# CORRESPONDENCE
# 01/10/2022

**01-10-2022 Correspondence**

| | | | |
|---|---|---|---|
| 1 | Decas, Murray & Decas | November Billing | |
| 2 | Xfinity | Programming Advisory | |
| 3 | Police Chief J. Perkins | MPAC | |
| 4 | MCCAM | Maintenance & Support Contract of the Town VOIP Phone System | |
| 5 | FEMA | LOMR-F Determination Document | |
| 6 | Eversource | Tree Work | |

#1

DECAS, MURRAY & DECAS 132 North Main Street, Middleboro, MA 02346

George C. Decas (Retired)
Daniel F. Murray, Esquire
William C. Decas, Esquire

Phone: (508) 947-4433
Fax: (508) 947-7147
decas.murray.decas@verizon.net

Attorneys-at-Law
Reply to: P.O. Box 201
Middleboro MA 02346

November 30, 2021

Board of Selectmen
Middleboro Town Hall
Nickerson Avenue
Middleboro, MA 02346

RE: Law Department Fiscal **2022** Budget – Status

To The Members:

You asked for a monthly report of charges. I enclose copies of monthly time sheets for **NOVEMBER, 2021**. Total time expended was 17.75 hours, including appearances. This is for information only and is not an invoice.

Services for **NOVEMBER** were **$5,767.00.**
Costs incurred for **NOVEMBER** were **$ -0-.**
Services and costs for outside and special counsel for the month were **$22,582.10.**

Total legal expenses (services and costs) incurred during the **2022** fiscal year through and including **NOVEMBER, 2021** are as follows:

| | | | |
|---|---|---|---|
| Town Counsel (regular pay) | = | $ 28,273.00 | (7/1/21 –11/30/21) |
| *(retro July-Oct: $562)* | | | |
| Town Counsel (costs) | = | $ 1,543.00 | (7/1/21 – 11/30/21) |
| Outside Counsel | = | $ 20,825.16 | (7/1/21 – 11/30/21) |
| TOTAL | = | $ 50,641.16 | |

Very truly yours,

Daniel F. Murray

Daniel F. Murray

DFM/s
82-117
cc: Town Accountant *(via email)*
Town Manager *(via email)*

Billing Instructions: Middleboro (November 2021)

Individual → | Rate → | Dollar

| | | | hours | 10ths | min |
|---|---|---|---|---|---|
| 11/2/21 | R/D/T Plympton / Soule Homestead Ed Center | 2 1/2 | | | 60 |
| 11/5 | R/T/ Bldg Dept — record | 1/2 | | | 60 |
| 11/8 | T/ Bldg Dept + Horowitz — record | 1/2 | | | 30 |
| 11/9 | R/T Madeleine + Mey Riley + Jon Eichman | 1/4 | | | 90 |
| 11/9 | R/T/D ltr Brookside Est. — betterment | 1/2 | 1/4 | | 30 |
| 11/10 | R/T Water Dept contract | 1/3 | | | 15 |
| 11/10 | T/ Eichman — Plympton | 1/4 | | | 20 |
| | T/ Kelman + Mike Bergman — water man | 1/4 | | | 15 |
| 11/15 | T/C HS water damage | 1/2 | | | 15 |
| 11/16 | T/ Tom Ck — public records | 1/4 | | | 30 |
| 11/16 | R/T Plympton lease title | 1/2 | | | 120 |
| 11/16 + 17 + 18 + 23 | R/ DPW contract | 2 | | | 10 |
| 11/18 | T/ Atty Abbey Lane | .17 | | | 60 |
| 11/19 + 22 | R/D opinion ltr — delivery to RGN | 1 | 1/2 | | 30 |
| 11/19 + 22 | R/D/T IT proposal | 2 | 1/2 | | 120 |
| 11/19 | R/ Wright Pierce contract — engineering well cleaning/rehab | 1 1/2 | | | 30 |
| | R/D/ltr betterment case | 1/4 | | | 90 |
| 11/29 | R/D ltr Opinion | 1/4 | | | 15 |
| 11/29 + | R/ betterment — septic system | 1/4 | | | 15 |
| 11/30 | T/ Road orders of taking | 2 | | | 15 |
| 11/30 | T/ Tara — contract record Kaspar [illegible] | 1/4 | 1/2 | | 120 |
| | | | | | 15 |
| | | | | | 20 |
| | | | | | 1065 |
| | | | | | 60 |
| | | | | | 17.75 hr |

