is not returning and use his salary (\$48,000) to cover the reduction by not filling the vacancy he will create in October?

Also, South Station's roof is leaking into the living quarters. I had a roofing contractor evaluate it and he advises the roof needs to be replaced, he can patch it temporarily but "it is in bad shape". He will provide me with a written estimate, he has verbally told me it will be approximately \$12,000. Who

ARTICLE 10

**MINUTEMAN INTERNATIONAL TRUCKS**  
**2181 PROVIDENCE HIGHWAY**  
**WALPOLE, MA 02081**

August 13, 2009

Middleboro Public Works Department  
48 Wareham Street  
Middleborough, Ma 02436  
Mr. Donald Boucher

Mr. Boucher,  
Based on our previous discussions I have prepared the following proposal for your review. The proposal has been priced in accordance with the current **Greater Boston Police Council Cooperative Procurement Program/MAPC**. The pricing is valid through October 30, 2009. The current contract number is 1FB#GBPC\_2008\_Intl.

<b>2010 International Model 7300 4x2</b>	<b>\$63,933.00</b>
<b>Options:</b>	
Item# 206 Max Force DT 285 hp engine 7400	\$5,105.00
Item# 235 14,000 lb Front axle w/16ply tires	\$1,012.00
Item# 246 30,000 Rear axle w/cast shoes	\$3,601.00
Item# 256 Air conditioning	\$859.00
Item# 263 Spare Tire and wheel	Inc
Item# 278 Custom paint CHASSIS	Inc.
Item# 341 Custom paint color ilo white	\$1,300.00
Item# 344 Recycle body 38 c/u yard dual loading	\$63,875.00
Item# 346 Dual Driver Controls with right hand stand up drive	\$16,000.00
Item# 347 Cart dumper 2 @ \$1,900.00	\$3,800.00
Item# 504 Light package	\$2,500.00
<b>Total</b>	<b>\$161,985.00</b>
<b>After November 1<sup>st</sup></b>	<b>\$170,035.00</b>
<b>Trucks built after January 1, 2010 Add Emission Surcharge</b>	<b>\$6,000.00</b>

Sincerely,



Ed Nolan

Minuteman International Trucks

**TEL: 781-983-3681**

**FAX: 508-668-8466**

**EMAIL: ENOLAN@MINUTEMANTRUCKS.COM**

**LOCAL OPTION ROOM OCCUPANCY EXCISE**  
**Chapter 27, §§ 51, 52 and 154 of the Acts of 2009**  
**Amending General Laws Chapter 64G, § 3A**  
**Effective for occupancies on or after August 1, 2009**

A city or town may impose, up to a maximum rate, a local excise on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments by accepting G.L. c. 64G, § 3A. The maximum rate communities may now impose is 6% (6.5% for Boston). Previously, the maximum rate was 4% (4.5% for Boston). The local excise applies to all room occupancies subject to the state room occupancy excise. A community may not vary the occupancies subject to the excise, but may adopt any rate up to the maximum. A city or town that accepts the local room occupancy excise may also amend its excise rate, but it can only revoke or amend the rate once a year.

**Acceptance or Amendment Procedure**

Acceptance of the local option room occupancy excise, or amendment of the local excise rate, is by majority vote of the municipal legislative body, subject to local charter. To accept, the city or town must vote to accept G.L. c. 64G, § 3A and specify the local excise rate. The following or similar language may be used:

VOTED: That the city/town of \_\_\_\_\_ accept G.L. c. 64G, § 3A to impose a local room occupancy excise at the rate of \_\_\_\_\_ percent.

The following or similar language may be used to amend the local rate:

VOTED: That the city/town of \_\_\_\_\_ impose the local room occupancy excise under G.L. c. 64G, § 3A at the rate of \_\_\_\_\_ percent.

OR

VOTED: That the city/town of \_\_\_\_\_ amend its local room occupancy excise under G.L. c. 64G, § 3A to the rate of \_\_\_\_\_ percent.

**Acceptance or Amendment Effective Date**

A community's acceptance of the local room occupancy excise, or amendment of its excise rate, becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept or amend. If not, the acceptance or amendment becomes operative on the first day of the second quarter after the vote. As a result, October 1, 2009 is the earliest an acceptance or amendment can become operative for FY10. A community must accept or amend on or before August 31, 2009 in order for the DOR to begin collecting the excise or new excise rate on that date.

For the start dates of each quarter and last date an acceptance vote will take effect for that quarter, please see the schedule in Attachment A.

A city or town may make the acceptance or amendment operative at the start of a later quarter by including the later start date in the vote (“ to take effect on January/April /July/October 1, 2\_\_\_\_.”)

