



## Special Town Meeting Warrant

Middleborough Massachusetts

To Joseph Perkins, Police Chief or any of the  
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School**, on **Monday, October 2, 2017, at 7:00 P.M.**, to act on the following articles:

**ARTICLE 1.** To hear the report of any committee or officer of the Town, to appoint any committee, or act anything thereon.

**ARTICLE 2.** To see if the Town will vote to raise and appropriate and/or transfer **\$164,119.73** from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source, to supplement and/or adjust departmental budgets for Fiscal Year 2018, or act anything thereon.

**ARTICLE 3.** To see if the Town will vote to raise and appropriate and/or transfer \$5,332.11 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

Collins, Loughran & Peloquin	\$2,153.54
Veteran's Agent Reimbursement	\$163.93
South Coast Media Group	\$614.64
Quirk Chevrolet	\$2,400.00

**ARTICLE 4.** To see if the Town will vote to raise and appropriate and/or transfer \$11,245.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund sick leave buy back in the Police Department, or act anything thereon.

**ARTICLE 5.** To see if the Town will vote to raise and appropriate and/or transfer \$50,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for the Department of Public Works for all relevant and necessary expenses associated with new storm water activities required by the EPA/DEP, or act anything thereon.

**ARTICLE 6.** To see if the Town will vote to raise and appropriate and/or transfer \$200,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon.

**ARTICLE 7.** To see if the Town will vote to raise and appropriate and or transfer \$103,571,622.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing under the direction of the School Building Committee to pay costs to construct a new Middleborough High School and related site work to be located at 71 East Grove Street, Middleborough, Massachusetts and to demolish and remove the existing Middleborough High School, such costs to include, but not be limited to, employment of professionals and contractors, equipping and furnishing the new High School and all other costs incidental or related to the construction of a new High School and demolition and removal of the existing High School, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Middleborough may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty-Seven and Seventy-Four hundredths percent (57.74%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Middleborough and the MSBA; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or act anything thereon.

**ARTICLE 8.** To see if the Town will vote to raise and appropriate and/or transfer \$110,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the purchase of a tractor/mower for the Highway Department, or act anything thereon.

**ARTICLE 9.** To see if the Town will vote to raise and appropriate and/or transfer \$90,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the reconstruction of a sidewalk on Nickerson Avenue and replacement of asphalt in front of Town Hall, or act anything thereon.

**ARTICLE 10.** To see if the Town will vote to raise and appropriate and/or transfer \$30,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for a reuse/feasibility study for the current police station building located at 99 North Main Street, Middleborough, or act anything thereon.

**ARTICLE 11.** To see if the Town will vote to raise and appropriate and/or transfer \$11,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for title insurance on property located on Wood Street at the site of the new police station, or act anything thereon.

**ARTICLE 12.** To see if the Town will vote to raise and appropriate and/or transfer \$2,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the Murdock Street/Lyonshead boundary survey, or act anything thereon.

**ARTICLE 13.** To see if the Town will vote to raise and appropriate and/or transfer \$3,100.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for additional appraisal work for the JaMar Property, or act anything thereon.

**ARTICLE 14.** To see if the Town will vote to raise and appropriate and/or transfer \$2,131.60 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for an archaeological study for the Pratt Farm ADA trail project, or act anything thereon.

**ARTICLE 15.** To see if the Town will vote to raise and appropriate and/or transfer \$10,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for a GASB 45 actuarial valuation study, or act anything thereon.

**ARTICLE 16.** To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to install air conditioning on the first floor of the Town Hall Annex Building, or act anything thereon.

**ARTICLE 17.** To see if the Town will vote to raise and appropriate and or transfer \$410,000.00 from Water Department Retained Earnings for the replacement of water lines on Bishop Avenue and Myrtle Street, or act anything thereon.

**ARTICLE 18.** To see if the Town will vote to appropriate \$11,000.00 from the Open Space Resources Reserves and \$142,000.00 from the Budgeted Reserves of the Community Preservation Fund for the purpose of paying the debt service for the Lyonshead Project; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

**ARTICLE 19.** To see if the Town will vote to appropriate \$12,600.00 from the Budgeted Reserves of the Community Preservation Fund for the purpose of Nemasket Hill Cemetery arch & gate restoration project; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

**ARTICLE 20.** To see if the town will vote to establish a seven (7) member committee, whose members may or may not be Middleborough residents, to be known as the History of Middleborough Committee and to provide that the members of the Committee shall be appointed by the Historical Commission for yearly terms until the Committee has completed its work. In the event of a vacancy, the appointing authority shall fill the vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments. To establish the purpose and goals of the Committee, which are to procure an author, printer, and publishing service for the creation of Volume III of the *History of the Town of Middleboro, Massachusetts* and to establish other matters applicable to the Committee including those matters required to be established under the Town committee Formation By-Law, or act on anything thereon.

**ARTICLE 21.** To see if the town will vote to authorize and establish a revolving fund pursuant to General Laws Chapter 44, Section 53E ½ for Fiscal Year 2018 (7/1/17 – 6/30/18) for the History of Middleborough Committee established by vote under Article 20 of the warrant for the October 2, 2017 Special Town Meeting for the program operated by the History of Middleborough Committee which may include sponsoring and/or holding events from which revenue is derived from the sale of books/merchandise and from other sources. All revenue received or derived from or in connection with program activities shall be credited to the revolving fund with the History of Middleborough Committee authorized to expend from the fund for purposes of the fund and program including expenses incurred in connection with the program activities, with a limit of Twenty-Five Thousand Dollars (\$25,000.00) in total amount which may be expended from the fund, or act on anything thereon.