File No. In Charge Page

CLIENT SERVICE RECORD

Client Matter (File this end up)

#2

December 10, 2021

Board of Selectmen
Town of Middleborough
10 Nickerson Avenue
Middleborough, MA 02346

***Re: Programming Advisory***

Dear Chairman and Members of the Board:

As part of our ongoing commitment to keep you and our customers informed about changes to Xfinity TV services, we wanted to update you that on December 22, 2021 ACC Network will be added to the Expanded Basic, Sports & News, and Xfinity Latino Starter levels of service in your community.

Please feel free to contact me at **Michael_Galla@cable.comcast.com** should you have any questions.

Very truly yours,

*Michael Galla*

Michael Galla, Sr. Manager
Government Affairs

V1 MA & S. Hampton

#3

# MIDDLEBOROUGH POLICE DEPARTMENT

350 WOOD STREET
MIDDLEBOROUGH, MA 02346
(508) 947-1212

Joseph M. Perkins
Chief of Police

Tuesday, December 14, 2021

Mr. Robert Nunes, Town Manager
Ms. Leilani Dalpe, Board of Selectmen (Chairman)
Mr. Mark Germain, Board of Selectmen (Vice Chairman)
Mr. Arthur Battistini, Board of Selectmen
Mr. Nathan Demers, Board of Selectmen
Mr. Neil Rosenthal, Board of Selectmen
10 Nickerson Avenue, 1st floor
Middleborough, MA 02346

Mr. Nunes and Board of Selectmen,

As you are already aware the Middleborough Police Department achieved Certification through the Massachusetts Police Accreditation Commission (MPAC) in March 2021. We are now in the process of achieving the next level: Accreditation. Police Accreditation is a voluntary process by which police agencies utilize all the best practices in the profession and to exceed the highest standards of accountability and excellence. Standards for MPAC are based upon national standards established by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and they address areas such as:

- Agency, Authority, Jurisdiction and Use of Force
- Recruitment, Selection, and Promotion of Personnel
- Training, Discipline and Internal Affairs; Patrol, Traffic Operations and Criminal Investigations
- Victim/Witness Assistance
- Emergency Response Planning
- Detainee Transportation and Holding Facilities
- Records and Communications
- Collection and Preservation of Evidence
- Property and Evidence Control.

The Massachusetts Police Accreditation Program consists of 257 mandatory standards as well as 125 optional standards. In order to achieve Accreditation status, the Department must meet all applicable mandatory standards as well as 55% of the optional standards (based upon number of full-time officers).

All Accredited agencies must undergo a two-day on-site assessment every three years to maintain their Accreditation status. The Middleborough Police Department will undergo their initial Accreditation assessment on Thursday, January 13, 2022 and Friday, January 14, 2022.

There are currently 239 police agencies participating in the program with less than 100 achieving Accreditation.

Joseph Perkins
Chief of Police

#4

MCCAM
MIDDLEBOROUGH
Community Cable Access Media

774.766.6350

MCCAM02346.com

1 South Main Street, Middleborough, MA 02346

To: Board of Selectmen

From: Robert Silva, Permanent Cable Committee, Chairman

Date: December 15, 2021

On November 17, 2021, the Permanent Cable Committee voted to release the maintenance and support contract of the Town VOIP phone system to the Town IT department for FY23.

Per Town meeting vote in April 2019, the Town accepted MA General Laws Chapter 44, Section 53F3/4, which allowed the Town to establish a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG Access services and oversight including salaries, operating expenses, equipment and/or facilities as it relates to PEG Access programming and also legal fees as it relates to renewal or transfer of the cable franchise agreement.

