



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 Nichols Middle School, on Thursday, October 15th, 2020, 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 a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source, to supplement and/or adjust departmental budgets for Fiscal Year 2021, or act anything thereon.

MOTION: I move that the Town vote to appropriate from taxation to the appropriate line items in FY2021 budgets as established by the Town Accountant to fund the following departments:

<i>Department</i>	<i>Dept. No</i>	<i>Account</i>	<i>Line Item</i>	<i>Amount</i>
Fire	220	511134	Reg. Pay Firefighters	\$40,000.00
Debt	710	591000	Maturing Principal	\$30,000.00
Debt	710	592500	Interest on Temporary Notes	\$350,045.00
Debt	710	591500	Interest on Debt	\$21,922.00
Information Technology	155	511201	Administrative Technical Assistant	\$25,000.00
Information Technology	155	524601	Software Maintenance	\$90,927.00
Law	151	530400	Consultant	\$10,000.00
Unclassified	950	574000	Property & Liability Insurance	\$60,000.00

I further move that the Town transfer \$46,000.00 from Water Department Retained Earnings account to Water Department, 450, Interest on Temporary Notes, 592500.

I further move that the Town transfer \$16,560.00 from Water Department Retained Earnings account to Water Department, 450, Interest on Debt, 591500.

I further move that the Town transfer \$46,100.00 from Sanitation Department Retained Earnings account to Sanitation, 433, Interest on Temporary Notes, 592500.

I further move that the Town transfer \$10,040.00 from Sanitation Department Retained Earnings account to Sanitation, 433, Interest on Debt, 591500.

I further move that the Town transfer \$4,434.00 from Wastewater Department Retained Earnings account to Wastewater, 440, Interest on Debt, 591500.00

ARTICLE 3. 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

MOTION. I move that the Town transfer \$200,000.00 from Free Cash to be placed into the Other Post-Employment Benefits Liability Trust Fund.

Sponsored by the Board of Selectmen

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the sidewalk reconstruction on Center and Union Streets, or act anything thereon.

MOTION. I move that the Town transfer \$300,000.00 from Free Cash to pay for the sidewalk reconstruction on Center and Union Streets.

Sponsored by the Department of Public Works

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer \$6,200.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the repair and paint maintenance of Town Hall, or act anything thereon.

MOTION. I move that the Town transfer \$6,200.00 from Free Cash to pay for the repair and paint maintenance of Town Hall.

Sponsored by Facilities

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$3,500.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the replacement of the curved corner glass window in the Veteran's Office at the Town Hall Annex, or act anything thereon.

MOTION. I move that the Town transfer \$3,500.00 from Free Cash to pay for the replacement of the curved corner glass window in the Veteran's Office at the Town Hall Annex.

Sponsored by Facilities

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the construction, installation and all relevant expenses for a Town Hall sign, or act anything thereon.

MOTION. I move that the Town transfer \$6,500.00 from Free Cash to pay for the construction, installation and all relevant expenses for a Town Hall sign.

Sponsored by Facilities

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$9,500.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the replacement of an air conditioning unit in the IT server room, underground piping and related expenses, or act anything thereon.

MOTION. I move that the Town transfer \$9,500.00 from Free Cash to pay for the replacement of an air conditioning unit in the IT server room, underground piping and related expenses.

Sponsored by Facilities

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$3,300.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the inspection & spillway culvert evaluation of the Pratt Farm Pond dam, or act anything thereon.

MOTION. I move that the Town transfer \$3,300.00 from Free Cash to pay for the inspection & spillway culvert evaluation of the Pratt Farm Pond dam.

Sponsored by Conservation

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$3,975.00 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 for the Phase I Dam inspection of the Nemasket Park Dam as required by the Massachusetts Department of Conservation and Recreation (DCR), or act anything thereon.

MOTION. I move that the Town transfer \$3,975.00 from Free Cash for the Department of Public Works for all relevant and necessary expenses associated for the Phase I Dam inspection of the Nemasket Park Dam as required by the Massachusetts Department of Conservation and Recreation (DCR).

Sponsored by Department of Public Works

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the Department of Public Works for all relevant and necessary expenses associated with storm water activities required by the EPA/DEP, or act anything thereon.