**ARTICLE 22.** To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the Town of Rochester pursuant to General Laws, Chapter 40, Section 4A to allow Middleborough to provide and sell water to Annie Maxim House, Inc. for its buildings located on North Avenue in Rochester, MA for a term of more than two years and on such other terms and conditions determined by the Board of Selectmen, or act anything thereon.

**ARTICLE 23.** To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with Conduent Government Systems, LLC., or its successors or assigns, pursuant to G.L. c30B, s. 12 or any other enabling statute, to enter into a five year contract for the Fire Department’s Firehouse Records Management application, on such terms and conditions as the Board of Selectmen determines to be in the best interests of the Town, or act anything thereon.

**ARTICLE 24.** To see if the Town will vote to amend the Zoning By-law to allow accessory solar voltaic installations in the Business (B) District by special permit from the Board of Appeals as follows – (1) Amend Section 3.1 Table of Uses [Section F, Paragraph 15 – Accessory solar voltaic installation] of the by-law by deleting “N” in the B column of the Table of Uses applicable to Accessory solar voltaic installation and replacing it with “ZBA” as shown in the following:

	RA	RB	RR	B	I	GU	GUX	GUA	CD
E. INDUSTRIAL USES									
10. Large Scale Ground Mounted Solar Photovoltaic Installation	ZBA	ZBA	ZBA	N	Y	Y	Y	Y	N
F. ACCESSORY USES									
15. Accessory solar voltaic installation	Y	Y	Y	ZBA	Y	Y	Y	Y	N

(2) Amend Section 8.4.4 of the by-law by adding in the third line after “SOLAR Districts” the phrase – “and allowed in the Business (B) District by special permit from the Board of Appeals,”, or act anything thereon.

**ARTICLE 25.** To see if the Town will vote to authorize the Board of Selectmen to lease a parcel of land off Chestnut Street shown as Lot 2926 on Assessors Map 052 containing 27.52 acres more or less for solar energy panel development on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

**ARTICLE 26.** To see if the Town will vote to authorize the Board of Selectmen to lease or license the use of

Location	Address	Lot	Map
Roof of Town Hall Annex	20 Center Street	6249	50P
Roof of Council on Aging	558 Plymouth Street	3811	042

Roof of Central Fire Station	125 North Main Street	5549	50Q
Roof of North Fire Station	58 Bedford Street	4169	039
Solar Canopy in the Jackson Street Parking Lot	Jackson Street	6321	50Q
Solar Canopy in the Town Hall Parking Lot	10 Nickerson Avenue	6189	50P

for solar energy panel development on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

**ARTICLE 27.** To see if the town will vote to authorize the Board of Selectmen to convey a parcel of land shown as lot 3253 and on Assessor’s map 20 with a total of 1.9 acres from the Middleborough Board of Selectmen to the Massachusetts Department of Fish & Game said conveyance subject to such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, or act anything thereon.

**ARTICLE 28.** To see if the town will vote to authorize the Board of Selectmen and the Conservation Commission, to convey the fee interest in various parcels to be acquired at Woloski Park shown on Assessors Map 20, as Lots 2448, 2478, 2465, 2476, 2455, 2444, 2339 & 2414, to the Massachusetts Department of Fish and Game said conveyance subject to the terms and conditions of the grant from FEMA to the Town and for such consideration as the Board of Selectmen and Conservation Commission shall determine to be appropriate, or act anything thereon.

**ARTICLE 29.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Board of Selectmen and Conservation Commission to convey various parcels of land at Woloski Park in Middleborough, Massachusetts shown as Lots 2448, 2478, 2465, 2476, 2455, 2444, 2339 & 2414 on Assessors Map 20, to the Massachusetts Department of Fish and Game, said conveyance subject to the terms and conditions of the grant from FEMA to the Town and for such consideration as the Board of Selectmen and Conservation Commission shall determine to be appropriate, or act anything thereon.

**ARTICLE 30.** To see if the Town will adopt the renumbering and revision of the various General Bylaws of the Town with changes/amendments detailed in the document on file in the office of the Town Clerk entitled “Changes Made During Codification Project (revised 8-2-2017),” from their original numbering or their numbering in the General Bylaws, as amended through April 24, 2017, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the Final Draft of the Code of the Town of Middleborough, June 2017, on file in the office of the Town Clerk, said codification having been done under the direction of the Board of Selectmen and Town Counsel, and said Code being a compilation and comprehensive revision of the present bylaws of the Town. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing bylaw, and such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the provisions of any statute of the commonwealth; or act anything thereon.

**ARTICLE 31.** To see if the Town will vote to adopt certain changes/amendments to the Zoning Bylaw of the Town with such changes/amendments detailed in the document entitled “Changes Made During Codification Project (revised 8-2-2017),” generally noted therein by strikethroughs (indicating deletions) and underlines (indicating additions), said document being on file in the office of the Town Clerk, and vote to include the Zoning Bylaw, as revised hereunder, in the Code of the Town of Middleborough, as set forth in the Final Draft of the Code of the Town of Middleborough, June 2017; or act anything thereon.

Given, under our hands at Middleborough, this **day of 2017.**

---

**Allin Frawley, Chairman**

---

**Stephen J. McKinnon**  
**Vice Chairman**

---

**John M. Knowlton**

---

**Diane Stewart**

---

**Lelani Dalpe**  
**BOARD OF SELECTMEN**

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the **14th day of September, 2017**, that date being more than fourteen days before the time specified for said meeting.

---

**JOSEPH PERKINS**  
Police Chief