The Town phone system is not PEG Access programming related and therefore the funds in the PEG Access and Cable Related Fund cannot be used to pay such expenses. The Permanent Cable Committee believes the Town IT Department is better equipped to manage and oversee the VOIP phone contract for the Town as they are the department in control of the Town's network. The Permanent Cable Committee is also releasing the maintenance and support of the INET switching infrastructure and contracts to the Town as it also does not relate to PEG Access programming per the rules of the use of PEG Access and Cable Related Funds.

Cable Franchise funds had been used to install, support and maintain the INET in 2000 when the then IT Director was also a member of the Permanent Cable Committee. The intent of the INET was to be used primarily for video connection between town buildings with a dual purpose of also being used for data for the Town network. When MCCAM was established in 2010, the request by the IT Director was to make sure MCCAM is "separate" from the rest of the Town network for security reasons. Currently, the INET goes to 13 buildings throughout the Town from

the Town Hall core switch (this does not include school buildings). MCCAM has a "separate" connection from the MCCAM Studio to the Town Hall and is also connected to the Nichols Middle School and High School. There is no connection to any other building in town.

In 2008, VOIP phones and systems were purchased to save the Town money by using the town INET instead of paying monthly fees to the phone company which was a huge savings for the Town. The initial cost of the system for Phase 1 in 2008 was contracted at $125,774 and phase 2 in 2012 for $120,210. The final VOIP phones were purchased in 2018 for public safety for a little over $85k and a voicemail upgrade of $57K in 2017. All of those were paid for with PEG Access funds.

The Department of Revenue through legislation by the State of MA required Towns to create the PEG Access and Cable Related Fund by July 1, 2019 to make sure the funds were being used appropriately for PEG Access programming related purposes only. Prior to this, the Town of Middleborough has benefited with over $1.2 million paid for non-cable related projects with PEG Access funds. The Permanent Cable Committee is committed to making sure PEG Access Funds are directed to appropriate PEG Access and Cable related items now that we have specific direction from the State and vote by the Town of Middleborough residents.

We will continue to use the PEG Access and Cable Related funds for the transport equipment that MCCAM uses separately from the Town equipment to send our channels to Comcast and Verizon. This includes the 2 MCCAM designated network switches at the town hall and MCCAM studio, the MCCAM Watchguard device, cable tv and internet subscriptions for MCCAM and the MCCAM encoders and decoders. The INET fiber lines installed and shared with Comcast are maintained by Comcast but not the Town network equipment attached to the INET. The Schools maintain and support the equipment at the school locations.

Thank you

Robert Silva

Permanent Cable Committee, Chairman

#5

# Federal Emergency Management Agency

Washington, D.C. 20472

**December 15, 2021**

THE HONORABLE LEILANI DALPE
CHAIR, BOARD OF SELECTMEN
TOWN OF MIDDLEBOROUGH
10 NICKERSON AVENUE
MIDDLEBOROUGH, MA 02346

**CASE NO.: 22-01-0016A**
COMMUNITY: TOWN OF MIDDLEBOROUGH,
PLYMOUTH COUNTY,
MASSACHUSETTS
COMMUNITY NO.: 250275

DEAR MS. DALPE:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

**LIST OF ENCLOSURES:**

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region
Mr. Brian Grady

 | Date: December 15, 2021 | Case No.: 22-01-0016A | LOMR-F

# Federal Emergency Management Agency

Washington, D.C. 20472

# LETTER OF MAP REVISION BASED ON FILL
## DETERMINATION DOCUMENT (REMOVAL)

| COMMUNITY AND MAP PANEL INFORMATION | | LEGAL PROPERTY DESCRIPTION |
|---|---|---|
| COMMUNITY | TOWN OF MIDDLEBOROUGH, PLYMOUTH COUNTY, MASSACHUSETTS | Lot 10, Estate of Elmer Poirier, as described in the Quitclaim Deed recorded as Document No. 201800107694, in Book 50667, Pages 62 through 64, in the Office of the Register of Deeds, Plymouth County, Massachusetts |
| | COMMUNITY NO.: 250275 | |
| AFFECTED MAP PANEL | NUMBER: 25023C0311K | |
| | DATE: 7/16/2015 | |
| FLOODING SOURCE: POQUOY BROOK; TAUNTON RIVER | | APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY:41.906802, -70.988267<br>SOURCE OF LAT & LONG: LOMA LOGIC<br>DATUM: NAD 83 |