MOTION. I move that the Town transfer \$154,715.00 from Free Cash for the Department of Public Works for all relevant and necessary expenses associated with storm water activities required by the EPA/DEP.

Sponsored by Department of Public Works

ARTICLE 12. . 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 School Department for the purchase of two Transit Transport vans, or act anything thereon.

MOTION. I move that the Town transfer \$90,000.00 from Free Cash for the School Department for the purchase of two Transit Transport vans.

Sponsored by School Department

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for the purpose of a revaluation update and interim updates for the Board of Assessors of real and personal property, including any and all funds necessary or required to complete a satisfactory certification for fiscal year 2022 and satisfactory interim year updates, or act anything thereon.

MOTION. I move that the Town transfer \$309,100.00 from Free Cash for the purpose of a revaluation update and interim updates for the Board of Assessors of real and personal property, including any and all funds necessary or required to complete a satisfactory certification for fiscal year 2022 and satisfactory interim year updates.

Sponsored by the Board of Assessors

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer \$1,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to reimburse the Conservation Department Trust Fund for payment to Benjamin Forestry Services, Inc. for the Forestry Management Plan for the Oliver Estate Conservation Land and House Properties, or act anything thereon.

MOTION. I move that the Town transfer \$1,000.00 from Free Cash to reimburse the Conservation Department Trust Fund for payment to Benjamin Forestry Services, Inc. for the Forestry Management Plan for the Oliver Estate Conservation Land and House Properties.

Sponsored by Conservation

ARTICLE 15. 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 pay for preparation of a sketch or plan of part of the Soule Farm/Soule Homestead property located in Plympton to be leased to the Town of Plympton, or act anything thereon.

MOTION. I move that the Town transfer \$7,000.00 from Free Cash to pay for preparation of a sketch or plan of part of the Soule Farm/Soule Homestead property located in Plympton to be leased to the Town of Plympton.

Sponsored by the Board of Selectmen

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 fund sick leave buy-back, or anything thereon.

MOTION. I move that the Town transfer \$29,511.00 from Free Cash to the Police Department to fund sick leave buy-back and \$23,318.00 to the Council on Aging to fund sick leave buyback.

ARTICLE 17. To see if the Town will vote to transfer to the Municipal Light Board (Municipal Gas & Electric Commission) the care, custody, management and control of three (3) lots on Harding Street shown as Lot 1138, Lot 1155 and Lot 1221 on Assessor Map 47 for the purposes of a fueling station, fuel delivery/distribution facilities and recovery facilities in support of gas and electric customers, or act anything thereon.

MOTION. I move that the Town vote to transfer to the Municipal Light Board (Municipal Gas & Electric Commission) the care, custody, management and control of three (3) lots on Harding Street shown as Lot 1138, Lot 1155 and Lot 1221 on Assessor Map 47 for the purposes of a fueling station, fuel delivery/distribution facilities and recovery facilities in support of gas and electric customers.

Sponsored by Gas & Electric Company

ARTICLE 18. To see if the Town will vote to amend §200-7 of the General Bylaws, Marijuana retailer eligibility, to add a new sentence as shown in underline as follows:

§ 200-7 Marijuana retailer eligibility.

Only applicants seeking to convert a medical marijuana treatment center engaged in the sale of marijuana or marijuana products, and licensed or registered not later than October 1, 2017, shall be eligible to apply for a license under this bylaw to operate as a marijuana retailer. The eligibility restrictions of this section shall not apply to delivery only licenses, notwithstanding that they may be considered retail licenses by the Cannabis Control Commission, or act anything thereon.

MOTION. I move that the Town vote to amend §200-7 of the General Bylaws, Marijuana retailer eligibility, to add a new sentence as shown in underline as follows:

§ 200-7 Marijuana retailer eligibility.

Only applicants seeking to convert a medical marijuana treatment center engaged in the sale of marijuana or marijuana products, and licensed or registered not later than October 1, 2017, shall be eligible to apply for a license under this bylaw to operate as a marijuana retailer. The eligibility restrictions of this section shall not apply to delivery only licenses, notwithstanding that they may be considered retail licenses by the Cannabis Control Commission.

