



## Annual 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, April 23rd, 2018, at 7:15 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 a sum of money by taxation or from available funds in the treasury to defray expenses of the Town for the fiscal year beginning on July 1, 2018, relating to all or any of its officers, boards or departments and for purposes authorized by law, or act anything thereon.

ARTICLE 3. To see if the Town will vote to transfer from the income from the sales of gas and electricity a sum of \$740,000.00 to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2019, or act anything thereon.

ARTICLE 4. To see if the Town will vote to adopt the following by-law:

### REVOLVING FUNDS

Section 1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E ½.

Section 2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established as authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund except for those employed as school bus drivers.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.

Section 3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

Section 4. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E ½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report of the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

Section 5. Authorized Revolving Funds. This by-law establishes and authorizes the following revolving funds:

The Table establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant;
- D. The expenses of the program or activity for which each fund may be used;
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund; and
- G. The fiscal years each fund shall operate under this by-law.

A Revolving Fund	B Department, Board, Committee, Agency, or Officer Authorized to Spend from Fund	C Fees, Charges, or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements	G FY's that begin on or after 7/1/18
Fire Alarm System	Fire Chief	-Tie-in Fees -Fire Alarm Installation Fees -Restitution Fees	Fire Alarm Systems: Repairs, Maintenance, Additions, Improvements and Equipment purchases	None	None	Yes
Haz. Materials Incident Training	Fire Chief	Hazardous Materials Incident Training Fees	Equipment and Firefighter Training	None	None	Yes

<b>A</b> <b>Revolving Fund</b>	<b>B</b> <b>Department Board, Committee Agency, Or Officers Authorized to Spend from Fund</b>	<b>C</b> <b>Fees, Charges, or Other Receipts Credited to Fund</b>	<b>D</b> <b>Program or Activity Expenses Payable From Fund</b>	<b>E</b> <b>Restrictions or Conditions on Expenses Payable from Fund</b>	<b>F</b> <b>Other Requirements</b>	<b>G</b> <b>FY's that Begin on or after 7/1/18</b>
Recycling Program	DPW Director	Recycling Cart Fee	Recycling Carts	None	None	Yes
Composting Bin Program	DPW Director	Composting Bin Fee	Composting Bins	None	None	Yes
Herring Fisheries Program	Herring Fisheries Committee	Herring Permit Fee	-Administration, Enforcement -Public Education Related to the Management of the Herring Fishery	None	None	Yes
Recreation and Sports Program	Park Commission	Registration Fees for Summer Programs	Supplies for Summer Programs, Concession Stand and Pool Activities	None	None	Yes
Zoning Map, Bylaws and Subdivisions Rules and Regulations	Town Clerk	Zoning Map and Zoning Bylaw Fees	-Supplies for Toner for the Plotter -Costs Associated with Printing of Zoning Maps, Bylaws and Planning Subdivision Rules and Regulations	None	None	Yes
Oliver Estate Advisory Committee	Board of Selectmen	-Admission Fees -Vendor Fees	-Building Maintenance and utilities -Supplies -Advertising -Any other Oliver Estate expenses	None	None	Yes
Tourism Committee	Tourism Committee	-Admission Fees -Vendor Fees -Advertising Fees -Tourism related activities	-Herring Run Festival -Festival of Lights -OktoberFest -Advertising -Tourism related Activities	None	None	Yes
Wetland Act/Bylaw	Conservation Commission	Wetland Act Fee	Fund Certain Operations of the Conservation Commission	None	None	Yes

,or act anything thereon.

ARTICLE 5. To see if the Town will vote to set limits on the total amount that may be expended from each of the following revolving funds during Fiscal Year 2019, as follows:

