

**HEARINGS, MEETINGS, LICENSES**  
**2-8-10**

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:  
210 MAIN STREET  
(508) 295-2115

Via Mail & FAX#: 1-508-998-7301

January 15, 2010

John J. Gushue, Esquire  
868 Ashley Boulevard  
New Bedford, MA 02745

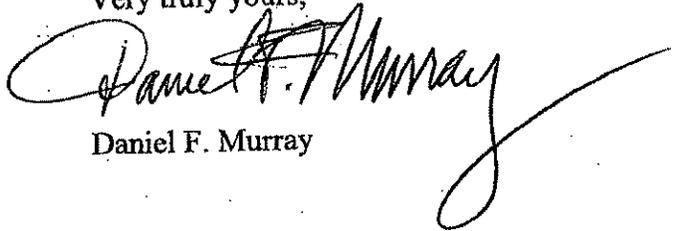
RE: Town of Middleborough – Holton license case - hearing

Dear Mr. Gushue:

You asked me to notify you when the Board of Selectmen will hold a hearing regarding the Court's remand to the Board for responses to various questions.

Please be advised that a Board hearing is scheduled for Monday, February 8, 2010 at 7:30 p.m. at the Middleborough Town Hall Selectmen's Meeting Room.

Very truly yours,



Daniel F. Murray

DFM/s

cc: Board of Selectmen (via FAX#: 508-946-0058)  
Jeanne Spalding, Health Officer (via FAX#: 508-946-2321)  
Charles J. Cristello, Town Manager (via FAX#: 508-946-2320)





## TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO  
Health Officer  
Hours: 9am-5pm

PH: 508-946-2408  
FX: 508-946-2321

### MEMO

**TO: The Middleborough Selectmen/Board of Health**

**FROM: Catherine Hassett**

**DATE: January 28, 2010**

**RE: 31 Atwood Avenue**

For clarification to the Board of Health, 31 Atwood Avenue is a recent sale without the required Title 5 inspection, that should have been performed on the existing septic system and which would have included the required well testing.

This property is currently not a primary residence but is being used as a rental unit.

Regarding the issue of the second bedroom, the assessor's department confirmed that when this property was inspected in December a woman present at this inspection stated that the unheated porch was going to be converted into a bedroom. If the owner of this property did try to convert this room into a bedroom it would require a building permit which would have to be signed off by the Health Department and would require a Title 5 inspection.

In addition, in similar past hearings for properties, the Board of Health held to the existing bedroom status. Changing this view now would set a precedent and possibly open up issues for future litigation.

**It does appear that an abutter to 31 Atwood Avenue was present at the January 25 meeting and may have questions and/or comments regarding the requested variances. Their presence at the next meeting is expected.**



## **TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT**

Jeanne Spalding, RS, CHO  
Health Officer  
Hours: 9am-5pm

PH: 508-946-2408  
FX: 508-946-2321

### **MEMO**

**TO: The Middleborough Selectmen/Board of Health**

**FROM: Catherine Hassett**

**DATE: January 22, 2010**

**RE: 31 Atwood Avenue**

**31 Atwood Ave. is located in the Woods Pond area of Middleboro. This area was originally a summer/seasonal community and many of the lots have very limited area. This property does not have a large lot and the setback to abutter's wells and the proposed septic systems is problematic. This proposed septic plan contains variance requests to ten wells which includes the well that services this property. In addition to the well setbacks variances, additional variances would be needed for the setbacks to various septic system components, the lot line, and to certain structures on this property.**

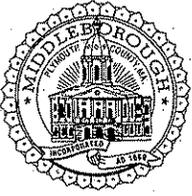
**The proposed septic plan lists this property as a 2 bedroom home and the design flow reflects this, however, the Assessor's Department conducted a walk through inspection in December of 2009 which revealed that the second bedroom was actually a three season porch that did not have any heat. The Health Department would not consider this porch a bedroom and as such would be considered an increase of flows which is not allowed under Title 5 due to the numerous variances.**

**Recommended actions on variance requests for 31 Atwood Ave:**

**Require deed restriction for 1 bedroom home.**

**Reduce size of leaching to a 1 bedroom septic system.**

**Request well sampling and testing of all affected abutters to be collected and tested by a certified laboratory.**



## Assessor's Office

10 Nickerson Avenue  
Middleborough, Massachusetts 02346

Telephone (508) 946-2410

Fax (508) 946-4430

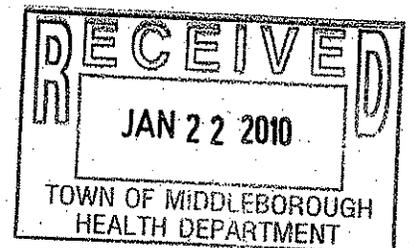
1/22/2010

To Whom It May Concern:

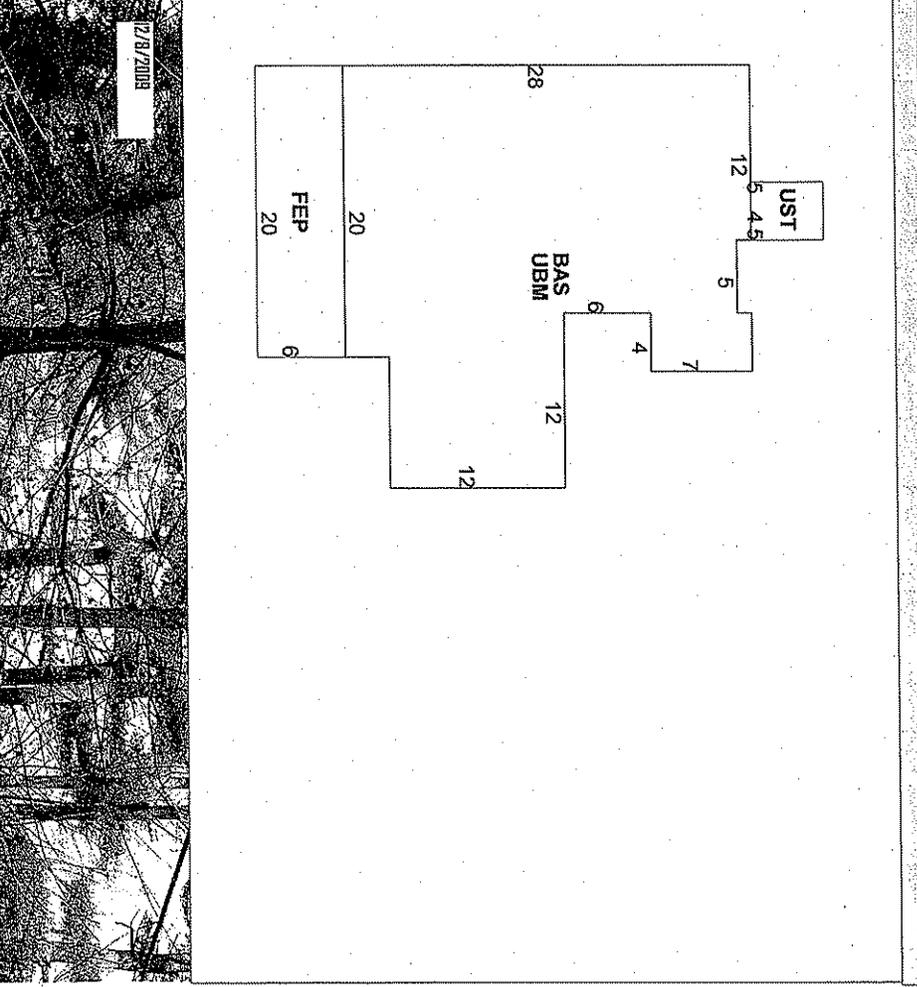
On December 8<sup>th</sup> 2009 I did an abatement inspection on 31 Atwood Ave. At the time of my visit the home was a one bedroom home with an attached framed enclosed porch.

