



ANNUAL MEETING WARRANT

Middleborough, Massachusetts

To Bruce Gates, 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, June 6, 2011, at 7:30 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, 2011, 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 money to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2012, or act anything thereon.

ARTICLE 4. To see if the Town will vote to transfer \$96,950 from the receipts reserved for the Water Pollution Abatement Trust Loan Repayment Account in order to meet the Town's obligation for payment of the Water Pollution Trust Loan, or act anything thereon.

ARTICLE 5. 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 2012, or act anything thereon.

Municipal Fire Alarm System	Not to exceed \$15,000
Hazardous Materials Incident Training & Materials	Not to exceed \$50,000
Recycling Program	Not to exceed \$2,500
Composting Bin Program	Not to exceed \$2,500
Herring Fishery Program	Not to exceed \$100,000
Recreation and Sports Program	Not to exceed \$100,000
Zoning Map, Bylaws and	Not to exceed \$2,500
Subdivision Rules & Regulations	

ARTICLE 6. 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 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 for the purpose of reimbursing Town employees and retired Town employees and other persons enrolled in the Town's health insurance plans for some of the increases in health insurance HMO and PPO deductibles and co-payments paid by said employees and retirees and other persons during Fiscal Year 2012 and in excess of the amounts of such deductibles and co-payments applicable during Fiscal Year 2010, and to pay any related costs, or act anything thereon.

ARTICLE 8. A NEW DAY (formerly Womansplace Crisis Center) requests from the Town of Middleborough that \$1,500 be raised and appropriated to A New Day in fiscal year 2012 in lieu of services provided to the sexual assault survivors and their families.

By petition

ARTICLE 9. To see if the Town will vote to accept Clause 56 of G.L. c.59, ss 5 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 they are serving in a foreign country, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$200,000.00 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 septic waste disposal systems, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$400,000 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 new engine for the Fire Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$287,000 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 new sander for the Public Works Department, a new utility truck for the Wastewater Department, and a new van for the Water Department, or act anything thereon.

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 to repair the Town Hall Cupola and to make exterior repairs to the Town Hall Annex and Public Library, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$520,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace windows and repave the parking lot at the Elementary Complex, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$170,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace part of the floor tiles at Middleborough High School, and install security cameras and access control card readers at all school buildings, or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$253,095 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 staff/classroom computers, printers, and file servers, LCD projectors and instructional technology, and computer network infrastructure for the School Department and to purchase computers, servers, monitors, printers, and related hardware for various Town departments, or act anything thereon.

ARTICLE 17. To see if the Town will vote to accept River's Edge Drive and Edge Water Lane as Town ways laid out by the Board of Selectmen, to authorize the Selectmen to acquire by eminent domain or by gift the fee in said ways as shown on the road layout plan on file with the Town Clerk entitled "Road Layout Plan of River's Edge Drive and Edgewater Lane – Middleborough, Massachusetts 02346" consisting of five sheets, dated October 15, 2007, revised through February 14, 2008 and prepared by Atlantic Design Engineers, L.L.C., and any related easements as shown on said plan, to authorize the Board to complete construction of the ways and related easements, to raise and appropriate a sum of money by borrowing for the cost of construction, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money under General Laws, Chapter 44 and to authorize the Board of Selectmen to assess betterments for the cost of construction under General Laws, Chapter 80, or act anything thereon.

ARTICLE 18. To see if the Town will vote to transfer the care, custody, management, and control of land and building (Freight House), Assessors Map and lot #: Map 50M: lots 5058 (10 Cambridge Street), 5089 (2 Cambridge Street), 5852 (15 Station Street), and R.O.W. (discontinued road, Centre Avenue) to the Board of Selectmen for the purpose of sale and conveyance of the properties, or act anything thereon.

ARTICLE 19. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Town of Lakeville to provide water service to certain properties in the Town of Lakeville on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

ARTICLE 20. 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 Ocean Spray Cranberries, Inc. and the Town of Middleborough for an expansion project located at 152 Bridge Street shown on Assessors' Map 64, Lot 4545 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 Bridge Street Economic Opportunity Area expansion project, 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 21. Local Adoption of Chapter 43D Expedited Permitting – South Middleborough Property

To see if the Town will vote to accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land generally bounded by Route 28 (Wareham Street) and Route 495, totaling 134.6 acres, assessor's Map #:88: Lots 3449, 3488, 4234, 4285, 5056 and Map #94: :Lots 1026, 274, 5966 as a Priority Development Site, or act anything thereon.

ARTICLE 22. To see if the Town will vote pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, to authorize establishment of an Administrative Services revolving fund for the purpose of funding certain activities and operations of the Conservation Commission during Fiscal Year 2012, or act anything thereon.

ARTICLE 23. To see if the Town will vote to adopt the following bylaw –
Community Preservation Bylaw

Section 1: Establishment

The Town of Middleborough hereby establishes a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B, Section 5. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Housing Authority as designated by the Authority for a term of three years.

One member of the Planning Board as designated by the Board for an initial term of two years and thereafter for a term of three years.

One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

Two at-large members to be appointed for a term of two years and thereafter for a term of three years.

Two at-large members to be appointed for a term of one year and thereafter for terms of three years.

The initial four at-large members shall be appointed by majority vote during a joint meeting of the statutory members of the Community Preservation Committee and the Board of Selectmen. Further, prior to this joint meeting, the Board and the Committee shall each receive the applications of interested persons and may interview the applicants. Thereafter, the appointment of at-large members shall be by majority vote during a joint meeting of the Board of Selectmen and all members of the Community Preservation Committee.