## DETERMINATION

| LOT | BLOCK/ SECTION | SUBDIVISION | STREET | OUTCOME WHAT IS REMOVED FROM THE SFHA | FLOOD ZONE | 1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88) | LOWEST ADJACENT GRADE ELEVATION (NAVD 88) | LOWEST LOT ELEVATION (NAVD 88) |
|---|---|---|---|---|---|---|---|---|
| 10 | -- | Estate of Elmer Poirier | 4 Vernon Street | Structure | X (shaded) | -- | 19.3 feet | -- |

**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA
STATE LOCAL CONSIDERATIONS

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency
Washington, D.C. 20472

# LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

**PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)**

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

**STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))**

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Mapping and Insurance eXchange toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

#6

P.O. Box 270
Hartford, CT 06141-0270

December 21, 2021

Dear Honorable Leilani Dalpe,

### Safety First and Always

The safety of our employees, our customers and the public is our top priority during the ongoing coronavirus public health crisis. Our commitment to safety, first and always, is continuous.

### Providing Reliable Service to Customers

At the same time, Eversource must fulfill its critical mission to deliver safe, reliable service to our customers, in support of the economic health of New England and the basic needs of society. This commitment has taken on even more importance during these unsettled times. We continue to call on our employees and contractors to perform essential work in the field that maintains and improves the reliability of our networks and serves customers' best interests, while also adapting our work practices to incorporate social distancing, proper protective equipment, heightened hygiene, and other best practices to protect their, and the public's, health and avoid the spread of coronavirus.

### Safely Performing Our Work

Essential work is activity that maintains or improves the condition of our system and supports our delivery of safe and reliable energy and other services, including vegetation maintenance activities within the transmission power line corridor (right-of-way) within your community. . During this time, Eversource will follow social distancing and other health and safety guidelines in our community outreach efforts. In addition to relying on alternate communications channels to keep customers safe and informed (letters, emails and phone calls), as well as the use of door hangers as a part of our outreach efforts. Eversource representatives will leave these notifications that include information on our work in rights-of-way and who to contact with any questions — without knocking on doors. Eversource representatives will continue to abide by all COVID-19 safety guidelines, which include wearing personal protective equipment, following social distancing, enhanced sanitizing requirements and other federal and state health and safety guidelines.

### Why Tree Work is Important

- To protect the electric system, we remove tall-growing species from the right-of-way and cut branches extending into the right-of-way. These trees and branches pose a serious safety hazard, now or in the future, if they are too close or in contact energized equipment.
- Vegetation too close to or in contact with electric facilities may lead to power outages that could impact thousands of electric customers. The clearing of trees and branches in and along the right-of-way will improve system performance, especially during severe weather events.

### Work in Your Community

The vegetation management work may include:

- Clearing of incompatible trees and/or removal of branches that are encroaching into the right-of-way.
- Removing tall-growing tree species that are incompatible to the transmission system, using manual climbing crew or mechanical tree-harvesting equipment, and tree-chipping machinery.
- Removal of vegetation within the cleared areas of the right-of-way, through cutting, mowing, and/or application of approved herbicide.

### What You Can Expect

We want you to know that this work will not interrupt electric service to residents or businesses. Work hours will typically be 7 a.m. to 7 p.m., Monday through Saturday. Due to weather or other unexpected circumstances, from time to time crews may need to work longer hours or on a Sunday.