	<b>Name of Revolving Funds</b>	<b>Maximum Total Amount which may be Expended from Funds</b>
<b>1</b>	<b>Municipal Fire Alarm System</b>	<b>\$15,000.00</b>
<b>2</b>	<b>Hazardous Materials Incident Training</b>	<b>\$50,000.00</b>
<b>3</b>	<b>Recycling Program</b>	<b>\$5,000.00</b>
<b>4</b>	<b>Composting Bin Program</b>	<b>\$2,500.00</b>
<b>5</b>	<b>Herring Fisheries Program</b>	<b>\$10,000.00</b>
<b>6</b>	<b>Recreation and Sports Program</b>	<b>\$100,000.00</b>
<b>7</b>	<b>Zoning Map, Bylaws and Subdivision, Rules and Regulations</b>	<b>\$2,500.00</b>
<b>8</b>	<b>Oliver Estate Advisory Committee</b>	<b>\$25,000.00</b>
<b>9</b>	<b>Tourism Committee</b>	<b>\$100,000.00</b>
<b>10</b>	<b>Wetland Act/Bylaw</b>	<b>\$15,000.00</b>

, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$42,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to purchase a generator for the Council on Aging, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$125,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to purchase a Self-Contained Breathing Apparatus (SCBA) for the Fire Department, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$85,000.00 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 skid steer with bucket and paving attachment for the Department of Public Works, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$102,419.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for network and hardware upgrades for the Information Technology Department and other Town Departments and a fuel management system, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$40,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for replacement of windows at the Library, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$32,777.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for a 45 ton roof top HVAC unit at the Town Hall Annex, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$95,812.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for a Local Area Network (LAN) switch replacement project for the School Department, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 13. To see if the Town will vote to authorize use of the funds appropriated under Article 10 of the Warrant for the October 2, 2017 Special Town Meeting to pay for design/rehabilitation/restoration expenses with respect to the current police station at 99 North Main Street, or act anything thereon.

Sponsored by the Police Building Committee

ARTICLE 14. To see if the Town will vote to raise and appropriate \$5,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to the Middleborough-Lakeville Herring Fishery Commission for pilot projects to protect the passage of river herring to include an Ecoharvester-pilot demonstration, a benthic mat test, or other mechanical, chemical or biological intervention, or act anything thereon.

Sponsored by the Board of Selectmen

ARTICLE 15. To see if the Town will vote to appropriate \$37,566.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, said funds to be expended under the direction of the Community Preservation Committee, to approve appropriation of 100% of project costs for Oliver Mill Park Bridges and Stonework Project, totaling \$227,686.00 through this \$37,566.00 appropriation and the earlier appropriations of \$190,120.00 approved by Town vote from the Town's Community Preservation Act funds under Special Town Meeting on October 3, 2016; Article 13, and Annual Town Meeting on April 24, 2017; Articles 22 and 24, to

authorize the Town Manager and/or Board of Selectmen to file on behalf of the Town any and all applications for grants or reimbursements from the Commonwealth of Massachusetts under the Parkland Acquisitions and Renovations For Communities (PARC) Grant Program (formerly Urban Self Help Act) 301 C.M.R. 5.00 in connection with the Oliver Mill Park Bridges and Stonework Project at the Town's Oliver Mill Park, to dedicate the site to park and recreation purposes under the provisions of Massachusetts General Laws Chapter 45, Section 3 and to authorize the Board of Selectmen to enter into any necessary agreements in order for the Town to receive such grants or reimbursements, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer \$2,066,000.00 from Water Department Retained Earnings, or by borrowing for the purchase of a skid steer with a side dump bucket and for interior and exterior painting of the Barden Hill Water Tower, or act anything thereon.

Sponsored by the Capital Planning Committee

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from Water Department Retained Earnings for the purpose of replacing older water mains and curb to main connections throughout the water distribution system, or act anything thereon.

Sponsored by the Water Department

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer \$45,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the Department of Public Works for all relevant and necessary expenses associated with the Phase II Dam Inspection of the Stony Brook Dam as required by the Massachusetts Department of Conservation and Recreation (DCR), or act anything thereon.

Sponsored by the Department of Public Works

ARTICLE 19. To see if the Town will vote to raise and appropriate and/or transfer \$12,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to provide a Stewardship Endowment Fund to be expended under the direction of the Conservation Commission to pay for the cost of annual monitoring with regard to a Conservation Restriction to be granted to and held by the Wildlands Trust and the Massachusetts Department of Conservation and Recreation, for property on and off Murdock Street in Middleborough containing about 92.1 acres and owned by Mary Jigerjian and shown on Assessors Map 21 as Lot 1411 and Assessors Map 12 as Lot 4585, to be acquired by the Town and to see if the Town will vote to authorize the Board of Selectmen to grant a Conservation Restriction in the property to the Wildlands Trust and the Massachusetts Department of Conservation and Recreation, or act anything thereon.