### Notification Requirements

The city or town clerk must notify the Municipal Data Management/Technical Assistance Bureau within the DLS whenever the statute is accepted or rescinded, (“Notification of Acceptance/ Rescission-Room Occupancy”) or the excise rate is amended (“Notification of Acceptance-Room Occupancy Rate Change”). The notice is to be submitted **within 48 hours** of the vote. **Without timely notice, the DOR cannot begin collecting the excise or new excise rate for the city or town.**

### Revenue Estimates

Within the next few weeks, the DOR expects to **release estimates** of the amounts each city or town could collect from imposing or increasing the local room occupancy excise. At that time, we will provide further information about the use of room occupancy excise revenue as an estimated receipt in the FY10 tax rate. **No community will be allowed to use new local room occupancy excise revenues in the FY10 tax rate, however, unless it has accepted the statute or amended its excise rate before the tax rate is set.**

ATTACHMENT A

LOCAL OPTION EXCISE TIMETABLE

FY QUARTER	QUARTER START DATE	ACTION DEADLINE	DISTRIBUTION DATE	REVENUE COLLECTED DURING
Q1	July 1	May 31 <sup>1</sup>	September 30	June, July, August
Q2 <sup>2</sup>	October 1	August 31	December 31	September, October, November
Q3	January 1	December 1	March 31	December, January, February
Q4	April 1	March 1	June 30	March, April, May

<sup>1</sup> Latest date to accept or amend in order to implement for full fiscal year. In first year, community will receive collections from July – May (11 months). Community will receive full year collections thereafter.

<sup>2</sup> Earliest Quarter acceptances or amendments can become operative for FY10. If community implements in this quarter, it will receive collections from October – May (8 months) during FY10.

SPECIAL TOWN MEETING WARRANT

ARTICLE 12:13

1)  
ARTICLE. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing, a sum of money to refurbish two (2) 1-18,1-15kv UPS's for the Bank building and Town Hall submitted by the Information Technology department.

The cost of this project is \$10,000.00 for both UPS's.

2)  
ARTICLE. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing, a sum of money to pay the balance of the insurance company depreciated payment for the loss of electronic equipment suffered New Years eve of 2009 thru water damage submitted by the Information Technology department.

The cost of this project at this time is projected to be \$20,000.00.

3)  
Per your request:

These are the accounts the 1.5% reduction will come from

01.155.524600 Equip Mtce (reduce by) \$1,548.42 new Appropriated number \$7,402.58

01.155.542500 Comp Sup (reduce by) \$1,548.42 new Appropriated number \$18,451.58

01.155.542700 Printing (reduce by) \$1,548.42 new Appropriated number \$13,451.58

TOTAL \$4,645.26

ARTICLE 14

**Charles Cristello**

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**From:** Robb Johnson [rjohnson@tnc.org]  
**Sent:** Monday, August 10, 2009 4:42 PM  
**To:** Charles Cristello; Ruth Geoffroy  
**Cc:** David McGowan; Patricia Cassady  
**Subject:** Material for Warrant Article  
**Attachments:** Town Letter for Warrant-09.pdf

Dear Mr. Cristello,

Per request of Ruth Geoffroy, attached please find a letter outlining a proposed collaborative project with the Town that would require Town meeting approval. Ruth can provide further background on the history of our efforts in that part of Town, and I would be happy to answer any follow-up questions you may have.

Thank you for your consideration,

Robb Johnson

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**Robb Johnson**  
*Southeast Massachusetts Program Director*

rjohnson@tnc.org  
(508) 732-0300 Ext. 23 (Phone)  
(508) 732-9198 (Fax)

**The Nature Conservancy**

204 Long Pond Rd  
Plymouth, MA 02360-2607



**[nature.org](http://nature.org)**



The Nature Conservancy  
Southeast Massachusetts Program  
204 Long Pond Road  
Plymouth, MA 02360-2607

tel (508) 732-0300  
fax (508) 732-9198  
[nature.org/massachusetts](http://nature.org/massachusetts)

August 10, 2009

Charles Cristello, Town Manager  
Town of Middleborough  
10 Nickerson Avenue  
Middleborough, MA 02346

Dear Mr. Cristello:

The Nature Conservancy (TNC) is pleased to again be working in concert with the Town of Middleborough to conserve an important parcel of land with multiple values to the to the community, including water supply protection, wildlife habitat, forestry and passive recreation. In order to assist you in preparing a warrant article related to this proposal by the August deadline, following is a summary of what is envisioned:

TNC is negotiating with the owner of an 89-acre parcel on Miller Street, with substantial frontage on Black Brook. The property, owned by Seven Hills Corporation (Ernesto Caparrotta, trustee) is surrounded on three sides by conserved land. To the immediate north is a 135-acre property subject to a Conservation Restriction co-held by the Town and TNC. To the immediate south is approximately 70 acres of land subject to a Conservation Restriction co-held by the City of New Bedford and TNC. The Black Brook corridor encompasses the well head protection zone for the Town's Spruce Street well, and also protects the surface drinking water supply at the Assawompset Ponds Complex.