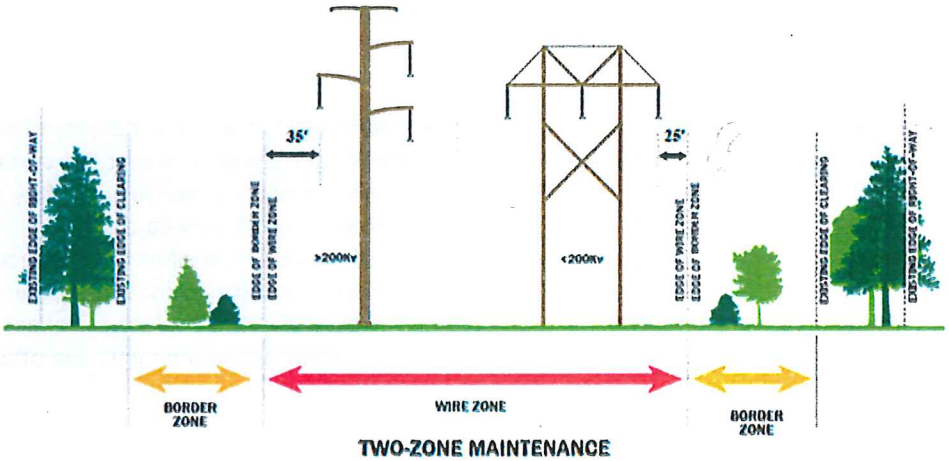
In certain areas, this vegetation management scope may be more than what has been experienced in the past.

Based on the width of the right-of-way, the type and number of transmission lines, the location of the lines within the right-of-way, and the topography, Eversource employs a "two-zone" vegetation maintenance method. This method establishes the following:

- **The wire zone** is the area directly under the transmission lines, extending out 25 to 35 feet outside the wires depending on voltage. Eversource manages the wire zone to promote a low-growing plant community dominated by grasses, flowers, ferns and small shrubs under 3 feet in height at maturity. Within this zone, trees and brush are selectively removed to allow for the establishment and preservation of these native, low-growing plant communities in non-lawn areas. Only established compatible species with a height of 15 feet or less at maturity may be allowed to remain in the wire zone, depending on location. All other plants with a mature height greater than 15 feet will be removed.

- **The border zone** is the area from outside wire zone to the edge of the cleared area or the easement edge. In this zone, incompatible tall-growing trees are removed and native trees and shrubs that have a mature height of 25 feet or less may remain where possible.

*The diagram illustrates a typical right-of-way condition. This work is occurring within the existing edge of clearing. Your neighborhood may have a different configuration of transmission structures.*




**TWO-ZONE MAINTENANCE**

## Work Performance

Eversource is using approved contractors to conduct this work. The work may be completed in several stages, or at various times during the year. Work may also be performed by different contractors depending on the scope of work required in the particular right-of-way. Trimming and tree removal is performed throughout the year. Herbicide application may be used to treat cut tree stumps or stems throughout the year, and selective leaf treatment can be performed when leaves are present.

## Keeping the Wood from Cleared Areas

Eversource asks property owners if they want to keep the wood from the trees cut on their property. . The wood that is to be kept for personal use will be placed along the edge of the maintained area within the right-of-way and outside of the wire zone and environmentally sensitive areas. Wood and cut branches not left for personal use will be chipped and removed, slashed, or diced and left within the right-of-way. Diced vegetation will not be left on manicured lawns, right-of-way access areas or within the cleared areas around structures and guy wires. Debris will also be kept out of water courses, stream and river banks, and bodies of water including standing water in wetland areas.

## Always Working to Serve You Better

Keeping the lines of communication open is an important part of our work in your community. We can be reached **or 888-673-9943 or MAVegMaintenance@eversource.com**. Thank you for your patience and cooperation while Eversource performs this important system reliability work.