Sponsored by the Conservation Commission

ARTICLE 20. To see if the Town will vote to raise and appropriate and/or transfer \$13,800.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to be expended under the direction of the Conservation Commission to pay expenses associated with acquisition by the Town of property on and off Murdock Street in

Middleborough owned by Mary Jigerjian and shown on Assessors Map 21 as Lot 1411 and Map 12 as Lot 4585, including without limitation survey expenses and placement of property boundary markers, or act anything thereon.

Sponsored by the Conservation Commission

ARTICLE 21. To see if the Town will vote to appropriate \$30,000 from the Community Housing Resources Reserve of the Community Preservation Fund to fund the Middleborough Housing Authority's Nemasket Apartments Roof Project (11 and 15 Park Street) for the purpose of improving housing conditions for ten elderly housing units in two buildings; 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 22. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2019, with each item to be considered a separate appropriation:

Appropriations:

From FY 2019 estimated revenues for Committee Administrative expenses \$14,000.00

Reserves:

From FY 2019 estimated revenues for Historic Resources Reserve \$ 28,000.00

From FY 2019 estimated revenues for Community Housing Reserve \$ 28,000.00

From FY 2019 estimated revenues for Open Space Reserve \$ 28,000.00

From FY 2019 estimated revenues for Budgeted Reserve \$182,000.00

Or take any action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 23. To see if the Town will vote to use some of the funds, received by the Town from Weston Forest timber sales re: the trust fund established under Clause Nineteenth C – VII of the will of Frederick S. Weston in connection with the Frederick Weston Memorial property, for the Stipend for the Weston Forest Committee secretary, to appropriate from said funds \$400.00 for such purposes, or act anything thereon.

Sponsored by the Weston Forest Committee

ARTICLE 24. To see if the Town will vote to authorize the Board of Selectmen on behalf of the Town to accept a gift from the Nature Conservancy of real estate at 4 Woloski Park shown as lot 2487 on Middleborough Assessors Map 020, or act anything thereon.

Sponsored by the Conservation Commission

ARTICLE 25. To see if the Town will vote to adopt the following by-law:

## Section 1: Purpose

These Regulations are adopted by the Board in order to protect the public and the environment from the deleterious and harmful effects of contaminated soils that may be imported into, transported through or used within the Town. These Regulations shall not apply to any contaminated soils that are disposed as solid waste at an active lined landfill, that are recycled at a soil recycling facility, or that are transported through the Town for such purposes.

## Section 2: Definitions

Each of the following terms as used in these Regulations are defined as follows. Any terms that have not been defined specifically herein shall have their normal English meanings, unless the context indicates otherwise.

**Active Lined Landfill** — a landfill that is currently operating and permitted in accordance with Massachusetts General Laws Chapter 11, Section 150A, and 310 CMR 19.000 et seq., and which is accepting solid waste for disposal.

**COMM — 97 Soils** — refers to any contaminated soils as defined and discussed in Massachusetts Department of Environmental Protection Policy #COMM-97-001, entitled "Reuse and Disposal of Contaminated Soil at Massachusetts Landfills".

**Contaminated Soils** – For purposes of this regulation, the definition of contaminated soils shall include all contaminated soils as defined in #COMM-97-001, 310 CMR 16.000, 310 CMR 19.000, 310 CMR 30.000, 310 CMR 40.000 and Title 40 of Code of Federal regulations.

**Daily Cover** — shall be as described in 310 CMR 19.130 (15) (c).

**Dispose(d)/Disposal** — means the dumping and abandoning of solid waste at an active lined landfill, without said solid waste being reused as daily cover, intermediate cover or grading and shaping a material pursuant to 310 CMR 19.130(15).

**Grading and Shaping Material** — shall have the definition of that term as provided in the Massachusetts Department of Environmental Protection's July 6, 2001 Memorandum entitled "Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites".