Sincerely,

Lori Rutherford  
Junior Clerk for the Middleboro Board of Assessors



CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Code	Description	Element	Code	Description
Style	05	Bungalow			
Model	01	Residential			
Grade	02	Below Average			
Stories	1	1 Story			
Occupancy	1	Vinyl Siding			
Exterior Wall 1	25				
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	04	Plywood Panel			
Interior Wall 2					
Interior Flr 1	14	Carpet			
Interior Flr 2	05	Vinyl			
Heat Fuel	03	Gas			
Heat Type	03	Hot Air- no Duc			
AC Type	01	None			
Total Bedrooms	01	1 Bedroom			
Total Baths	1				
Total Half Baths	0				
Total Rooms	3	3 Rooms			
Bath Style	02	Average			
Kitchen Style	02	Average			
Extra Kitchens					



OB-OUTBUILDING & YARD ITEMS(L) / XE-BUILDING EXTRA FEATURES(B)											
Code	Description	Sub	Sub Descripr	L/B Units	Unit Price	Yr	Code	Dp Rt	Cnd	%Cnd	Apr Value
FCP	CARPORT	L		195	10.00	1994		0		10	200
SDD1	SHED FRAME	L		88	10.00	1994		0		10	100
SCHS	SCREENHOUSE	L		144	12.00	1994		0		10	200

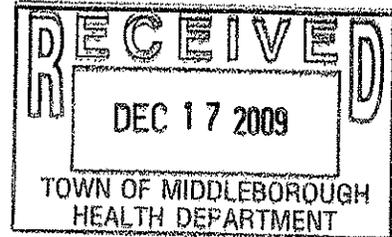


TL Gross LivLense Area: 652 1,444 851

**BUILDING SUB-AREA SUMMARY SECTION**

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	652	652	652	99.96	
FEP	Porch, Enclosed	0	120	60	49.98	
UBM	Basement, Unfinished	0	652	130	19.93	
UST	Utility, Storage, Unfinished	0	20	9	44.98	

Kevin Walker  
116 Arch Street  
Middleborough, MA 02346



December 16, 2009

Middleborough Board of Health  
Middleborough Town Offices  
20 Centre Street  
Middleborough, MA 02346

**RE: Atwood Avenue Local Upgrade and Variance Requests, 31 Atwood Avenue**

Dear Members of the Board:

Please find attached 6 copies of a septic system repair plan for the above referenced site. The site is currently serviced by an individual well and a failed cesspool system. The proposal calls for a new septic system to be installed in accordance with Title V and town regulations with the exception of setbacks to private wells. The setbacks requested are noted on the plan and meet the requirements of Title V for a repair system under the local upgrade approval process.

All wells will be over 50' from the leaching area. As the percolation rate is less than 2 minutes per inch, local variance requests are necessary for any well located within 200' of the proposed leaching area. These are also noted on the plans specifically with the address of the adjacent well and the setback proposed.

It is my professional opinion that the new septic system will treat effluent in a far better manner than the cesspool system currently installed at the site. In addition, since groundwater was not encountered and is likely located 20' or more below the ground surface, no adverse effects are expected. The proposed system is superior to the existing cesspools in treatment of effluent and as such, we respectfully request the Board's approval of the project.

LOCAL UPGRADE APPROVAL REQUESTS

NOTE: ALL WELLS WITHIN 200' OF THE PROPOSED LEACHING AREA ARE TOO FAR AWAY TO BE SHOWN. PLEASE REFER TO TABLE BELOW FOR DISTANCES BETWEEN THE PROPOSED LEACHING AREA AND EXISTING WELLS WITHIN 100' OF THE PROPOSED LEACHING AREA FOR LOCAL UPGRADE APPROVAL.

- 15.405(1)(a) TO ALLOW A 5' MINIMUM SEPARATION FROM THE LEACHING FIELD TO THE PROPERTY LINE,
- 15.405(1)(b) TO ALLOW REDUCTION OF SETBACKS FROM THE CARPORT SLAB TO THE SEPTIC TANK AND LEACHING AREA AND THE BUILDING FOUNDATION TO THE SEPTIC TANK AND LEACHING AREA TO 6', 15', 4', AND 14' RESPECTIVELY, AND
- 15.405(1)(g) TO ALLOW REDUCTION OF SETBACK FROM THE LEACHING AREA TO A PRIVATE WELL AS NOTED DIRECTLY BELOW.

ADDRESS OF WELL	SEPARATION FROM PROPOSED LEACHING AREA TO WELL
31 ATWOOD AVE (LOCUS)	61'
35 ATWOOD AVE	95'
12 WOODS LAKE TERR.	56'

LOCAL VARIANCE REQUESTS

NOTE: ALL WELLS WITHIN 200' OF THE PROPOSED LEACHING AREA ARE TOO FAR AWAY TO BE SHOWN. PLEASE REFER TO TABLE BELOW FOR DISTANCES BETWEEN THE PROPOSED LEACHING AREA AND EXISTING WELLS.

ADDRESS OF WELL	SEPARATION FROM PROPOSED LEACHING AREA TO WELL
31 ATWOOD AVE (LOCUS)	61'
35 ATWOOD AVE	95'
12 WOODS LAKE TERR.	56'
11 WOODS LAKE TERR.	140'
30 ATWOOD AVE.	101'
15 LAKEWAY AVE.	137'
2 TERRACE WAY	115'
34 ATWOOD AVE.	116'
38 ATWOOD AVE.	188'
10 TERRACE WAY	174'

Thank you in advance for your assistance in moving this matter forward. If you have any questions or comments, please feel free to call me at (774) 213-9563.

Sincerely,



Kevin Walker, P.E.

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

CRANBERRY CAPITAL  
OF THE WORLD

*RUE*



# Town of Middleborough Massachusetts

## APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

BOARD OF SELECTMEN  
Marsha L. Brunelle  
Adam M. Bond  
Patrick B. Rogers  
Wayne C. Petkus  
Steven P. Spataro

DATE 12/16/09  
NAME OF APPLICANT Phyllis Lovett  
ADDRESS OF APPLICANT 22 Meadowlark Dr. Wareham, MA. 02571  
ASSESSORS MAP & LOT \_\_\_\_\_  
NAME OF BUSINESS Middleboro Lodge of Elks 1274  
OWNER OF PROPERTY TO BE LICENSED Middleborough Lodge 1274 of D.B. BPOE of USA  
ADDRESS OF PROPERTY TO BE LICENSED 24 High St. Middleboro, MA. Bldg. 156A  
ASSESSORS MAP & LOT 50N 6072 Parking Lot  
5968 Building  
TYPE OF LICENSE REQUESTED (Check One)

- 2<sup>nd</sup> Hand Furniture \_\_\_\_\_
- Class I License \_\_\_\_\_
- Class III License \_\_\_\_\_
- Common Victualler \_\_\_\_\_
- 2<sup>nd</sup> Hand Clothing \_\_\_\_\_
- Class II License \_\_\_\_\_
- Liquor License
- Other Choway manager

Anticipated Start Date for Business \_\_\_\_\_  
Hours requested: \_\_\_\_\_

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere? If yes, explain:  
No

Signature Phyllis Lovett

DATE OF HEARING \_\_\_\_\_

APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector:

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

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? No

*John Donald, Jr.*

**Jacqueline Shanley**

---

**From:** Robert Whalen  
**Sent:** Wednesday, February 03, 2010 3:29 PM  
**To:** Jacqueline Shanley  
**Subject:** RE: Elks Club-Change of Manager

---

**I have no concerns.**  
Thanks Bob Whalen

2/3/2010

THE COMMONWEALTH OF MASSACHUSETTS  
ALCOHOLIC BEVERAGES CONTROL COMMISSION

FORM 43

070000007  
License Number

Middleborough  
City/Town

12/16/09  
Date

Type of Transaction (Please check all relevant transactions)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of Location   | <input type="checkbox"/> Pledge of Stock   |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alter Premises       | <input type="checkbox"/> Other _____       |
| <input type="checkbox"/> Transfer of Stock            |   |  |

Middleborough Lodge 1274 OF  
Name of licensee

\_\_\_\_\_  
FID of Licensee

BPOE OF USA BUDG. ASSN.  
D/B/A

Phyllis Lovett  
Manager

~~22~~ 24 High St. Middleboro, MA. 02346  
Address: Number Street Zip Code

Annual  
Annual or Seasonal

ALL Alcohol  
Category: All Alcohol, Wine & Malt

CLUB  
Type: Restaurant, Club, Package Store  
Hotel, General on Premise, Etc.