We have ordered two appraisals (at TNC's expense) on the property to determine whether the seller's asking price of \$1 million is justified. These appraisals will be in hand by September 1<sup>st</sup>, and we will finalize negotiations at that time. If the appraised value comes in at or above \$1 million, The Nature Conservancy will execute an assignable Purchase and Sale Agreement for \$1 million, and work to assemble funding. If it appraises for less, we will attempt to negotiate a lower price and abandon the project if unsuccessful in doing so.

Our first preference for protecting the property is to work with an abutter who wants to purchase the property, subject to a Conservation Restriction which would be co-held by the Town and TNC. Here is a breakdown of proposed funding for the project:

Town of Middleborough:	\$100,000
TNC:	\$300,000
State Water Supply Protection Grant:	\$400,000
<u>Private Abutter:</u>	<u>\$200,000</u>
Total:	\$1,000,000

As with the Parks and Freitas Conservation Restrictions, TNC would take a leadership role in managing the transaction process and monitoring this Conservation Restriction over time. TNC is also willing to draft the Town's Water Supply Protection Grant application, which is due on September 11<sup>th</sup>.

I have no particular expertise in drafting warrant articles, but I believe the following authorizations may be needed: To acquire an interest in approximately 90 acres of land on Miller Street; to appropriate and expend \$100,000 for this acquisition; to apply for and accept public and private grant funds; to raise and expend additional funds as necessary to complete the transaction; and to provide bridge funding while reimbursement of state grant funds is pending.

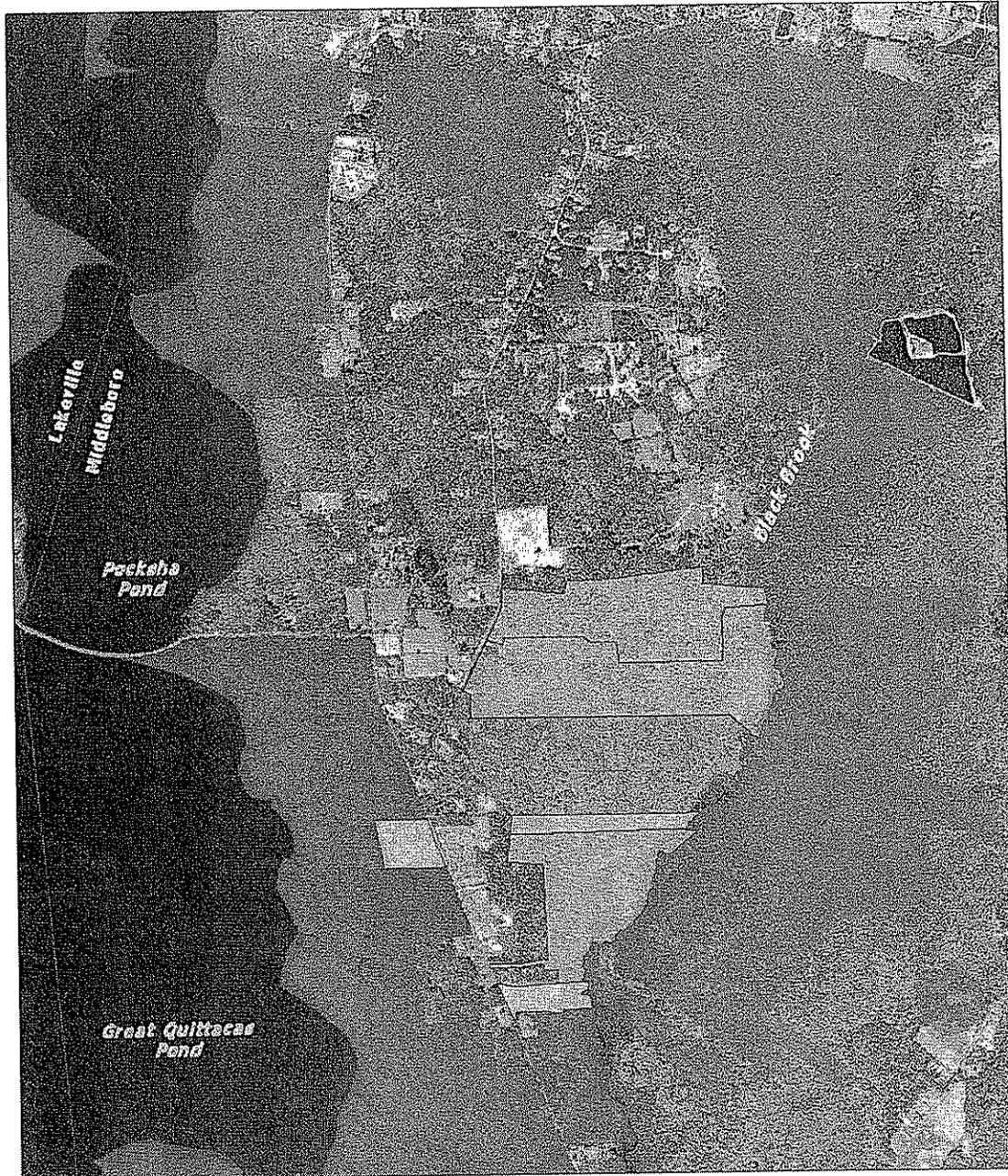
Thank you for your consideration. We are pleased to continue our partnership with the Town to protect its precious natural resources. Hopefully there will be agreement to put this article on the warrant. The Town's investment of \$100,000 would leverage a great deal of other money to protect an important resource in Middleborough. Please don't hesitate to contact me if you have questions. I can be reached at 508-732-0300 x23, or [rjohnson@tnc.org](mailto:rjohnson@tnc.org). You may also direct questions to my colleague David McGowan, at 617-227-7017 x327, or [dmcgowan@tnc.org](mailto:dmcgowan@tnc.org).