Notwithstanding the terms of office set forth above, in the event that a person no longer serves in the position or on the commission, board or authority designated above, such person shall be deemed to have vacated his or her position on the Community Preservation Committee.

Should any of the commissions or boards who have appointing authority under this Section be no longer in existence for whatever reason, the appointing authority for that commission, board or authority shall become the responsibility of the Board of Selectmen.

Section 2: Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to, the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Parks Commissioners and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding Community Preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.
2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside, for later spending, funds for specific purposes that are consistent with Community Preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4: Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Section 5: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 6: Effective Date

Following Town Meeting approval, this bylaw shall take effect under and pursuant to the procedures and requirements of General Laws Chapter 40, Section 32. Each designating and appointing authority shall have thirty days after the bylaw takes effect to make their initial appointments, or act anything thereon.

ARTICLE 24. To see if the Town will vote to rescind the vote taken under Article 23 of the warrant for the June 14, 1993 Special Town Meeting that the Board of Selectmen shall be the Rent Board for the purpose of regulating rents, minimum standards for the use or occupancy of mobile home park accommodations and evictions of tenants therefrom pursuant to the provisions of Chapter 703 of the Acts of 1985, to authorize the Board of Selectmen to appoint a five (5) member Rent Board pursuant to the provisions of Chapter 703 of the Acts of 1985 for such terms as the Board of Selectmen determines, to provide that the Board of Selectmen shall by appointment fill any vacancies in the Rent Board, to provide that the Board of Selectmen shall cease to be the Rent Board under Chapter 703 of the Acts of 1985 from and after December 1, 2011 and that the members of the Rent Board appointed by the Board of Selectmen shall take office on December 1, 2011, or act anything thereon.

ARTICLE 25. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact special legislation to provide that any agreement for a term of more than two (2) years made by the Town with any other governmental unit under the provisions of Section 4A of Chapter 40 of the General Laws respecting the sale by the Town of Middleborough of water or wastewater treatment services shall be subject to authorization by the Town Meeting, or act anything thereon.

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation to allow the Board to impose reasonable fees for the employment of outside consultants under the provisions of General Laws Chapter 44, Section 53G in connection with its review of Earth Removal permit applications under the Town's Earth Removal By-law, or act anything thereon.

ARTICLE 27. To see if the Town will vote to adopt the following by-law –

Section 1. A record owner of a lot of land which abuts a Town way who intends to construct a building or other structure on the lot and which construction requires a building permit shall, before commencement of construction, file a written notice of intent to construct with the Director of the Town's Department of Public Works (the "Director"). The notice shall contain the street address of the lot on which construction is to take place, the name(s) of the record owner(s) of the lot, a description of the proposed construction, the estimated dates when construction will take place, and the vehicles, equipment and machinery which will be used in such construction. Upon receipt of such notice, the Director may require the record owner of the lot to provide to the Town a monetary bond ("bond") in an amount not to exceed Two Thousand Dollars (\$2,000.00). The Director in determining whether to require a bond and the amount of the bond shall take into consideration the nature of the proposed construction, when the proposed construction is to occur, the vehicles, equipment and machinery likely to be used in such construction, the condition of the Town way on which the lot abuts and the purpose of the bond as set forth in Section 2.

Section 2. The purpose of a bond under this by-law is to provide money to the Town to defray the cost to restore or repair a Town way which incurs damage caused by or arising from the use of vehicles, equipment or machinery in connection with the construction of a building or structure on a lot which abuts the Town way.

Section 3. If the Director requires a bond, the record owner of a lot shall provide such bond to the Town before commencement of construction.

Section 4. When a record owner of a lot who provided a bond pursuant to this by-law notifies the Director that construction has been completed including completion of any related lot grading and/or landscaping, the amount of the bond shall be refunded to the record owner less an amount determined by the Director for the cost to restore or repair the Town way on which the

lot abuts which way incurred damage caused by vehicles, equipment or machinery in connection with construction on the lot. The Town shall retain such amount determined by the Director for the cost to restore or repair the Town way and refund the remainder of the bond amount to the record owner of the lot who provided the bond.

Section 5. Violation of Section 1 or Section 2 hereof by a record owner of a lot shall be punished by a fine of One Hundred Fifty Dollars (\$150.00) for each violation, or act anything thereon.

ARTICLE 28. To see if the Town will vote to authorize the Board of Selectmen to acquire easements in two parcels of land by gift, purchase or eminent domain in connection with the project to improve drainage on Thompson Street, such parcels being shown on a plan entitled "DRAINAGE EASEMENT PLAN, Map 14 Plot 732, Map 23 Lot 766, 174 & 176 Thompson Street, Middleboro, Mass. Date: March 14, 2011." By Michael J. Koska & Associates, Inc. Said property owners are Goldman, 174 Thompson Street and Ribeiro, 176 Thompson Street, or act anything thereon.

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to acquire easements in one parcel of land by gift, purchase or eminent domain in connection with the project to improve the intersection of Rocky Meadow Street at Tispaquin Street, such parcel being shown on a plan entitled "ROADWAY EASEMENT PLAN FOR ROCKY MEADOW AND TISPAQUIN STREETS, Map 44 Plot 5527, Middleboro, Mass. Date: March 30, 2011." By Michael J. Koska & Associates, Inc. Said property owner is Rudolph, 52 Rocky Meadow Street, or act anything thereon.

Given, under our hands at Middleborough, this 9th day of May, 2011.

Alfred P. Rullo, Jr., Chairman

Stephen J. McKinnon, Vice Chairman

Steven P. Spataro

Allin Frawley

Ben Quelle

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 **19th day of May, 2011**, that date being more than seven days before the time specified for said meeting.

BRUCE GATES
Police Chief