Premises:

Description of Licensed Property: STUCCO AND BRICK BLDG. WITH 4 BARS  
ONE SERVICE BAR IN THE DINING AREA, ONE SERVICE BAR  
IN THE FUNCTION ROOM, ONE BAR IN CARD ROOM AND  
ONE BAR IN LOUNGE

Application was filed: 12/16/09  
Date & time

Advertised: \_\_\_\_\_  
Date & Publication

Abutters Notified  Yes  No

Person to Contact regarding this transaction: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Local Licensing Authorities

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alcoholic Beverages Control Commission

Ellen Moriarty  
Executive Director

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PETITION FOR LICENSE TRANSACTION

The Commonwealth of Massachusetts

January 14 2010

Change of Location

Pledge of Stock

Pledge of License

Change of Corporate Name

Change of D/B/A

Change of Manager

Change of License Type

Cordials and Liqueurs Permit

To the

Licensing Board for the Middleboro Elks #1274

The undersigned respectfully petition for

change of liquor license. Remove the  
name of Terri Scott & Add the Name  
Phyllis Covett. Phyllis is the manager of  
our lodge

Robert N. Gyp B.  
Signed

Trustee  
Title

\* Delete the inapplicable words.  
\*\*Please provide the name and residential address of the assistant clerk if he/she is executing this certificate of change.

FORM A  
LICENSEE PERSONAL INFORMATION SHEET

THIS FORM MUST BE COMPLETED FOR EACH:

- A. NEW LICENSE APPLICANT  
 B. APPOINTMENT OR CHANGE OF MANAGER IN A CORPORATION  
 C. TRANSFER OF LICENSE (RETAIL ONLY-SEC.12 & SEC.15)

(Please check which transaction is the subject of an application accompanying this Form A.)

PLEASE TYPE OR PRINT ALL INFORMATION

ALL QUESTIONS MUST BE ANSWERED AND TELEPHONE NUMBERS PROVIDED OR APPLICATION WILL NOT BE ACCEPTED

1. LICENSEE NAME: Middleboro Lodge 1274 OF D.B.A. BPOE OF USA BLDG. ASSN.  
(NAME AS IT WILL APPEAR ON THE LICENSE)

2. NAME OF (PROPOSED) MANAGER: Phyllis Lovett

3. SOCIAL SECURITY NUMBER: \_\_\_\_\_

4. HOME (STREET) ADDRESS: 22 meadowlark Dr. Wareham, MA. 02571

5. AREA CODE AND TELEPHONE NUMBER (S): (give both, your home telephone and a number at which you can be reached during the day).

DAY TIME# \_\_\_\_\_ HOME# \_\_\_\_\_

6. PLACE OF BIRTH: BOSTON, MA. 7. DATE OF BIRTH 03/08/1967

8. REGISTERED VOTER:  YES  NO 8a. Where? Wareham, MA.

9. ARE YOU A U.S. CITIZEN:  YES  NO

10. COURT AND DATE OF NATURALIZATION: \_\_\_\_\_  
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)

11. FATHER'S NAME: Richard Gordon 12. MOTHER'S MAIDEN NAME: Dawson

13. IDENTIFY YOUR CRIMINAL RECORD, IF ANY (Massachusetts, Military, any other State or Federal):  
\_\_\_\_\_  
\_\_\_\_\_

14. ANY OTHER ARREST OR APPEARANCE IN CRIMINAL COURT CHARGED WITH A CRIMINAL OFFENSE REGARDLESS OF FINAL DISPOSITION:

\_\_\_\_\_ YES  NO (MUST CHECK EITHER YES OR NO)

15. PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY:  YES  NO  
IF YES, PLEASE DESCRIBE:

Since 1998 - Bartender, manager

16. FINANCIAL INTEREST, DEIRECT OR INDIRECT, IN ANY OTHER LIQUUOR LICENSE, PERMIT OR CERTIFICATE: \_\_\_\_\_ YES \_\_\_\_\_  NO  
IF YES, PLEASE DESCRIBE:

17. EMPLOYMENT FOR THE LAST TEN YEARS (Dates, Position, Employer, Address, Telephone Numbers):

10/1999 - Present ~~Manager~~ Function Manager  
Middleboro Lodge of ELKS 1274  
24 High St.  
Middleboro MA. 02346

18. HOURS PER WEEK TO BE SPENT ON THE LICENSED PREMISES: 45

18.I HEARBY SWEAR THAT UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Phyllis Lovett 12/16/09  
MANAGER SIGNATURE DATE

PROPOSED



## Middleboro Lodge of Elks #1274

Middleboro Lodge of Elks #1274  
24 High Street  
Middleboro, MA 02346

Phone 508-947-0190  
Fax 508-947-8785

November 23, 2009

Middleboro Board of Selectmen  
10 Nickerson Avenue  
Middleboro, MA 02346  
Phone: 508-946-2032

To the Member's of the Board,

On November 5<sup>th</sup>, 2009 former Middleboro Elks Trustee Terri Scott made a request to have her name removed from our liquor license. With that being said, the current Middleboro Elks Board of Trustees met on January 20<sup>th</sup>, 2010 and unanimously voted to have Phyllis Lovett's name replaced on the license. Phyllis is the manager of the property and we feel it would be in the best interest of our lodge to transfer the license under her name since she oversees any liquor sales.

Please direct any questions regarding this transfer to the Middleboro Elks Board of Trustees at 508-947-0190.

We thank you in advance for your assistance in this matter.

Sincerely,

Frank Needham  
Trustee Chairman  
Middleboro Lodge of Elks #1274

Walter A. Glendye Jr.  
Secretary

*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  
Ruth McCawley Geoffroy, Planning Director

Date: February 5, 2010

Subject: *Use of Resort Pre-Planning Funds*

#### Phase I Traffic Study

The Board approved a Phase I Traffic Study by McMahon Associates from resort pre-planning funds at their meeting in August 2009. This study is designed to assess current traffic patterns and congestion and determine future highway and intersection needs. The contract for these services, attached, in the amount of up to \$35,000 is now ready for signature and we are recommending that the Board of Selectmen vote to sign it.