Best regards,



Robb Johnson  
Southeast Massachusetts Program Director

cc: Ruth Geoffroy, Town Planner



## Caparrotta Property Black Brook, Middleborough

- Caparrotta Property - 89 Acres
- TNC Conservation Restrictions - 213 Acres
- Other Protected Open Space



0 500 1,000 2,000 3,000  
Feet

The Nature Conservancy  
Protect our planet. Preserve life.

Map created by TNC, July 2009  
Data Sources: MassGIS, TNC

ARTICLE 16

**Charles Cristello**

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**From:** Judy MacDonald  
**Sent:** Monday, August 31, 2009 2:13 PM  
**To:** Charles Cristello  
**Subject:** Demand Fee Increase

Chapter 60 section 44 changed the demand fee from five dollars to not more than thirty dollars effective July 1, 2008.

The demand fee has not been raised in over thirty years. The five dollars fee no longer covers the cost of issuing and mailing the demand.

The fifteen dollar proposed demand fee would adequately cover costs. In addition, the increased demand will encourage people to pay on time.

Judy M. Mac Donald  
Treasurer/Collector  
Town of Middleborough  
20 Centre St.  
Middleborough, MA 02346  
(PH) 508-946-2421  
Fax 508-947-5447  
[jmcdnld@middleborough.com](mailto:jmcdnld@middleborough.com)

ARTICLE 17

**Charles Cristello**

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**From:** Jeanne Spalding  
**Sent:** Thursday, August 27, 2009 3:42 PM  
**To:** Charles Cristello  
**Subject:** FW: Loan Program  
**Attachments:** WPAT Loan Program.doc

Here is a quick accounting of the septic loan program to date. As you can see, we have 11 applications pending for the \$300,000. that was approved last town mtg at an average of \$20K/system. Some of these waiting were in total failure and the funds were just made available this month. Processing takes time between release of funds from the state and procedural steps locally. We often end up covering pumping costs in the interim. At this point we have almost 75% of the funding from the annual town mtg. set aside for pending applications in less than a 1/4 of the year. Let me know if you have additional questions.

Jeanne Spalding

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8/28/2009

WPAT Loan Program

Round #1	\$200,000.00	19 Households
Round #2	\$200,000.00	17 Households
Round #3	\$200,000.00	14 Households
Round #4	\$200,000.00 (Average Cost \$15,000.00 per System)	15 Households
Round #5	\$200,000.00	11 Households
Round #6	\$300,000.00	15 Households
Round #7	\$300,000.00 (Average Cost \$20,000.00 per System)	13 Households
Round #8	\$300,000.00 (Average Cost \$20,000.00 per System)	11 Pending Households

Total	<hr/> 104 Households
	11 Pending
	115