**Intermediate Cover** — shall be as described in 310 CMR 19.130 (15) (d).

**Soil Recycling Facility** — shall be as described in Section 9.1 of Massachusetts Department of Environmental Projection Policy #WSC-94-400, entitled "Interim Remediation Waste Management Policy for Petroleum Contaminated Soils".

**Solid Waste** —shall have the definition as provided in 310 CMR 19.006.

## Section 3: Public Health Issues with Contaminated Soils

Contaminated Soils, including their importation into, and use within the Town, constitute a public nuisance that may be harmful and dangerous to persons and property, and may be injurious to public health and the environment, including, without limitation, through the creation of airborne dust and particulate, and by leaching into public and private drinking and groundwater supplies.



Section 4 Prohibition of Contaminated Soils

In order to protect the public health and environment, pursuant to the authority that is found in Massachusetts General Laws, the import into, and use within the Town of Contaminated Soils are prohibited. This prohibition without limitation applies to any use of Contaminated Soils, including, but not limited to, as daily cover, intermediate cover or grading and shaping material at any landfill.

Section 5: Prohibition of Nuisance Trade

Any person or business that utilizes Contaminated Soils may result in public nuisances, may be harmful to the inhabitants of the Town, may be injurious to their property, and may be dangerous to the public health and the environment. Therefore, any such business is considered to be a nuisance trade and, pursuant to the authority that is found in Massachusetts General Laws, is prohibited from being established, operated or undertaken in any manner within the Town. This prohibition applies without limitation, to any person or business that either is engaged by the owner of an inactive, unlined landfill, or purchases such a landfill, in order to cap and close the same, where any portion of said capping and closure activities, including the grading and shaping of any such landfill, utilizes Contaminated Soils.

Section 6: Severability

The provisions of the regulation are severable. If any court of competent jurisdiction determines that any provision is in violation of the laws, constitutions or regulations of the Commonwealth of Massachusetts and the United States of America, the remaining provisions shall not be affected thereby and shall continue in full force and effect.

Sponsored by the Town Clerk

ARTICLE 26. To see if the Town will vote to repeal the 1996 Dog Complaint Procedures Bylaw adopted at the September 9, 1996 Special Town Meeting under Article 3 in its entirety.

Sponsored by the Town Clerk

ARTICLE 27. To see if the Town will vote to amend the 1975 Leash Bylaw adopted at the March 17, 1975 Annual Town Meeting under Article 34 to increase the penalty and to add Section B to provide for non-criminal enforcement-disposition as follows:

Leash law.

- A. Every owner of a dog kept or maintained in the Town of Middleborough shall keep, maintain and confine such dog within the bounds of such owner's premises or premises to which such owner has the right of possession except as hereinafter provided; such owner may take his dog or permit his dog to be taken outside said premises provided that on all such occasions the dog is continuously restrained by a leash or similar device appropriate to restrain dogs. Any owner who violates this bylaw shall be punished by a fine of \$25.00\_for each violation thereof.
- B. Violation of the Town bylaw identified herein may, in the discretion of the Town officer who is the appropriate enforcing person, be enforced in the manner provided under MGL c. 40, § 21D. The enforcing person taking cognizance of a violation of any such bylaw which the enforcing person is empowered to enforce, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the district court having jurisdiction thereof at any

time during office hours not later than 21 days after the date of such notice. The noncriminal fine for each such violation shall be the fine amount identified herein. The Animal Control Officer and any Assistant Animal Control Officer or Animal Inspector appointed by the Town of Middleborough shall be the primary enforcement agent (enforcing person) for violations of this bylaw. However, other Town officers may enforce these provisions as secondary agents.

Sponsored by the Town Clerk

ARTICLE 28. To see if the Town will vote to amend the 2011 Dog License Fee Bylaw adopted at the October 3, 2011 Special Town Meeting under Article 14 to as follows::

