



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 27, 2015, 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, 2015, 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 \$650,000.00 to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2016, 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 2016 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

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer \$141,000 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 new police cruisers for the Police Department and asbestos removal at the Police Station, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$123,660 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 support/tow vehicle and public safety communications system for the Police and Fire Departments, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$350,000 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 new bleachers at Battis Field, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$58,000 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 a used cab and 10 wheel chassis for the Highway Department and a replacement vehicle for the Town Manager, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$64,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for computer LCD monitors, workstations, network hardware upgrades and printers for the Information Technology Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$145,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for a library mobile cart with tablets and computer labs for the School Department and upgrade switches at the Early Childhood Center, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer a \$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 to purchase a Special Education Mini Bus for the School Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$195,000 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 replacement of exterior doors at the High School, Nichols Middle School, Henry Burkland and Mary Goode Elementary Schools, replacement of hot water heating system at the High School, replacement of hot water tank and heater at the Henry Burkland School, replacement of pool boiler and hot water tank at Henry Burkland School and the installation of access control at all exterior doors at The Early Childhood Center, Henry Burkland And Mary Goode Schools, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$85,000 from Water Department Retained Earnings for the purchase of a street roller and utility truck with a plow for the Water Department and \$30,000 from Wastewater Department Retained Earnings for the purchase of a new forklift for the Wastewater Treatment Plant, or act anything thereon.

ARTICLE 14, To see if the Town will vote to raise and appropriate and/or transfer \$187,500 from Water Department Retained Earnings and \$187,500 from Wastewater Department Retained Earnings for the purchase of an International 7300 Cab with Chassis Jet and Vacuum Body Truck to maintain the town's sewer and water systems as required by the Environmental Protection Agency, or act anything thereon.

ARTICLE 15. 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 2016, with each item to be considered a separate appropriation:

Appropriations:

From FY 2016 estimated revenues for Committee Administrative expenses \$13,000

Reserves:

From FY 2016 estimated revenues for Historic Resources Reserve \$27,800

From FY 2016 estimated revenues for Community Housing Reserve \$27,800

From FY 2016 estimated revenues for Open Space Reserve \$27,800

From FY 2015 estimated revenues for Budgeted Reserve \$194,600

Or take any action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 16. 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 (7 Frank Street and 8 Hale Avenue) 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 17. To see if the Town will vote to appropriate \$25,100 from the Open Space Resources Reserve of the Community Preservation Fund for the purpose of conducting a Recreation Complex Feasibility Study; including up to \$600 for in-house project management and oversight; 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 18. To see if the Town will vote to appropriate \$338,000 in land purchase expense and incidental legal, due diligence, and closing costs, including up to \$7,000 for in-house project management and oversight, to enable the Town of Middleborough to acquire for conservation and historic preservation purposes under M.G.L. Chapter 44B, the Community Preservation Act, and to authorize the Board of Selectmen to purchase land on Plymouth Street in Middleborough, Massachusetts, known as the Oliver Estate and shown as Lot 2867 and Lot 2098 on Middleborough Assessors Map 041; 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 with the remainder including buildings to be managed by the Board of Selectmen; and that to meet this appropriation to authorize the Treasurer with the approval of the Board of Selectmen, to borrow \$338,000 under General Laws Chapter 44 and Chapter 44B, or the sum of \$30,500 be transferred from the Undesignated Community Preservation Fund, Open Space Reserve, and/or Historic Reserve balance, and \$307,500 transferred from the Budgeted 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, Open Space Reserve, and Historic Reserve balance, as appropriate; and that the Board of Selectmen be authorized to grant a perpetual conservation restriction on the park, forest, open space and/or conservation land, to be determined by the Board of Selectmen, and grant a perpetual preservation restriction on the remaining historic portion of the land, to be determined by the Board of Selectmen, both of 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 19. To see if the Town will vote: (1) to rescind the Town Litter by-law adopted under Article 8 of the warrant for the Town Meeting held on March 7, 1927, as amended under Article 23 of the warrant for the October 6, 2014 Special Town Meeting; and (2) to adopt the following by-law:

Section 1: No person shall place, throw, deposit, or discharge trash, bottles or cans, refuse, rubbish, garbage, scrap, waste, or other material of any kind, in or on the public streets, public places, or any place that is controlled or cared for by the town or its agents or any private property, except property which is owned or leased as a lessee by the person.

Section 2: Section 1 of this by-law shall not apply to placing or depositing trash, refuse or litter on property or in a receptacle which has been designated, assigned or provide by the Town for dumping, placing or depositing trash or refuse.

Section 3: Whoever violates Section 1 of this by-law shall be punished by a fine of Two Hundred Dollars (\$200.00) for each violation. or act anything thereon.

ARTICLE 20. To see if the Town will vote to earmark fines, penalties or assessments collected by the Town pursuant to Chapter 148A of the General Laws for enforcement, training and education of fire prevention officers, building inspectors and the stipend for municipal hearing officers, or act anything thereon.

ARTICLE 21. To see if the Town will vote to authorize the By-law Study Committee appointed by the Board of Selectmen to update, organize and codify the Town's general by-laws, zoning by-laws, Town Charter, acceptances of state laws and special acts of the state legislature applicable to the Town, not including any substantive changes thereto, or act anything thereon.

