

## SPECIAL TOWN MEETING WARRANT

Middleborough, Massachusetts

To Gary J. Russell, 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 October 20, 2008, at 7:30 P.M., to act on the following articles:

ARTICLE 1. 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, a sum of money to be placed into the Stabilization Debt Fund, 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, a sum of money to supplement and/or adjust departmental budgets for Fiscal Year 2009, or act anything thereon.

ARTICLE 3. 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, Water Enterprise Unreserved Retained Earnings account, or other available source a sum of money for unpaid bills from prior years, or act anything thereon.

ARTICLE 4. To see if the Town will vote to: (a) approve a Tax Increment Financing ("TIF") Plan and Agreement pursuant to Massachusetts General Laws c. 23A, §3E between Sapphire Engineering, Inc. and the Town of Middleborough for property located at 32 Leona Drive shown on Assessors' Map 38, Lot 1616 which TIF provides for tax exemptions over a twenty (20) year period at the rates set forth therein, substantially in the form on file with the Board of Selectmen and the Town Clerk, subject to approval by the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts ("EACC"); (b) authorize the Board of Selectmen to execute the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; (c) authorize the Board of Selectmen to submit all such documents to the EACC under the Economic Development Incentive Program for approval and designation of the 32 Leona Drive Economic Opportunity Area, TIF Plan and TIF Agreement and Certified Project Application described therein; (d) take such other and further action as may be necessary or appropriate to carry out the purposes of this article; and (e) or act anything thereon.

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$160,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation of account or other available source or by borrowing under General Laws, Chapter 44, Section 7, for the purpose of remodeling, reconstruction or making extraordinary repairs to the Middleborough High School roof sections, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$130,000 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 purpose of a revaluation update for the Board of Assessors of commercial and industrial real estate and personal property, or act anything thereon.

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 or by borrowing to purchase cruisers for the Police Department, or act anything thereon.

ARTICLE 8. 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 or by borrowing \$10,400.00 for the purpose of updating the town-wide fixed asset accounting system for capital and infrastructure assets, or act anything thereon.

ARTICLE 9. 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-backs or act anything thereon.

ARTICLE 10. 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, the sum of \$12,500.00 to reimburse the Town's insurance company for the Town's share of a settlement amount paid to Lisa Higgins, or act anything thereon.

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 to fund one or more collective bargaining agreements or act anything thereon.

ARTICLE 12. 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, or by borrowing, a sum of money to refurbish the two (2) 15kv UPS'S for the Bank building and the Town Hall thru the Information Technology 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, or by borrowing \$18,921.00 to fund the Administrative Technical Assistant account 01.155.511301 from January 1, 2009 to June 30, 2009 or act anything thereon.

ARTICLE 14. 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 or by borrowing a sum of money to purchase software, computer equipment and rewiring for the Central Fuel storage depot, thru the Information Technology department.

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, or by borrowing a sum of money to

purchase software and computer equipment for various departments, thru the Information Technology department.

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, or by borrowing a sum of money to purchase an administrative patrol vehicle for the Fire Department or act anything there on.

ARTICLE 17. 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, or by borrowing the sum of \$16,000.00 for repairs to the pump on Engine 2 for the Fire Department or act anything there on.

ARTICLE 18. 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 the sum of \$4,200.00 by taxation or from available funds, or by borrowing, to crack-seal, seal-coat and stripe the Police parking lot, or act anything thereon.

ARTICLE 19. To see if the Town will vote to accept the provisions of General Laws Chapter 90, Section 18A relative to ways within the control of the Town which acceptance will enable the Board of Selectmen to adopt rules regulating the use by pedestrians of said ways, or act anything thereon.

ARTICLE 20. To see if the Town will designate a Board or Officer to issue permits for the purpose of creating a trench as that term is defined by MGL Chapter 82A Section 4 and 520 CMR 14.00. or act anything thereon.

ARTICLE 21. To see if the Town will vote to include Barrows Street and School Street in the water main replacement project voted under Article 34 of the warrant for the October 30, 2006 Special Town Meeting, or act anything thereon.

ARTICLE 22. 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, Water Enterprise Unreserved Retained Earning Account, or other available source to supplement and/or adjust the Water Enterprise System budget for Fiscal Year 2009, or act anything thereon.

ARTICLE 23. 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, Water Enterprise Unreserved Retained Earnings Account, or other available source for the purpose of furnishing and erecting a protective fiberglass dome to be affixed to the coke filter tank at the East Grove Street Water Treatment Facility for the purpose of protecting the filter from airborne contaminants, or act anything thereon.

ARTICLE 24. To amend Section IV of the Zoning By-laws by revoking Section E in its entirety and adopt the following in its place:

E. INDUSTRIAL DISTRICT

1. PERMITTED USES:

- a. Religious, education, municipal or government uses.
- b. Commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture.

- c. Child care facilities.
  - d. Any use permitted in a Residence District, except those prohibited in Section 3. below.
2. SPECIAL PERMIT USES:
- a. Manufacturing or industrial use.
  - b. The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) under Section VII, provided that no special permit shall be granted unless the Board makes the findings set forth in Section VII.C.2.a Provided that no special permit shall be granted for any use which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, noxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the neighborhood.
  - c. A Special permit use shall be compatible with existing uses in the neighborhood within and outside of the District, so that such use is not detrimental to the neighborhood. Construction or maintenance of buffers may be required as determined by the SPGA.
3. PROHIBITED USES:
- a. Dwellings, multiple dwellings, house trailers, and mobile homes.

ARTICLE 25. To see if the Town will vote to transfer the care, custody, management and control of property at 231 Thompson Street in Middleboro, Massachusetts described in a deed recorded in the Plymouth County Registry of Deeds in Book 36291, Page 114 and formerly owned by the Gibbs Irrevocable Trust from the Board of Selectmen to the Conservation Commission to be held by the Conservation Commission for conservation and/or agricultural purposes, or act anything thereon.

ARTICLE 26. To see if the Town will vote to accept Indian Meadow Road as a Town way 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 way as shown on the road layout plan, on file with the Town Clerk entitled “‘Indian Meadow Road’ – Roadway layout – Plan of Land in Pine Meadows II Subdivision – Middleborough, MA”, dated June 12, 2007, drawn by SITEC, Inc., and any related easements, or act anything thereon.

ARTICLE 27. To see if the Town will vote to accept Silo Lane as a Town way 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 way as shown on the road layout plan, on file with the Town Clerk entitled “‘Acceptance/Layout Plan – Silo Lane – ‘Tispaquin Farms’ – a Chapter 40B Development in Middleborough, MA,” dated September 3, 2008, drawn by John W. Delano and Associates, Inc., and any related easements, or act anything thereon.

Given, under our hands at Middleborough, this 29<sup>th</sup> day of September, 2008

ADAM M. BOND  
PATRICK E. ROGERS  
STEVEN P. SPATARO  
MARSHA L. BRUNELLE  
MURIEL C. DUPHILY  
**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 2nd day of October, 2008, that date being more than fourteen days before the time specified for said meeting.

GARY J. RUSSELL, Police Chief