- A. Licensing of dogs. The license period applicable to licenses for dogs required to be obtained under MGL c. 140 by an owner or keeper of a dog shall be the time in a year between January 1 and the following December 31, both dates inclusive.
- B. The owner or keeper of a dog which is required to be licensed under General Laws Chapter 140 shall cause the dog to be licensed for a license period before April first of the license period. If the owner or keeper fails to obtain a license for the dog by April first of the license period, such owner or keeper shall be liable for a late fee of Ten Dollars (\$10.00) to be collected by the Town Clerk at the time the Town Clerk issues a license for the dog. The late fee shall be in addition to license fees, fines, penalties and forfeitures otherwise provided by law. The Town Clerk shall pay all late fees received into the Town treasury.
- C. Dog licenses not renewed by May1st are subject to a \$50.00 fine.
- D. Violation of the Town bylaw identified herein may, in the discretion of the Town officer who is the appropriate enforcing person, be enforced in the manner provided under MGL c. 40, § 21D. The enforcing person taking cognizance of a violation of any such bylaw which the enforcing person is empowered to enforce, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the district court having jurisdiction thereof at any time during office hours not later than 21 days after the date of such notice. The noncriminal fine for each such violation shall be the fine amount identified herein. The Animal Control Officer and any Assistant Animal Control Officer or Animal Inspector appointed by the Town of Middleborough shall be the primary enforcement agent (enforcing person) for violations of this bylaw. However, other Town officers may enforce these provisions as secondary agents.

Sponsored by the Town Clerk

ARTICLE 29. To see if the Town will vote to amend the 1967 Restraining of Dogs Bylaw adopted at the March 20, 1967 Annual Town Meeting under Article 16 as follows:

Complaints for nuisance or dangerous dogs; investigation.

Any person may file a complaint in writing that a dog owned or kept in the Town is a nuisance or dangerous dog as those terms are defined in MGL c. 140, § 136A. Such complaints shall be handled in accordance with MGL c. 140, § 157; provided that the complaint shall be initially investigated by the Animal Control Officer, who shall report the findings to the hearing authority for purposes of investigating and disposing of such complaints.

Sponsored by the Town Clerk

ARTICLE 30. To see if the Town will vote to adopt the following bylaw:

Nuisance dogs.

- A. No person owning, keeping, or otherwise responsible for a dog shall allow said dog, if unprovoked, to annoy another person by making a loud or continuous noise, where such noise would be found by a reasonable person to be disruptive to one's quiet and peaceful enjoyment. Continuous and clearly audible barking or howling by a dog is prima facie evidence of a violation, if:
  - (1) It occurs between the hours of 10:00 p.m. and 7:00 a.m.; or
  - (2) It is in excess of 20 minutes between 7:00 a.m. and 10:00 p.m.
- B. Penalties. If, upon written complaint, or observation by authorities, the Animal Control Officer determines a barking/howling nuisance exists under this bylaw, said officer may issue a warning or citation based on the following schedule:
  - (1) First offense: warning.
  - (2) Second offense within any twelve-month period: fine of \$25.
  - (3) Third offense within any twelve-month period: fine of \$50.
  - (4) Fourth or subsequent offense within any twelve-month period: fine of \$100.
- C. Violation of the Town bylaw identified herein may, in the discretion of the Town officer who is the appropriate enforcing person, be enforced in the manner provided under MGL c. 40, § 21D. The enforcing person taking cognizance of a violation of any such bylaw which the enforcing person is empowered to enforce, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the district court having jurisdiction thereof at any time during office hours not later than 21 days after the date of such notice. The noncriminal fine for each such violation shall be the fine amount identified herein. The Animal Control Officer and any Assistant Animal Control Officer or Animal Inspector appointed by the Town of Middleborough shall be the primary enforcement agent (enforcing person) for violations of this bylaw. However, other Town officers may enforce these provisions as secondary agents.

Sponsored by the Town Clerk

ARTICLE 31. To see if the Town will vote to adopt the following bylaw:

Animal waste.

- A. No person owning or having custody or control of a dog shall permit such dog to defecate on any public street or sidewalk of the Town, including any public park, grounds of public buildings, including school grounds, unless such person picks up the dog waste and disposes of it in a sanitary manner, including lawful disposal as solid waste or sewage. This section shall not apply to the visually impaired in custody or control of a Seeing Eye dog, or to any person unable to comply with the requirements of this section due to a physical disability. This section may be enforced by the Animal Control Officer, the Board of Health Agent, and any other person so designated by the Board of Health or the Board of Selectmen.