Sponsored by Board of Selectmen

ARTICLE 19. To see if the Town will vote to amend the Stormwater Management Bylaw that was adopted under Article 21 of the 2019 Fall Special Town Meeting by removing Article II, Section 27-3 “Enforcement”, which read as follows: Criminal and Civil Penalties. Any person who violates any provision of this By-Law, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to a fine not to exceed \$300 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction, or act anything thereon.

MOTION. I move that the Town vote to amend the Stormwater Management Bylaw that was adopted under Article 21 of the 2019 Fall Special Town Meeting by removing Article II, Section 27-3 “Enforcement”, which read as follows: Criminal and Civil Penalties. Any person who violates any provision of this By-Law, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject

to a fine not to exceed \$300 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

Sponsored by Stormwater Committee

ARTICLE 20. To see if the Town will vote to authorize and direct the Board of Selectmen to petition the General Court for enactment of Home Rule legislation to change the name of the Town's Board of Selectmen to Select Board, to provide that the Select Board shall have all the powers and authority and be subject to all duties and requirements applicable to a board of selectmen under the General Laws including all laws accepted by the Town, under all special acts of the General Court applicable to the Town including the Town Charter (Chapter 592 of the Acts of 1920, as amended) and under all state regulations applicable to a board of selectmen, and to amend the Town Charter by changing "board of selectmen" to "select board", "selectmen" to "select board" and "selectman" to "select board member" wherever board of selectmen, selectmen and selectman appear in the Town Charter, or act anything thereon.

MOTION. I move that the Town vote to authorize and direct the Board of Selectmen to petition the General Court for enactment of Home Rule legislation to change the name of the Town's Board of Selectmen to Select Board, to provide that the Select Board shall have all the powers and authority and be subject to all duties and requirements applicable to a board of selectmen under the General Laws including all laws accepted by the Town, under all special acts of the General Court applicable to the Town including the Town Charter (Chapter 592 of the Acts of 1920, as amended) and under all state regulations applicable to a board of selectmen, and to amend the Town Charter by changing "board of selectmen" to "select board", "selectmen" to "select board" and "selectman" to "select board member" wherever board of selectmen, selectmen and selectman appear in the Town Charter.

Sponsored by the Board of Selectmen

ARTICLE 21. To see if the Town will vote to transfer the care, custody, management and control of the property at 99 North Main Street in Middleborough, Massachusetts, sometimes known as the Peirce Building and formerly used as the Town of Middleborough Police Station, to the Town of Middleborough Board of Selectmen, or act anything thereon.

MOTION. I move that the Town vote to transfer the care, custody, management and control of the property at 99 North Main Street in Middleborough, Massachusetts, sometimes known as the Peirce Building and formerly used as the Town of Middleborough Police Station, to the Town of Middleborough Board of Selectmen.

Sponsored by the Board of Selectmen

ARTICLE 22. To see if the Town will adopt the following By-Law:

Plastic Bag Ban Bylaw

Retail commercial businesses in Middleborough are prohibited from providing "thin plastic bags" to customers to carry items purchased at the business. A "thin plastic bag" is defined as any plastic bag with a thickness of less than (4) mils and does not include the following:

1. A paper bag provided by a pharmacy to a customer purchasing a prescription medication;
2. A non-handled bag used to protect items from damaging or contaminating other purchased items placed in a recycled bag, a reusable grocery bag;
3. A bag provided to contain an unwrapped food item;

4. A non-handled bag that is designed to be placed over articles of clothing on a hanger;Retail commercial businesses may charge 5 cents for each paper bag provided to a customer to carry purchased items from the store. The store retains the fee for paper bags.

Retail stores that violate this by-law shall be fined \$50.00 for a first offense and \$75.00 for each subsequent offense, or act anything thereon.

MOTION. I move that the Town vote to adopt the following By-Law:

Plastic Bag Ban Bylaw

Retail commercial businesses in Middleborough are prohibited from providing “thin plastic bags” to customers to carry items purchased at the business. A “thin plastic bag” is defined as any plastic bag with a thickness of less than (4) mils and does not include the following:

5. A paper bag provided by a pharmacy to a customer purchasing a prescription medication;
6. A non-handled bag used to protect items from damaging or contaminating other purchased items placed in a recycled bag, a reusable grocery bag;
7. A bag provided to contain an unwrapped food item;
8. A non-handled bag that is designed to be placed over articles of clothing on a hanger;Retail commercial businesses may charge 5 cents for each paper bag provided to a customer to carry purchased items from the store. The store retains the fee for paper bags.