ARTICLE 22. To see if the Town will vote to adopt the following by-law: Section 1. The Town Clerk or an agent designated by the Town Clerk shall be authorized to assign appropriate numbers to sections, subsections, paragraphs and subparagraphs of Town general by-laws and zoning by-laws, where none is approved by Town Meeting. Section 2. Where Town Meeting has approved numbering of sections, subsections, paragraphs and subparagraphs of Town general by-laws and zoning by-laws, the Town Clerk or an agent designated by the Town Clerk, after consultation with the Town Manager, shall be authorized to make non-substantive editorial revisions to the numbering to ensure consistent and appropriate sequencing, organization and numbering of the by-laws. , or act anything thereon.

Article 23. To see if the Town will authorize and approve extension of the sewer service area of the municipal sewer system to serve property on Cordial Road shown as Lot 3692 on Assessors Map 38, or act anything thereon.

Article 24. To see if the Town will vote to accept Fernway and Look Out Circle as Town ways 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 ways as shown on the road layout plan on file with the Town Clerk entitled "As-Built Acceptance Plan, "Fernway and Lookout Circle", prepared by Outback Engineering, Inc., which plan is dated August 22, 2014, and any related easements, or act anything thereon.

Fernway Acceptance

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

**TOWN OF MIDDLEBOROUGH
WETLAND ACT – FEE/CHARGE BY-LAW**

Section 1 - Purpose

The purpose of this by-law is to set fees for license, permits or certificates issued and charges for services or work performed by the Conservation Commission pursuant to or under the Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and related state regulations (310 CMR 10.00) for which no fee or charge is provided.

Section 2 – Filing Fee / Charge Schedule

Any person filing or requesting any action of the Conservation Commission which is identified in the Filing Fee/Charge Schedule below shall pay to the Town of Middleborough the fee/charge set forth in said Schedule which pertains to such action at the time such action is requested.

Filing Fee / Charge Schedule

Request for Determination of Applicability (RDA):	\$75.00
Certificate of Compliance (COC) - Residential:	\$25.00
Certificate of Compliance (COC) – Commercial/Subdivisions:	\$75.00
Bank Letter for Closings:	\$50.00
Request for an Amended Order of Conditions – Residential:	\$25.00
Request for an Amended Order of Conditions – Commercial/Subdivision:	\$200.00
Request to Extend an Order of Conditions:	\$50.00
Duplicate Original Order of Conditions:	\$50.00
Building Permit Application Review:	\$10.00
After the Fact Filing:	\$50.00

Site Inspections (first one free) Residential: \$25.00

Site Inspections (first one free) – Commercial/Subdivisions: \$75.00 each visit

The Conservation Commission may, upon proof of financial hardship, waive all or a portion of the above filing fees/charges. The burden of establishing the basis for such waiver falls upon the petitioner to establish by a clear preponderance such financial hardship. Such waiver request does not exempt the petitioner from submitting the filing fees required under 310 CMR 10.00.

Section 3 - Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

Article 26. To see if the Town will vote to authorize the Board of Selectmen to submit a petition to the General Court to request special legislation to amend Section Fifteen of the Middleborough Town Charter (Chapter 592 of the Acts of 1920, as amended) by striking out Section 15 and inserting in place thereof the following section: SECTION FIFTEEN: The Selectmen may from time to time appoint, for terms not exceeding three years, as many constables as they deem necessary, or act anything thereon.

Article 27. To see if the Town will vote to amend Section 8.1 Flood Plain District of the Zoning By-laws by deleting Section 8.1.2 Applicability in its entirety and substituting the following new section therefore:
8.1.2 Applicability. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Middleborough designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Middleborough are panel numbers 25023C0314J, 25023C0317J, 25023C0328J, 25023C0329J, 25023C0336J, 25023C0337J, 25023C0338J, 25023C0339J, 25023C0343J, 25023C0442J, 25023C0451J, 25023C0452J, 25023C0453J, 25023C0454J, 25023C0456J, 25023C0458J, 25023C0459J, 25023C0461J, 25023C0462J, 25023C0466J, and 25023C0467J dated July 17, 2012; and panel numbers 25023C0303K, 25023C0304K, 25023C0308K, 25023C0309K, 25023C0311K, 25023C0312K, 25023C0313K, 25023C0316K, 25023C0318K, 25023C0319K, 25023C0431K, 25023C0432K, 25023C0433K, 25023C0434K dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Planning Board.

Article 28. To see if the Town will vote to extend M.G.L. Chapter 59, Section 5, Clause 56 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year in which they are serving in a foreign country, or act anything thereon.

Article 29. To see if the Town will vote to authorize the Board of Selectmen to accept for the Town a gift of a parcel of real estate located on Route 44 and off West Grove Street containing about eight (8) acres, being shown as Lot 431 on Assessors Map O48, and believed to be owned by Patricia Fournier and Jan Jones, or act anything thereon.


Article 30. To see if the Town will vote to authorize the Board of Selectmen to amend the Intermunicipal Agreement with the Town of Lakeville, which permits Middleborough to provide water services to certain Lakeville customers, to add a new water service customer located at 40 Main Street, or act anything thereon.


Given, under our hands at Middleborough, this 6th day of April, 2015.


Allin Frawley, Chairman

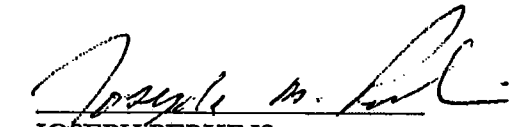
Leilani Dalpe, Vice Chairman

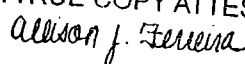

John M. Knowlton


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 9th day of April, 2015, that date being more than seven days before the time specified for said meeting.


JOSEPH PERKINS
Police Chief

A TRUE COPY ATTEST:

TOWN CLERK