



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 25, 2016, 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, 2016, 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 \$700,000.00 to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2017, or act anything thereon.

ARTICLE 4. To see if the Town will vote pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, to authorize and/or reauthorize establishment of one or more revolving funds for the purpose of funding certain activities and operations of certain departments and programs of the Town during Fiscal Year 2017 as set forth below, or act anything thereon.

PROGRAM	EXPENDING AUTHORITY	SOURCE	AMOUNT TO BE EXPENDED
Municipal Fire Alarm System	Fire Chief	Fees	Not to exceed \$15,000
Hazardous Materials Incident Training & Materials	Fire Chief	Fees	Not to exceed \$50,000
Recycling Program	Public Works Sup.	Fees	Not to exceed \$5,000
Composting Bin Program	Public Works Sup.	Fees	Not to exceed \$2,500
Herring Fishery Program	Herring Fishery Com	Fees	Not to exceed \$10,000
Recreation and Sports Program	Park Commission	Fees	Not to exceed \$100,000
Zoning Map, Bylaws and Subdivision Rules & Regulations	Town Clerk	Fees	Not to exceed \$2,500
Oliver Estate Advisory Committee	Board of Selectmen	Fees	Not to exceed \$25,000

ARTICLE 5. 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 2017 (7/1/16 – 6/30/17) for the New Tourism Committee established by vote under Article 24 of the warrant for the October 5, 2015 Special Town Meeting for the program operated by the New Tourism Committee which includes sponsoring and/or holding events, celebrations, promotions and other activities from which revenue is derived from entry and parking fees, advertising charges, vendor fees, sale of food and other items 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 New Tourism Committee authorized to expend from the fund for expenses of the program with a limit of Twenty-Five Thousand Dollars (\$25,000.00) in total amount which may be expended from the fund for Fiscal Year 2017, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$161,600 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 new police cruisers and Automated External Defibrillators (AED's) for the Police Department, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$102,625 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 a new wheelchair accessible van for the Council on Aging and a wheelchair mini-bus for the School Department, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$45,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for installation costs of a septic system at the Oliver House and to purchase a new boiler for the Library, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$325,413 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 a fire truck-tanker for the Fire Department and a public safety communications system for the Department of Public Works, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$123,800 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for Office 365 Exchange, a server, LCD monitors, workstations, network hardware upgrades and printers for the Information Technology Department, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$43,500 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for a Kubota tractor/mower and a used pickup truck for the Park Department and installation of a handicapped ramp at Masi Field House, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$197,000 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 network hardware upgrades/wiring (switches, routers) and devices for the School Department, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$130,500 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 purchase of a pickup truck with a plow, used cab and 10 wheel chassis for the Department of Public Works and for the reconstruction of the Jackson Street Parking Lot, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer \$60,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing and \$60,000 from Water Department Retained Earnings for the purchase of a portable asphalt reclaimer, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer \$17,819 from Water Department Retained Earnings, \$17,819 from Wastewater Retained Earnings and \$17,819 from Sanitation Retained Earnings for the purchase of a utility software module package, or act anything thereon.

ARTICLE 16. To see if the Town will vote to transfer \$60,000 from Water Department Retained Earnings for purchase of a diesel utility truck with plow, or act anything thereon.

ARTICLE 17. To see if the Town will appropriate \$9,500,000 from borrowing to pay costs for the construction of a new Police Station, including, but not limited to, the employment of professionals and equipping and furnishing said building and all other costs incidental and related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen to borrow, said sum under General Laws Chapter 44, or any other enabling authority and issue bonds or notes of the Town upon such terms as the Treasurer and the Board of Selectmen shall determine; provided that the appropriation hereunder shall be subject to and contingent on the passage of a ballot question to exempt the amounts required for the payment of principal and interest on the bonds or notes authorized hereunder from the limitations on taxes imposed by M.G.L. Ch.59, section 21C (Proposition 2 ½), or act anything thereon.

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer \$308,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for road resurfacing projects, or act anything thereon.

ARTICLE 19. To see if the Town will vote to raise and appropriate the sum of \$400,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade waste disposal systems, or act anything thereon.

ARTICLE 20. 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 2017, with each item to be considered a separate appropriation:

Appropriations:

From FY 2017 estimated revenues for Committee Administrative expenses \$13,000

Reserves:

From FY 2017 estimated revenues for Historic Resources Reserve \$24,000

From FY 2017 estimated revenues for Community Housing Reserve \$24,000

From FY 2017 estimated revenues for Open Space Reserve \$24,000

From FY 2017 estimated revenues for Budgeted Reserve \$165,000

Or take any action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 21. To see if the Town will vote to appropriate \$25,000 from the Community Housing Resources Reserve of the Community Preservation Fund to fund a portion of the Middleborough Housing Authority's Nemasket Apartments Window Project (9 Hale Avenue and 21 Maddigan Way) for the purpose of improving