#### ESRI GIS Conversion

In a related matter, to effectively evaluate the transportation impacts of future development scenarios and to continue the Town's push for new economic investment, it is imperative that the Town's GIS System be brought to up to date so it can be readily used by Town Departments. The Intergraph Software, which the Town has had since the early 1990's is hard to master and is used by very few departments. The Information Technology, Assessors and Planning Departments are in agreement that a conversion from Intergraph to ESRI is long overdue. Middleborough would join the 200+ GIS equipped towns in MA as well as the State who all use ESRI software. The cost of the conversion would be approximately \$20,000. This expenditure would enable the ESRI System to be up and running within 30 days; it would also allow the Police, Health and Gas & Electric Departments who currently use ESRI to connect to the Town's live database. Full implementation of GIS is imperative for the evaluation and depiction of different

casino development scenarios compared with various highway and intersection alternatives. We are asking you to authorize the use of \$20,000 in resort pre-planning funds and to sign a contract with ESRI for the GIS conversion and related expenses. ESRI is on the state bid list allowing us to contract with them directly without a separate procurement process.

### **Regeneration of Zoning Bylaws**

The Town of Middleborough needs to regenerate the Zoning Bylaws as well as recodify them if we are to benefit from new economic development generated by the resort or infrastructure improvements or both. The impenetrable condition of our Zoning Bylaws has been mentioned by prospective developers as a deterrent to developing in Middleborough. Regeneration reformats the Bylaw and inserts all zoning changes in appropriate legal fashion. The larger job of recodification involves rewriting the Zoning Bylaw in a more understandable and modern fashion, but that can only come after regeneration. We are recommending that you authorize the use of \$5,000 from resort pre-planning funds for the regeneration of our Zoning By-Laws.

### **Wastewater Treatment Plant Planning**

Planning for the upgrade of our wastewater treatment plant has been stalled for over a year due to lack of funding from the Wampanoag tribe. Meanwhile the Town has had to file for a new NEPDES permit with the Environmental Protection Agency and the Department of Environmental Protection. With or without the resort the Town has to proceed with its permit application. We are recommending that you allocate \$17,424 from resort pre-planning funds and to sign a contract with CDM for Task 1 as described in their scope of services dated December 9, 2008, attached. The result of this expenditure will allow CDM to better define the scope of the upgrade to our wastewater treatment plant, both with the resort and without it.

### **Staffing**

You have stated that you wanted to revisit the staffing that is funded by pre-planning funds. We would be happy to answer any questions you may have.



McMAHON ASSOCIATES  
300 Myles Standish Boulevard | Taunton, MA 02780  
p 508-823-2245 | f 508-823-2246  
www.mcmtrans.com

January 25, 2010

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

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

ASSOCIATES  
Gary R. McNaughton, P.E., PTOE  
John J. Mitchell, P.E.  
Christopher J. Williams, P.E.  
John F. Yacapsin, P.E.

RE: Transportation Design and Review Assistance for the Proposed Resort Casino  
Middleborough, MA

Dear Ms. Geoffroy:

McMahon Associates is pleased to submit this scope of work for transportation engineering design, planning and review services related to the proposed resort casino and associated infrastructure improvements in Middleborough, Massachusetts. We offer the technical expertise and depth of staff experience to provide the Town of Middleborough with the full range of transportation engineering and planning services necessary to complete this scope of work. In addition to our traffic engineering design and planning experience, our projects have included transit planning studies and project management, including intermodal centers, shuttle services, public transit, and commuter rail; parking studies and design, including parking supply and management in downtowns, analyses of shared parking for major developments, assessment of commuter rail parking requirements; planning and design for parking facilities; and pedestrian and bicycle facilities planning and design.

We are committing the necessary project staff to provide the Town of Middleborough with the necessary experience and staffing levels to meet the needs of this project. I will lead our effort and provide the Town with 18 years of transportation engineering design and planning experience. I have a broad range of experience that has included highway and signal design, transportation planning, traffic engineering studies, transit and parking planning and design, and peer reviews. This project will be my top priority and as a Vice President of McMahon Associates, I will have the ability to draw on the full resources of our 140 person firm to meet the needs of the Town.

Based on our knowledge of the project area and discussion with Town Staff, we have prepared the following preliminary scope of services. It is our understanding that his work will be performed at the direction of Ruth Geoffroy, the Planning Director, and we will provide presentations to and solicit input from the Board of Selectmen, the Planning Board, and the Resort Advisory Committee, as requested.

As the resort casino project has yet to file its Environmental Impact Statement (EIS) and numerous elements of the off-site improvements are not yet defined, this scope of services covers tasks that can be completed prior to and in preparation for the EIS filing. These tasks have been formulated to equip the Town of Middleboro with the information and tools necessary to properly review and respond to the EIS and its associated roadway infrastructure improvements in the time allotted. For a Draft EIS, comments are due within 45 days of the EIS filing. For a Final EIS, the comment period is 30 days.

This Scope of Service covers the traffic analysis, planning, conceptual design, and coordination anticipated prior to the review of the resort casino EIS. Once the EIS is submitted, additional transportation review, analysis, and design will be necessary to properly evaluate the transportation components associated with the resort casino. In addition to the detailed review of the transportation-related sections of the EIS, the next phase review and planning will include detailed design review of the transportation improvements.

### *Scope of Services*

McMahon will provide transportation consulting services to the Town of Middleborough on an on-call basis. This initial scope of services includes the evaluation of existing conditions and perceived areas of congestion and safety concerns, the planning and conceptual design of potential transportation infrastructure improvements and consideration of various alternatives, review of available information related to transportation elements of the proposed resort casino, and providing recommendations to accommodate anticipated traffic volumes and desired vehicular and transit access. During this initial study, the focus will be to collect, compile and understand the information available to date, to plan potential improvement scenarios, and to develop strategies to accomplish Town goals. The anticipated tasks are outlined as follows:

1. Review existing conditions and analyses completed to date of relevant projects in the study area.
2. Obtain and review available traffic volume data and studies of roadways and intersections within the Town of Middleborough.
3. Identify key areas of concern in and around the proposed resort casino, including roadways and intersections providing connections between the resort casino site, downtown Middleborough, and the regional roadway network.
4. Conduct preliminary assessments of key intersections based on existing and projected traffic volumes for both short and long-term conditions.
5. Identify current and future infrastructure improvement projects that may affect traffic patterns or operations, including existing or potential future roadway/bridge closures or lane restrictions.
6. Develop conceptual design alternatives for key roadways and intersections that will be impacted by the resort casino and coordinate with the Town of Middleborough to present the alternatives to town officials and residents, as appropriate.

7. Review and analyze previous transportation improvement plans, as available, and recommend alternative design concepts, as appropriate.
8. Participate in meetings with Town staff and with Town boards and committees, including the Board of Selectmen, Planning Board and the Resort Advisory Committee, and conduct presentations at these or other public forums.
9. Serve as the Town's liaison to the Massachusetts Highway Department (MHD).
10. Review existing transit and shuttle services and potential connection routes to the resort casino, including the interaction of potential transit improvements or shuttle services associated with the resort casino and the existing commuter rail service.
11. Provide additional transportation-related technical assistance to the Town, as needed.

Each of these tasks is described in greater detail below.

#### **Task 1 – Review Existing Conditions and Background Information**

In this Task, McMahon Associates will work with the Planning Director to gather relevant information and recent transportation plans for projects within the Town of Middleborough. Emphasis will be placed on understanding ongoing transportation improvement efforts in the area, while mining the source documents (reports and plans) for technical information to establish a picture of the transportation characteristics of Middleborough and key issues to review related to the resort casino proposal.

1. Meet with Planning Director, Planning Board, and/or the Resort Advisory Committee to identify critical areas of concern related to the resort planning to date. The outcome of this meeting, combined with a review of existing documents, will focus our efforts in the areas outlined below.
2. Compile information to establish the likely "No-Build" scenario by reviewing existing plans and studies such as the Route 44 Planning for Growth Study (2007), the I-495 Corridor Study (2009), South Coast Rail Project (ongoing), various private development traffic studies, and other documents that project future travel demand.
3. Review relevant community plans; Resort Advisory Committee meeting minutes and materials; Notice of Intent and Scoping determination for the Environmental Impact Statement; regional transportation plans (such as those through SRPEDD and OCPC), and any preliminary analyses completed to date that would be relevant to the transportation element of the EIS.