Sincerely,

Conor Eagan

Transmission Arborist, Vegetation Management
December 21, 2021

# Eversource Energy Transmission Vegetation Management MIDDLEBOROUGH

Right of Way 280

Map 1 of 2

N
W E
S

1:24,000

0 1,000 2,000 3,000 4,000 5,000 6,000

Feet

* NHESP Certified Vernal Pools

► Emergency Surface Water Well

● Ground Water Well

■ Non-Transeint, Non-Community Well

◆ Proposed Well

▲ Surface Water Well

# Transient, Non-Community Well

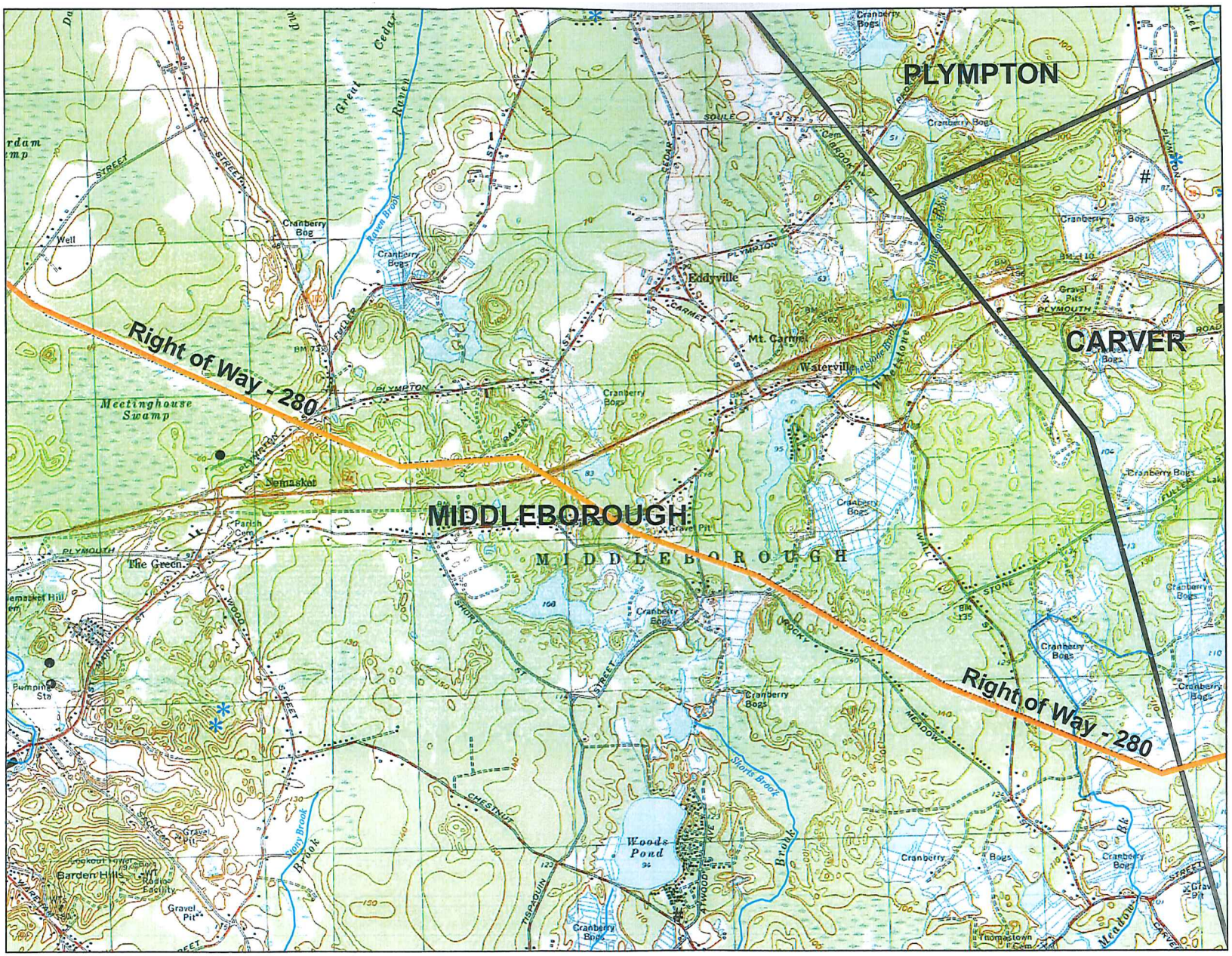
Eversource Right-of-Way

Perennial Rivers and Streams

Intermittent Rivers and Streams

Mass Zone A

Mass Town Lines




Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".