housing conditions for twelve 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 \$87,319 from the Historic Resources Reserve of the Community Preservation Fund including \$8,000 for in-house project management and oversight for the purpose of Historic Preservation/ Rehabilitation /Restoration of the Oliver House; 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 23. To see if the Town will vote to appropriate \$21,000 from the Historic Resources Reserve of the Community Preservation Fund including \$2,000 for in-house project management and oversight for the purpose of Historic Preservation/ Rehabilitation /Restoration of the Soule Homestead Barn and Farmhouse; 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 24. To see if the Town will vote to appropriate \$171,088 for land purchase expense and incidental legal, due diligence, and closing costs including up to \$10,000 for in-house project management and oversight to enable the Town of Middleborough to acquire for conservation preservation purposes under M.G.L. Chapter 44B, the Community Preservation Act, and to authorize the Board of Selectmen to purchase land at Woloski Park in Middleborough, Massachusetts, and shown as Lots 2465, 2487, 2476, 2448, 2444, 2339, 2414, 2454, 2457, 2482, 2478, 2442 and 2455 on Middleborough Assessors Map 020; the portion of the land determined by the Board of Selectmen to be park, forest, open space and/or conservation land to be managed by the Conservation Commission; and that to meet this appropriation to authorize the Treasurer with the approval of the Board of Selectmen and Community Preservation Committee, to borrow \$171,088 under General Laws Chapter 44 and Chapter 44B, or the sum of \$171,088 from the Community Preservation Open Space Reserve fund as appropriate and available, and to authorize the Board of Selectmen to submit on behalf of the Town any and all applications deemed necessary for gifts, grants, and/or reimbursements from the Commonwealth of Massachusetts, or the United States, and/or any other state or federal programs including those in aid of conservation land acquisition and historic preservation acquisitions; and/or any others in any way connected with the scope of this Article; said gifts, grants, and/or reimbursements to be deposited in the Undesignated Community Preservation Fund and Open Space Reserve Fund, as appropriate; and that the Board of Selectmen be authorized to demolish and remove all buildings on the land which is purchased so as to restore the and to open space, and to grant a perpetual conservation restriction on the park, forest, open space and/or conservation land, to be determined by the Board of Selectmen, which shall meet the requirements of M.G.L. Chapter 44B, § 12 and M.G.L. Chapter 184, §§ 31-33, and to enter into all agreements and execute any and all instruments as may be necessary to affect said purchase or act anything thereon

Sponsored by the Community Preservation Committee

ARTICLE 25. 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 Weston Forest Committee secretary, to appropriate from said funds \$1,000 for such purposes, or act anything thereon.

ARTICLE 26. To see if the town will vote to appropriate One Hundred Twenty-One and 76/100 Dollars (\$121.76) from the Old Tourism Committee's donations account (Account Number 29.3280.46) and authorize the New Tourism Committee and/or Old Tourism Committee to use the appropriation to pay the expense fee charged by

the public records custodian in connection with fulfilling a public records request by the Old Tourism Committee, or act anything thereon.

ARTICLE 27. To see if the Town will vote to amend the handicapped and disabled veteran parking by-law adopted under Article 4 of the October 22, 1984 Special Town Meeting by deleting Section (d), the penalty clause of the by-law, and replacing it with the following:

Section (d):

- (1) The penalty for violation of this by-law shall be Three Hundred Dollars (\$300.00) for each offense.
- (2) Any unauthorized vehicle parked or standing in violation of this by-law shall be removed in accordance with Section 22D of General Laws Chapter 40; or act anything thereon.

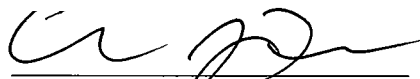
ARTICLE 28. To see if the Town will vote to amend the action taken to form the Oliver Estate Advisory Committee as approved by Special Town Meeting of October 5, 2015 Article 25, by adding the following language: "The appointing authority shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments", or act anything thereon.

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a PILOT tax agreement on behalf of the Town, as authorized by MGL Chapter 59, section 38H, with EarthCleanSyn I, II and III LLC, with respect to annual payments in lieu of personal property taxes for a term of up to twenty years relative to a solar energy system with an AC rated capacity of up to one and a half (1) megawatt to be installed on different parcels of land owned by Howard Anderson and Lauderdale Realty, LLC, and located at River Street and Sylvan Street, or act anything thereon.

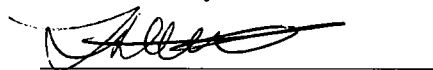
ARTICLE 30. To see if the Town will vote to accept Captain Hall Road, Augustus Way, Hayden Way and Leland Way in Eastwood Estates as Town ways as laid out by the Board of Selectmen and to authorize the Board of Selectmen to acquire by eminent domain by gift the fee in the ways as shown on the road layout plan on file with the Board of Selectmen and Town Clerk containing four (4) sheets and entitled "Roadway Acceptance Plan – Captain Hall Road (Sheet 1) – Augustus Way (Sheet 2) – Hayden Way (Sheet 3) – Leland Way (Sheet 4), prepared by Prime Engineering Inc. which plan is dated February 4, 2016 (Sheets 1 and 2) and January 4, 2016 (Sheets 3 and 4), and any related easements, or act anything thereon.

ARTICLE 31. To see if the Town will vote to accept Sheffield Road 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 of Land – Sheffield Estates in Middleborough, Massachusetts", prepared by Outback Engineering, Incorporated, which plan is dated May 3, 2013, and any related easements, or act anything thereon.

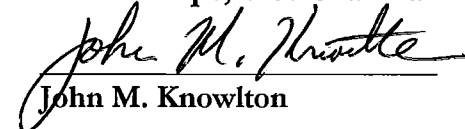
Given, under our hands at Middleborough, this **4th day of April, 2016.**



Allin Frawley, Chairman



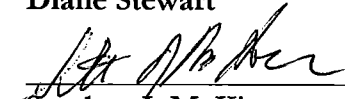
Leilani Dalpe, Vice Chairman



John M. Knowlton



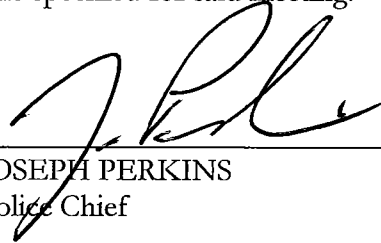
Diane Stewart



Stephen J. McKinnon

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 April, 2016, that date being more than seven days before the time specified for said meeting.



JOSEPH PERKINS

Police Chief