#### **Task 2 –Traffic Analysis**

##### *Data Collection*

McMahon will obtain and review available traffic volume and accident information and previous studies for key roadways likely to be impacted by traffic generated by the resort casino

development. Historic count data will be collected and reviewed to identify growth trends, specifically since the opening of the limited access portion of Route 44 east of Middleboro. The count data will also be reviewed to identify seasonal traffic volume fluctuations, critical peak periods for resort traffic impacts, and an appropriate peak period for traffic analysis. It may be reasonable to apply different peak period scenarios to various improvement elements. For example, typical intersection improvements such as signal installations or the addition of a turn lane are typically analyzed using average peak hour conditions with 5-10 year projections, whereas major highway improvements with a longer life span may warrant consideration for a 20-25 year projection. Also, the extent of seasonal fluctuations will be assessed to determine the extent to which seasonal peaks should be considered.

McMahon will conduct a field review of the study area relative to the transportation infrastructure, as necessary, to document existing conditions. Roadway characteristics and deficiencies will be summarized. Focus will be placed on key intersections and locations of potential transportation improvements.

### *Traffic Projections*

McMahon will work with the Town to request information from the resort casino developer regarding the anticipated trip generation, distribution, and assignment. Assuming that traffic projections are provided by the resort casino developer, McMahon will conduct a preliminary review of the traffic projections and check for accuracy and reasonableness.

If traffic projections are not available, McMahon will prepare a rough estimate of the trip generation, distribution and assignment of the resort casino-generated traffic, using simple assumptions. For example, general assumptions on shared and pass-by trips and mode split will be applied. Although the resort casino traffic study is expected to include traffic estimates based upon more detailed generation and distribution analyses, the rough estimate will be useful for the preliminary evaluations, conceptual design, and planning efforts. As the study progresses and the EIS review is underway, other peak periods and non-peak traffic will also be considered. However, at this preliminary stage, the trip generation will be estimated for one peak hour period, likely the weekday afternoon peak hour. We will also consider one interim (short-term) build condition that may represent an early phase of development or construction activities that rely more heavily upon the existing roadway infrastructure.

McMahon will estimate the general range of trip generation and frequency for special events at the resort casino. The special event trip generation will be considered when assessing transportation improvements.

Future year traffic projections will be estimated using the growth rate and design year developed with the Middleboro Planning Department.

### *Traffic Operations*

McMahon will perform preliminary capacity analyses at key intersections and roadway segments based upon the future short and long-term build traffic volumes. McMahon will identify key routes and intersections that will require improvements to accommodate the projected traffic volume increases or experience operational or safety deficiencies under existing conditions. This analysis is intended to provide an understanding of projected operations along key routes under various mitigation alternatives such as the proposed grade-separated resort access from Route 44, an alternative at-grade resort access from Route 44, and the potential grade separated Everett Street interchange. Specific areas of concern on local roadways are likely to include, but not be limited to, Everett Street, East Main Street (Route 105), and the Green (East Main Street at Plympton Street, Plymouth Street, and Wood Street).

McMahon will assess public transportation access to/from the resort casino site, including existing transit systems, shuttle services, and existing and potential commuter rail access. McMahon will evaluate the suitability of the various connector routes for shuttles to commuter rail service. The potential for a commuter rail station nearer to the site will be investigated, as well as some of the potential characteristics of a resort casino commuter rail station. For example, it may be reasonable to operate a commuter rail station in close proximity to the resort casino with less frequent stops based on peak demand projections.

Additional elements that may be considered under this initial effort include bicycle and pedestrian access and potential impacts to school bus routes.

### **Task 2-Roadway Design Services**

McMahon will review the design plans for improvements that are available to date. These plans include the Resort Casino Infrastructure Improvements cited in June of 2007; the preliminary plans for MassHighway's Route 44 Reconstruction Project, Raynham to Carver, dated May 2000; and the Route 44 signalized intersection improvements currently under construction.

McMahon will develop conceptual design plans for improvement alternatives at key locations, as warranted, for either existing or anticipated projected short and long-term volumes.

Consideration during this task will be given to the Route 44 access design. Assessment of and design considerations for potential access and traffic circulation changes from a grade separated Route 44 will be completed under this task. We will also assess the previous design alternatives for consistency with applicable state and federal design standards, including interchange spacing and horizontal and vertical geometry.

McMahon will review potential transportation improvements and provide insight on the effects of the proposed improvements to change traffic patterns within Middleboro. This is

particularly relevant to the Route 44 grade separation improvements. Based upon the traffic analysis, McMahon will assess potential interchange locations along Route 44 and will summarize the traffic pattern changes that emerge for the local roadways with modified access to Route 44.

Design alternatives for consideration may include an at-grade Route 44 alternative with limited intersection improvements and an at-grade intersection providing access to the resort casino. We will provide an assessment of this alternative and document the benefits and impacts in comparison to the grade separated alternative. The assessment will identify if an at-grade alternative would be viable for the traffic volumes projected for the completed resort casino or if the at-grade alternative would only be viable on an interim basis. If the at-grade alternative is not sufficient for the fully developed resort casino, we will identify the traffic generation thresholds that would require the implementation of grade-separation for Route 44 and the resort casino access and will consider the impacts of construction activities on the projected interim volumes.

McMahon will assess the connectivity between the resort casino and the downtown area and develop conceptual plans to improve traffic flow between these areas. Specific improvements will be identified for the roadways connecting Route 44 and the resort casino to downtown. Intersection improvements at Route 44, in the vicinity of downtown, and along these connector routes will be developed, as appropriate.

### **Task 3-Participate in Town Review Process**

McMahon will participate in the town review process by attending meetings with the Planning Board, the Resort Advisory Committee, and the Board of Selectmen as desired by the Town of Middleboro. McMahon will make presentations at the meetings on our findings to date and will facilitate discussions related to transportation issues. We will meet with the project proponents, their consultants, other municipalities, and MHD to discuss the traffic related aspects of the proposed development, as requested by the Town of Middleborough. As appropriate at this stage, McMahon will serve as the Town's Liaison to MassHighway (MHD) by attending meetings and discussing improvements to state roadways with MHD.

### ***Standards and Deliverables***

Design plans, reports, correspondence, and presentation materials will be prepared documenting the results and findings of the tasks identified above. All material will be prepared and presented for ease of readability by the average citizen. Materials will be provided in paper and digital format. Reports will include executive summaries. We will work with Town staff to determine the appropriate format for all reports and correspondence.

*Fee*

As the exact scope and nature of these services is uncertain at this time, we propose to provide the above services on a time and materials basis in accordance with the attached standard provisions for professional services. For budgeting purposes, we have estimated the time and material fees prior to the review of the Draft EIS will be approximately \$35,000. We will provide the Town with monthly invoices and summaries of the work completed, staff involved, and related expenditures. As expenditures approach the above fee estimate, we will notify the Town and obtain approval prior to exceeding the above fee estimate.

*Schedule*

We are prepared to initiate work on this project immediately upon authorization to proceed. Early action items, such as collecting and reviewing prior conceptual designs and traffic studies and gathering of historic traffic count data may begin immediately. Additional services will be provided on an as needed basis and we will work with Town staff to establish the appropriate schedule for completion of such services.

*Conditions*

The conditions of our agreement call for the execution of this contract in the space provided below with the understanding that invoices will be provided monthly and are payable within 30 days. Any changes in the specific work program described above may result in an adjustment in the conditions and fees.