Retail stores that violate this by-law shall be fined \$50.00 for a first offense and \$75.00 for each subsequent offense.

Sponsored by Reduce, Reuse, Recycle Study Group

ARTICLE 23. To see if the Town will vote to accept Elk Run Drive as a Town way as laid out by the Board of Selectmen and to authorize the Board of Selectmen to acquire by eminent domain or by gift the fee in the way as shown on the road layout plan on file with the Board of Selectmen and Town Clerk entitled “Roadway Acceptance Plan Elk Run on Elk Run Drive”, prepared by Outback Engineering, Inc., which plan is dated January 29, 2020, and any related easements, or act anything thereon.

MOTION. I move that the Town vote to accept Elk Run Drive as a Town way as laid out by the Board of Selectmen and to authorize the Board of Selectmen to acquire by eminent domain or by gift the fee in the way as shown on the road layout plan on file with the Board of Selectmen and Town Clerk entitled “Roadway Acceptance Plan Elk Run on Elk Run Drive”, prepared by Outback Engineering, Inc., which plan is dated January 29, 2020, and any related easements.

Sponsored by Planning Board

ARTICLE 24. To see if the Town would vote to accept Stoney Point Road and Pocksha Drive as Town ways as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift, the fee in the ways as shown on the road layout plan, on file with the Town Clerk entitled “Roadway Acceptance Plan, ‘Willow Point Estates’ on Stoney Point Road & Pocksha Drive in Middleborough, Massachusetts” prepared by Outback Engineering Incorporated, being 3 pages and which plan is dated July 17, 2020, and the fee in Drainage Parcel A, Drainage Parcel B and Drainage Parcel C, and also the related easements as shown on the above referenced plan and subdivision plan on file with the Town Clerk entitled “‘Willow Point Estates’ An Open Space Residential Subdivision

Off Marion Road in Middleborough, Massachusetts”, prepared by Outback Engineering Inc., dated June 30, 2015 and revised through September 8, 2016 and recorded at the Plymouth County Registry of Deeds in Plan Book 61, Page 213; and as shown on a plan of land entitled “Modification Plan ‘Willow Point Estates’ An Open Space Residential Subdivision Off Marion Road in Middleborough, Massachusetts”, prepared by Outback Engineering Inc., dated August 31, 2017 and recorded at the Plymouth County Registry of Deeds in Plan Book 62, Page 99, or act anything thereon.

MOTION. I move that the Town vote to accept Stoney Point Road and Pocksha Drive as Town ways as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift, the fee in the ways as shown on the road layout plan, on file with the Town Clerk entitled “Roadway Acceptance Plan, ‘Willow Point Estates’ on Stoney Point Road & Pocksha Drive in Middleborough, Massachusetts” prepared by Outback Engineering Incorporated, being 3 pages and which plan is dated July 17, 2020, and the fee in Drainage Parcel A, Drainage Parcel B and Drainage Parcel C, and also the related easements as shown on the above referenced plan and subdivision plan on file with the Town Clerk entitled “‘Willow Point Estates’ An Open Space Residential Subdivision Off Marion Road in Middleborough, Massachusetts”, prepared by Outback Engineering Inc., dated June 30, 2015 and revised through September 8, 2016 and recorded at the Plymouth County Registry of Deeds in Plan Book 61, Page 213; and as shown on a plan of land entitled “Modification Plan ‘Willow Point Estates’ An Open Space Residential Subdivision Off Marion Road in Middleborough, Massachusetts”, prepared by Outback Engineering Inc., dated August 31, 2017 and recorded at the Plymouth County Registry of Deeds in Plan Book 62, Page 99.

Sponsored by Planning Board

Given, under our hands at Middleborough, this day of September 2020.

Leilani Dalpe, Chairman

Arthur Battistini, Vice Chairman

Neil Rosenthal

Mark Germain

Nathan Demers
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 24th day of September, 2020, that date being more than fourteen days before the time specified for said meeting.

JOSEPH PERKINS
Police Chief