- B. Any owner or person in control of any animal who fails to comply with this section shall be punished by a fine of \$50 for each violation.
- C. Violation of the Town bylaw identified herein may, in the discretion of the Town officer who is the appropriate enforcing person, be enforced in the manner provided under MGL c. 40, § 21D. The enforcing person taking cognizance of a violation of any such bylaw which the enforcing person is empowered to enforce, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the district court having jurisdiction thereof at any time during office hours not later than 21 days after the date of such notice. The noncriminal fine for each such violation shall be the fine amount identified herein. The Animal Control Officer and any Assistant Animal Control Officer or Animal Inspector appointed by the Town of Middleborough shall be the primary enforcement agent (enforcing person) for violations of this bylaw. However, other Town officers may enforce these provisions as secondary agents.

Sponsored by the Town Clerk

ARTICLE 32. To see if the Town will vote to authorize the Board of Selectmen to grant or impose a preservation restriction with respect to the historic Peter Peirce Store, the former Police Station, at 99 North Main Street, including without limitation Lot 5574 on Assessors Map 50Q, or act anything thereof.

Sponsored by the Town Clerk

ARTICLE 33. To see if the Town will vote to authorize the Board of Selectmen to acquire through a taking by eminent domain a certain parcel of land together with buildings thereon containing approximately 92.1 acres, more or less, known as "Lion's Head", owned or formerly owned by Sarah Jigerjian and Mary Jigerjian as described and shown on Assessors Map 21, Parcel 1411, and Map 12, Parcel 4585 located on and off Murdock Street in Middleborough and described in a deed recorded in the Plymouth County Registry of Deeds in Book 5130, Page 205, for the purpose of conservation and passive recreation, to be managed and controlled by the Conservation Commission of the Town in accordance with M.G.L. Chapter 40, Section 8C, as amended, and any other relevant state statutes relating to conservation, to authorize the Town Manager, Board of Selectmen and the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition, to authorize the Town Manager, the Board of Selectmen and the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B, as may be necessary on behalf of the Town to effect said acquisition and that said conservation restriction may be granted to the Wildlands Trust and the Massachusetts Department of Conservation and Recreation to hold such a restriction, to provide that the acquisition authorized hereunder shall be contingent upon the Town receiving a grant award from the Commonwealth of Massachusetts of \$500,000.00 (\$400,000.00 from the Division of Conservation Services and \$100,000.00 from the Department of Conservation and Recreation) or more, and to provide that the borrowing and borrowing proceeds authorized under Article 15 of the warrant for the Special Town Meeting of October 3, 2016 may be used for the acquisition of the property herein authorized, subject to all contingencies, terms and conditions with respect to said borrowing voted under said Article 15, or act anything thereon.

Sponsored by the Conservation Commission

ARTICLE 34. 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.

Sponsored by the Green Energy Committee

ARTICLE 35. To see if the Town will vote to lower the minimum age qualification for elderly exemptions pursuant to M.G.L. Ch. 59 §5 (Clause 41C) from 70 years of age to 65 years of age to become effective July 1, 2018, or act anything thereon.

Sponsored by the Board of Assessors

ARTICLE 36. To see if the Town will vote to accept or acquire by eminent domain, as a public way, a street identified as Pebble Brook Drive, and associated easements reserved in the Declaration of Reserved Easement for the benefit of the Town of Middleborough dated June 6, 2003 and recorded in Plymouth County Registry of Deeds Book 25428, Page 55, all as shown on the plan entitled “Pebble Brook Estates,

Pebble Brook Drive Roadway Acceptance Plan of Land in Middleborough MA for Harvestwood Development Corp. dated November 30, 2017, last revised January 22, 2018, copies of which are on file with the Office of the Town Clerk, Middleboro, MA., and to authorize the Board of Selectmen and the Town to acquire the land within the layout of such way, and any easements appurtenant thereto by voluntary conveyance and/or eminent domain, or act anything thereon.

Sponsored by the Board of Selectmen

Given, under our hands at Middleborough, this      day of April 2018

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**Allin Frawley, Chairman**

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**Stephen J. Mckinnon, Vice Chairman**

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**John M. Knowlton**

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**Diane Stewart**

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**Leilani 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 5th day of April 2018, that date being more than seven days before the time specified for said meeting.

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Joseph Perkins  
Police Chief