If you should have any further questions or require additional information, please feel free to contact me. We appreciate the opportunity to submit this proposal and look forward to working with you on this truly exciting project.

Very truly yours,



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

Accepted for Town of Middleborough

By: \_\_\_\_\_ Title: \_\_\_\_\_  
(Signature of Authorized Representative)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Printed Name of Authorized Representative)

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

**SERVICES**

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

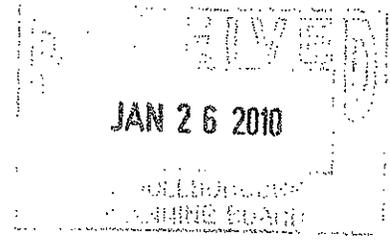
<u>PERSONNEL</u>	<u>HOURLY RATES</u>
Principal	\$250.00
Senior Associate	\$225.00
Senior Engineer/Planner VIII/Associate	\$215.00
Senior Engineer/Planner VII/Associate	\$200.00
Senior Engineer/Planner VI/Associate	\$185.00
Senior Engineer/Planner V/Associate	\$170.00
Senior Engineer/Planner IV/Associate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

**TERMS**

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



December 15, 2009



Ms. Tara Pirraglia  
IT Administrator  
Town of Middleborough  
10 Nickerson Ave  
Middleborough, MA 02346

Dear Ms. Pirraglia:

As you requested, I have prepared a price quote to provide up to 3 days of consulting support. The time and materials price quoted below is based on 30 hours of labor, including travel and preparation time, transportation, and per diem costs for two round trips to Middleborough. The quote has been priced based on specific consulting hours and travel, but the total authorized amount can be used for either, and provides a not-to-exceed limit without prior approval.

	Labor	Travel	Total
ArcMap installation, database configuration, and cartographic support services	\$7,090	\$302	\$7,392

If the total hours quoted, are not required, they will not be billed. Should additional similar work be required and authorized, a new quote will be prepared. All work will be accomplished in accordance with a user-defined agenda with the deliverable being consulting time. The travel cost is based on cost estimates for staffing your request from ESRI-Boston. The price quoted above is effective for ninety days and is exclusive of any applicable state and local taxes including any foreign taxes, value-added tax, customs, or duties.

To order the consulting support as quoted, the following should be returned to fax number (978) 777-8476:

- Purchase order
- ESRI's proposal letter
- Signed Terms and conditions (G-363-B dated 4/2/09)

When we receive these completed documents, you will be contacted to finalize the staff assignment, schedule, and travel arrangements. Payment terms are contingent upon approval of credit. We look forward to supporting your GIS application. Please do not hesitate to contact me if you have any questions. You can reach me at (978) 777-4543, ext.8437 or via email at [afrauenfelder@esri.com](mailto:afrauenfelder@esri.com).

Sincerely,

Alfredo Frauenfelder  
Regional Services Manager

Attachment: Terms and Conditions



**ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.**  
**ESRI, Inc.**  
 55 Ferncroft Rd., STE 300  
 Danvers, MA 01923-4001  
 Phone: (978) 777-4543 Fax: (978) 777-8476  
 DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of this quotation to your purchase order.*  
**Quote is valid from: 01/21/2010 To: 04/21/2010**

**RECEIVED**  
**JAN 26 2010**  
 MIDDLEBOROUGH  
 PLANNING BOARD

**Quotation # 20360361**

Date: January 21, 2010

Customer # 238126 Contract # 2008MPA6085

TOWN OF MIDDLEBOROUGH  
 IT DEPT  
 10 NICKERSON AVE  
 MIDDLEBORO, MA 02346

ATTENTION: Tara Pirraglia  
 PHONE: (508) 946-2435  
 FAX: (508) 947-1009

Material	Qty	Description	Unit Price	Total
86353	1	ArcEditor Concurrent Use License	6,320.00	6,320.00
86353	1	ArcEditor Concurrent Use License	0.00	0.00
86497	1	ArcEditor Concurrent Use Primary Maintenance - First Year	1,500.00	1,500.00
109066	1	ArcGIS Server Basic Enterprise for Windows Up to Four Cores License	0.00	0.00
109217	1	ArcGIS Server Basic Enterprise Up to Four Cores Maintenance - First Year	3,000.00	3,000.00
115830	1	ArcGIS 9.3.1 with USB Key Installation Package	0.00	0.00
115072	1	ArcGIS Server 9.3.1 Enterprise for Windows Installation Package	0.00	0.00
			<b>Item Total:</b>	<b>10,820.00</b>
			<b>Subtotal:</b>	<b>10,820.00</b>
			<b>Sales Tax:</b>	<b>0.00</b>
			<b>Estimated Shipping &amp; Handling(2 Day Delivery) :</b>	<b>0.00</b>
			<b>Contract Pricing Adjust:</b>	<b>0.00</b>
			<b>Total:</b>	<b>\$10,820.00</b>

Pricing quoted is special pricing being offered exclusiveley to Middleborough as part of a migration from Integraph to ESRI technology. Quote for Services created separately.

\* Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether ESRI is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes.

**Quoted By: Brian Moore, (978) 777-4543 x8450**  
**Email: bmoore@esri.com**

**Account Manager: Brian Moore**  
**Email: bmoore@esri.com**

Acceptance of this quotation is limited to the ESRI License Agreement and the Quotation Terms and Conditions  
 This Quotation is made in confidence for your review. It may not be disclosed to third parties, except as required by law.

**If sending remittance, please address to: ESRI, File No. 54630, Los Angeles, Ca 90074-4630**

MOOREB

This offer is limited to the terms and conditions incorporated and attached herein.



**ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.**  
**ESRI, Inc.**  
 55 Ferncroft Rd., STE 300  
 Danvers, MA 01923-4001  
 Phone: (978) 777-4543 Fax: (978) 777-8476  
 DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of this quotation to your purchase order.*  
**Quote is valid from: 01/21/2010 To: 04/21/2010**

**Quotation # 20360361**

Date: January 21, 2010

Customer # 238126 Contract # 2008MPA6085

TOWN OF MIDDLEBOROUGH  
 IT DEPT  
 10 NICKERSON AVE  
 MIDDLEBORO, MA 02346

ATTENTION: Tara Pirraglia  
 PHONE: (508) 946-2435  
 FAX: (508) 947-1009

The following items are optional items listed for your convenience.  
 These items are not included in the totals of this quotation.

Material	Qty	Description	Unit Price	Total
110211	5	ArcGIS Desktop II: Tools and Functionality at ESRI Site 3 Days per Seat Instructor Led Training	1,470.00	7,350.00
110213	5	ArcGIS Desktop III: GIS Workflows and Analysis at ESRI Site 2 Days per Seat Instructor Led Training	980.00	4,900.00
104686	1	Data Management in the Multiuser Geodatabase at ESRI Site 3 Days per Seat Instructor Led Training	1,470.00	1,470.00
104131	1	ArcGIS Server Enterprise Configuration and Tuning for Oracle at ESRI Site 2 Days per Seat Instructor Led Training	980.00	980.00
93198	2	ArcView Single Use Unkeyed License	0.00	0.00
87192	2	ArcView Single Use Primary Maintenance - First Year	400.00	800.00
115065	1	ArcView 9.3.1 Single Use Unkeyed Installation Package	0.00	0.00

\* Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether ESRI is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes.

<b>Quoted By: Brian Moore, (978) 777-4543 x8450</b> <b>Email: bmoore@esri.com</b>	<b>Account Manager: Brian Moore</b> <b>Email: bmoore@esri.com</b>
Acceptance of this quotation is limited to the ESRI License Agreement and the Quotation Terms and Conditions This Quotation is made in confidence for your review. It may not be disclosed to third parties, except as required by law.	
<b><i>If sending remittance, please address to: ESRI, File No. 54630, Los Angeles, Ca 90074-4630</i></b>	

MOOREB

This offer is limited to the terms and conditions incorporated and attached herewith.