Public Water Supply data provided by MA DEP Drinking Water Program, October 2017, DEP Public Water Supplies

# Eversource Energy Transmission Vegetation Management MIDDLEBOROUGH

Right of Way 280
Map 2 of 2

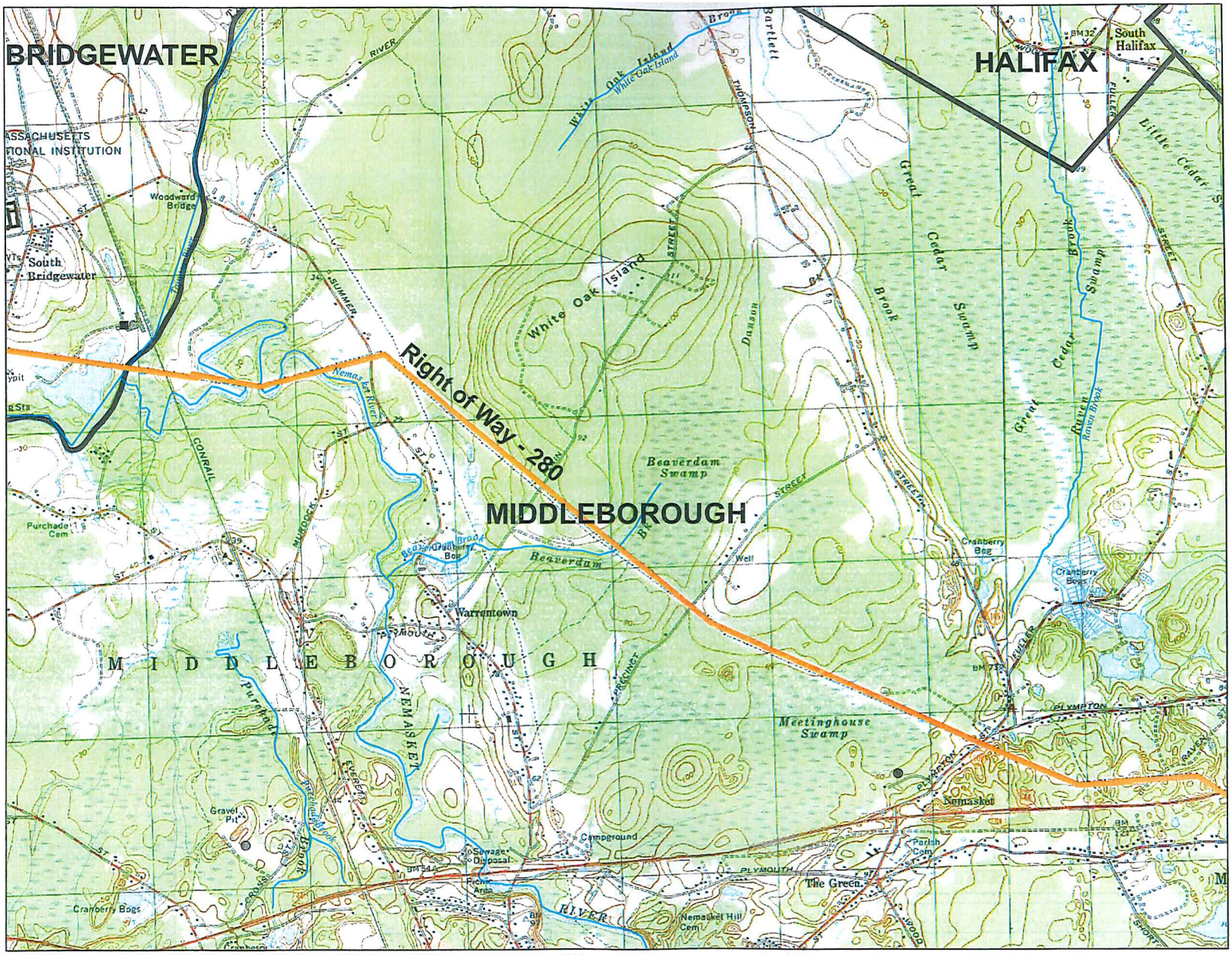
N
W E
S

1:24,000

0 1,000 2,000 3,000 4,000 5,000 6,000
Feet

* NHESP Certified Vernal Pools

- Emergency Surface Water Well
- Ground Water Well
- Non-Transeint, Non-Community Well
- Proposed Well
- Surface Water Well
- # Transient, Non-Community Well
- Eversource Right-of-Way
- Perennial Rivers and Streams
- Intermittent Rivers and Streams
- Mass Zone A
- Mass Town Lines




Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
Public Water Supply data provided by MA DEP Drinking Water Program, October 2017, DEP Public Water Supplies