**ESRI**

380 New York Street  
 REDLANDS, CA 92373  
 Phone: 909-793-28535853  
 Fax #: 909-793-4801

# Quotation

**Date:** 12/04/2009**Quotation Number:** 25399558**Send Purchase Orders To:**

ESRI, Inc.  
 380 New York Street  
 Redlands, CA 92373-8100  
 Attn: Emily Tamanaha

**Please include the following remittance address on your Purchase Order:**

ESRI Inc.  
 File #54630  
 Los Angeles, CA 90074-4630

TOWN OF MIDDLEBORO  
 PLANNING DEPT  
 20 CENTRE ST  
 MIDDLEBORO MA 02346  
 Attn: Joyce Rowley

**Customer Number:** 397986

For questions regarding this document, please contact Customer Service at 888-377-4575.

Item	Qty	Material#	Unit Price	Extended Price
10	1	87194 ArcView Concurrent Use Primary Maintenance Start Date: 04/01/2010 End Date: 03/31/2011	700.00	700.00
			<b>Subtotal</b>	700.00
			<b>Estimated Taxes</b>	21.88
			<b>Total</b>	<b>\$ 721.88</b>

DUNS/CEC: 06-313-4175 CAGE: 0AMS3

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

**Issued By:** Emily Tamanaha**Ext:** 5853

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



56 Exchange Terrace, Fourth Floor  
Providence, Rhode Island 02903  
tel: 401 751-5360  
fax: 401 751-5499

December 9, 2008

Charles J. Cristello  
Town Manager  
Town of Middleboro  
10 Nickerson Avenue  
Middleborough, Massachusetts 02346

Subject: Scope of Services for Pre-Design Permitting

Dear Mr. Cristello:

CDM is pleased to provide you with this scope of services for pre-design permitting related to the upgrade of your wastewater treatment plant. Middleborough is facing multiple issues as it relates to wastewater treatment and collections systems, not the least of which is accommodating the proposed Wampanoag Resort Casino. With or without the development of the resort in town however, the town will be issued an updated NPDES permit for wastewater discharge to the Nemasket River leading to the Taunton River. This permit will address Phosphorus as well as Nitrogen and depending on the limits, will affect the design and operations of your facility.

It is our intent to better define upfront what these permit limits will likely be so as to better focus our efforts on what design and operations modifications will be necessary. The proposed resort as well as the expansion of the collection system in other areas of Middleborough will lead to significant expansion of the wastewater treatment plant. Once these parameters are better defined we can then make more informed recommendations leading to a focused planning and permitting strategy.

Our scope of services differs from the one proposed by another firm in that we seek to better define important parameters earlier in the process so well thought out strategies and as to better informed our decisions can be implemented as the town moves forward. Working collaboratively with the regulators, resort developers and their representatives as well as your staff we can accomplish this.



Mr. Charles J. Cristello  
December 9, 2008  
Page 2

Focusing on the size and type of process at this point will have significant impact on the permitting process leading to a more cost effective and implementable strategy.

We look forward to discussing this Scope of Services with you at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Adam Yanulis'.

F. Adam Yanulis  
Vice President  
Camp Dresser & McKee Inc.

# Scope of Services Town of Middleborough, Massachusetts Water Pollution Control Facility Planning - Permit Limits and Process Alternatives Evaluation

Addressing capacity issues and potential permit limit of 8 mg/L total nitrogen and 0.2 mg/L total phosphorus

## Introduction

The Town of Middleborough has entered into an Intergovernmental Agreement (IGA) with the Mashpee Wampanoag Tribe for the construction of a resort/casino in the Town. The IGA requires the Town provide sewer service to the proposed resort/casino and treat potential flows at the Middleborough Water Pollution Control Facility (WPCF). In order for these additional flows to be treated at the Middleborough WPCF and still maintain capacity at the plant for Middleborough growth, several process and facility upgrades will be necessary. These upgrades will extend the useful life of the plant and provide effluent meeting the plant's future discharge permit. A pre-planning document was developed by another engineering firm that began the process of identifying future flow associated with the development of the resort/casino, as well as review of certain upgrades and permitting requirements necessary to increase plant capacity and treat the future flows.

The Town has not yet received a new draft permit that is anticipated to include a total nitrogen discharge limit of 8 mg/L, while continuing to require an effluent total phosphorus discharge limit of 0.2 mg/L. Whereas the existing Middleborough WPCF currently meets a discharge limit of 0.2 mg/L total phosphorus, a total nitrogen limit of 8 mg/L cannot be met with the current process configuration.

The attached Scope is divided into three tasks. The first task will focus on communication between the Town of Middleborough and the United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MADEP). The purpose of Task 1 is to determine what options the Town has with regard to increasing capacity at the Middleborough WPCF to handle the additional anticipated flows from the resort/casino. The purpose of Task 2 is to perform a detailed alternatives analysis to best determine the necessary upgrades and process changes associated with meeting the increased flows and more stringent treatment limits for nitrogen. Task 3 involves summarizing the results of evaluation process and recommendations for proceeding with project permitting.

## **Task 1. WPCF Capacity and NPDES Permit Review**

The objective of Task 1 is to meet with EPA and MADEP regarding the future NPDES permit and Middleborough WPCF permit limits.

A key component of this task will be meeting with MA DEP and/or EPA to discuss permit status and direction for future planning (additional discharge from plant vs moving forward with alternative disposal options including reuse and groundwater discharge). It is estimated that this will involve a total of 4 meetings.

A memorandum will be developed for distribution to MA DEP and EPA summarizing the estimated future flows and loads, stating the argument on behalf of the Town for a determination of the future disposal so that the planning process can proceed. The argument at this time will be centered around a "load basis" discharge that will keep current cBOD and TSS loading to the Nemasket River but increase hydraulic discharge capacity from the WPCF. The Middleborough WPCF is currently required to discharge cBOD and TSS to the Nemasket River at a concentration of 7 mg/L each, at a average daily design flow of 2.16 MGD. As an example, by lowering the required discharge to 5 mg/L for both cBOD and TSS, the plant can hydraulically discharge 3.02 MGD. The issue of a lower concentration based permit will be reviewed in the context of the overall strategy of meeting the future flow needs of Middleborough.

In addition to the capacity question, discussions will also be focused on identifying and confirming the future permit nutrient requirements to better streamline the planning purposes. CDM recommends discussion with MA DEP to approve the content of this scope, particularly Task 2, to ensure that aspects of comprehensive planning are being met that will streamline the various permitting processes associated with this work.

The final step of Task 1 will be to develop a final summary memorandum regarding "the way forward" in regards to capacity (i.e. whether groundwater recharge is necessary or if additional discharge from the plant is possible) and what nutrient or other potential discharge parameters need to be addressed in a new final permit. The results will be presented in a meeting to the Town and Mashpee Wampanoag Tribe.

It is also assumed under this task that there will need to be periodic progress meetings (estimated at an additional 4 meetings) with the Town and the Mashpee Wampanoag Tribe throughout Tasks 1 and 2.

## **Task 2. Evaluation of Nitrogen Removal Process Alternatives**

The objective of Task 2 is to evaluate secondary treatment process alternatives that can achieve an effluent total nitrogen of 8 mg/L, while also meeting an effluent total

phosphorus of 0.2 mg/L. For the purpose of developing this scope, it is assumed that the next NPDES Permit received from EPA for the Middleborough WPCF will contain limits of 8 mg/L for total Nitrogen and 0.2 mg/L for total Phosphorus. If it is determined through the performance of Task 1 that a combination of surface water discharge, groundwater discharge and reuse is required, the alternatives evaluated in this task will be updated to ensure compliance. Wastewater treatment for nitrogen to 8 mg/L is adequate to meet both the NPDES discharge limit and the 10 mg/L required for reuse and groundwater discharge. Hydraulic analyses will also be performed, and layouts and costs will be developed for each alternative. A recommended plan will be provided in a report issued to the Town.

### **2.1 Select future flows and loads**

Future flow and load values were estimated as part of a 'Summary Report' dated July 2008 and supplemented with a memorandum dated October 31, 2008. The flows and loads are assumed to be current and will be reviewed and updated if necessary.

### **2.2 Identify alternatives**

Alternatives that provide the greatest cost benefit and adaptability to future conditions will be identified. The configuration options identified may include but will not be limited to those listed below.

- Modified Ludzack-Ettinger (MLE)
- Integrated Fixed-Film Activated Sludge (IFAS)
- Denitrification Filters
- Membrane Bioreactors
- Four-stage and five-stage Bardenpho
- Chemical addition

### **2.3 Evaluate Process Alternatives**

Process alternatives that cannot achieve the required effluent limits will be eliminated from the list of alternatives. Calculations will determine unit sizes, whether existing tankage is adequate, MLSS concentrations, aeration requirements, and mass balances for streams of wastewater and solids associated with the changes to the biological processes at the Middleborough WPCF.

#### **2.3.1 BioWin Model Development and Sampling Plan**

This task will involve the development of a process simulation using BioWin software. In the future, as design the project moves towards process design, it will be important to calibrate the model with specific plan parameters and a sampling plan.

This task will also review existing wastewater quality data from the past three years and recommend a sampling and analysis plan necessary to characterize Middleborough's wastewater in order. The goal is to then use the simulation to assist with design of the selected alternative for Middleborough.

### **2.3.2 Water Pollution Control Facility Audit**

This task involves a site visit a plant walkthrough with Middleborough WPCF staff and CDM function engineers (architectural, structural, HVAC, electrical, etc.) to evaluate existing plant equipment and determine components in need of replacement or upgrade.

## **2.4 Hydraulic analyses**

This exercise will identify the possible need for intermediary pumps and determine if existing piping is sufficient or if larger pipes are required, as this will influence costs. A technical memorandum will be prepared summarizing the results and conclusions of the hydraulic analyses.

## **2.5 Preliminary Screening of Alternatives**

The options will be ranked based on effectiveness of meeting limits, hydraulic impacts of implementation and the ability of the processes to be incorporated into the existing site. From this screening, the options will be selected for cost evaluation and ranking.

## **2.6 Develop layouts**

For each of the selected process alternatives, a schematic of the site layout will be developed. Results from both the process evaluation (potential new tank requirements) as well as the hydraulic analysis (new pumping requirements) will be considered. Schematics for each process will be developed for inclusion as figures in the final report.

## **2.7 Evaluate costs**

A cost effective analysis of each alternative will be developed for each selected alternative and will include costs associated with construction and operation of facilities included in each plan alternative including:

- Capital costs including the cost of construction and engineering;
- Operation and maintenance costs including the costs for labor, utilities (including costs for aeration), materials (including costs for chemicals), contractual services, expenses, replacement of equipment and parts to ensure effective and dependable operation during the 20-year planning period; and
- Salvage value at the end of the 20-year planning period.

## 2.8 Comparison and ranking of alternatives

Using 1) the cost evaluation of the process alternatives, 2) the ability to meet the effluent requirements, and 3) the possibility and adaptability of each process to address future permit changes, the alternatives will be compared and ranked.

## 2.9 Technical review

A review of all process alternatives will be performed by a committee of lead practitioners within CDM.

## 2.10 Recommended plan

The results of the technical review will culminate in the recommendation of process alternative. Factors considered will include reliability, complexity, ability to implement, and capital and operating costs.

### 2.10.1 Preliminary design criteria

Preliminary design criteria will be developed for the recommended process alternative. Such information may include schematic flow diagrams, unit processes, site plans, and design data regarding flow rates, detention times, and sizing of units. The requirements for operation and maintenance will also be summarized. Total project cost estimates for the recommended process alternative, moved forward from the previous cost effective analysis exercise, together with a schedule for completion of all work will also be presented. Total project costs will consist of engineering (study, design and construction phase), construction, contingency, legal, administrative, land acquisition, easements and other related costs.

### 2.10.2 Implementation plan

A schedule for implementation of the recommended plan will be presented. This schedule will detail the design and construction of the recommended process alternative and will also include any plan to phase construction of these facilities. The critical path items of the schedule will be identified.

### 2.10.3 Financial plan

The financing requirements necessary for the implementation of the recommended plan will be presented. The costs of the recommended process alternatives will be presented and the availability of any federal, state, or private assistance for reducing costs will be discussed.

## 2.11 Project Meetings

It is estimated for this project that there will be formal monthly meetings to update the Town on project status. In addition, the Town will be invited to participate in the technical review described in Task 2.9 and to comment while technical options are being finalized.

### **Task 3. Summary Report**

The purpose of this task is to summarize the technical memorandums and findings of Parts 1 and 2 in a final report. The final report will include the technical memoranda, process alternative summaries, cost analyses, ranking of criteria, recommended plan, preliminary design criteria, implementation plan, financial plan, and other project details. The report will present the selected alternatives for meeting the nutrient removal limits as they relate to treating Middleborough flows. A draft will undergo internal QA/QC, followed by review by the town. The final draft will be published contingent on approval by the town and following any public participation as required by potential permitting processes.

### **Project Schedule**

The schedule for Task 1 is estimated to take 3 to 6 months, depending on results of initial meetings with regulators. Task 2 and 3 are estimated to take 6 months.

### **Project Permitting**

The attached draft budget for permitting reflects our best estimate based on a scope of work prepared by another consultant. It is our opinion that the scope of those services will change based on the scope items listed in this proposal. A more detailed permitting scope will result from the results of this study.

### Summary of Costs by Task

	<u>Hours</u>	<u>Cost</u>
Task 1 - WPCF Capacity and NPDES Permit Review	112	\$17,424
Task 2 - Evaluation of Nitrogen Removal Alternatives	686	\$95,570
Task 3 - Summary Report	176	\$28,740
<i>Total</i>	974	\$141,734

**Jacqueline Shanley**

---

**From:** Colleen Lieb [Colleen@stilesandhart.com]  
**Sent:** Thursday, February 04, 2010 10:06 AM  
**To:** Jacqueline Shanley  
**Cc:** Ruth Geoffroy; Eric Cederholm  
**Subject:** Recommendation on McMahon Proposal from the RAC  
**Attachments:** ResortAdvisoryCommittee.pdf

Hello There,

Attached is correspondence for the Board of Selectmen regarding the vote taken at the January 28, 2010 Resort Advisory Committee meeting recommending favorable action on the McMahon proposal.

Please let me know if you have any questions.  
Thanks,  
Colleen Lieb

***RESORT ADVISORY COMMITTEE***  
***Centre Street***  
***Middleboro, MA 02346***

February 1, 2010

Board of Selectmen  
Centre Street  
Middleboro, MA 02346

Dear Honorable Board of Selectmen:

The Resort Advisory Committee voted at its January 28, 2010 meeting to recommend favorable action on the Transportation Design and Review Assistance for the Proposed Resort Casino, prepared by McMahon Transportation Engineers & Planners dated January 25, 2010 with a not-to-exceed amount of \$35,000.

If you have any questions or require additional information, please let us know.

Sincerely,



Colleen M. Lieb  
Resort Advisory Committee