



## 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 Middleborough High School**, on **Monday, October 3, 2016, at 7:00 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, to supplement and/or adjust departmental budgets for Fiscal Year 2017, 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 for unpaid bills from prior years, or act anything thereon.

**ARTICLE 3.** To see if the Town will vote to raise and appropriate and/or transfer \$105,703.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund the Police Department collective bargaining agreements, or act anything thereon.

**ARTICLE 4.** To see if the Town will vote to raise and appropriate and/or transfer \$21,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund a contract settlement in the Office of the Board of Selectmen, or act anything thereon.

**ARTICLE 5.** To see if the Town will vote to raise and appropriate and/or transfer \$33,680.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund the purchase of a Public Records Request Management Application and an Online Permitting Application for the Information Technology Department and other town departments, or act anything thereon.

**ARTICLE 6.** To see if the Town will vote to raise and appropriate and/or transfer \$4,735.33 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund vacation and personal time buyback for the Office of Economic and Community Development, or act anything thereon

**ARTICLE 7.** To see if the Town will vote to raise and appropriate and/or transfer \$30,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available

source, to remove asbestos from a town owned structure located on Cambridge Street, Map ID 50I, Parcel 3472, or act anything thereon.

**ARTICLE 8.** To see if the Town will vote to raise and appropriate and/or transfer \$32,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, to install air conditioning on the first floor of the Town Hall Annex Building, or act anything thereon.

**ARTICLE 9.** To see if the Town will vote to raise and appropriate and/or transfer \$2,609.75 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the lease of an electric vehicle for the Building Department, or act anything thereon.

**ARTICLE 10.** To see if the Town will vote to raise and appropriate and/or transfer \$6,382.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for an archaeological study related to the new septic system and handicap accessible ramp and bathrooms at the Oliver House estate property located on Plymouth Street, or act anything thereon.

**ARTICLE 11.** 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.

**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 for all relevant and necessary expenses associated with the design and construction of a water treatment plant and associated improvements for the East Main Street wells for the Water Department, said sum to be in addition to the sum appropriated under Article 13 of the warrant for the 2015 Annual Town Meeting, and to meet this appropriation, if by borrowing, to authorize the Treasurer with the approval of the Board of Selectmen, to borrow said sum under Chapter 44 of the General Laws, or act anything thereon.

**ARTICLE 13.** To see if the Town will vote to appropriate \$53,020.00 from the Open Space / Recreation Resources Reserve of the Community Preservation Fund for the purpose of repair/replace Bridge #3 at Oliver Mill Park; including up to \$5,000 for in-house project management and oversight; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

**ARTICLE 14.** To see if the Town will vote to appropriate \$34,100.00 from the Historic Resources Reserve of the Community Preservation Fund for the purpose of conducting an Historic Stonework Assessment & Prioritization Plan at Oliver Mill Park; including up to \$5,100 for in-house project management and oversight; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

**ARTICLE 15.** To see if the Town will vote to raise, borrow and/or appropriate a sum of money for the acquisition by gift, negotiated purchase or eminent domain of a certain parcel of land together with buildings thereon of approximately 81.09 +/- acres known as "Lion's Head", owned or formerly owned by Sarah Jigerjian and Mary Jigerjian, as described on Assessors Map 21, Parcel 1411, and Map 12, Parcel 4585, and any costs incidental and related thereto, for the purpose of conservation and passive recreation purposes, to be managed and controlled by the Conservation Commission of the Town in accordance with M.G.L Chapter 40, Section 8C, as amended, and any other relevant state statutes relating to conservation; that to meet said appropriation, to see if

the Town will authorize the Treasurer with the approval of the Board of Selectmen to issue bonds or notes for such purpose, pursuant to the recommendation of the Community Preservation Committee, in accordance with M.G.L. Chapter 44B, the Community Preservation Act, or any other enabling authority; that the Town Manager, Board of Selectmen and the Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition; and the Town Manager, the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B, as may be necessary on behalf of the Town to effect said acquisition; that said conservation restriction may be granted to the Wildlands Trust or any other organization qualified and willing to hold such a restriction; provided that, the purchase and borrowing authorized hereunder shall be contingent upon the Town receiving a grant award from the Commonwealth of Massachusetts of \$400,000.00 or more; and provided further, that the amount of any bonds or notes issued hereunder shall be reduced by the amount of any grant funds received prior to the issuance of such bonds or notes; or act anything thereon.

Sponsored by the Community Preservation Committee

**ARTICLE 16.** To see if the Town will vote to transfer \$9,000 from Account # 26-930-573-264 - Woloski Park project in the Open Space Resources Reserve of the Community Preservation Fund to Account # 26-931-573-262- Oliver Estate Rehab project in the Historic Resources Reserve; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

**ARTICLE 17.** To see if the Town will vote to amend the handicapped and disabled veterans 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 18.** To see if the Town will vote to adopt the following by-law:

#### HANDICAPPED PARKING FINES

Section 1. All funds received by the Town from fines assessed for violations of handicapped parking laws, by-laws, rules or regulations in the Town shall be allocated to the Town's Commission on Disability.

Section 2. Funds received and allocated under Section 1 shall be deposited in a separate account and shall be used solely for the benefit of persons with disabilities and shall otherwise be subject to the provisions of Section 22G of Chapter 40 of the General Laws.

**ARTICLE 19.** To see if the Town will vote to transfer the care, custody, management and control of 157 Wood Street Map 59 Lot 5999 .23 acres of land (10,019 sq. ft. of land +/-), 159 Wood Street Map 59 Lot 6074 .12 acres of land (5,227 sq. ft. of land +/-), 161 Wood Street Map 59 Lot 6073 .23 acres of land (9,934 sq. ft. of land +/-), 163 Wood Street Map 59 Lot 6057 .23 acres of land (10,019 sq. ft. of land +/-), 0 Wood Street Map 65 Lot

414 2.84 acres of land (123,560 sq. ft. of land +/-), from the Board of Selectmen to the Park Commission for recreational use, or act anything thereon.

**ARTICLE 20.** To see if the Town will vote to adopt the Massachusetts Stretch Energy Code (on file with the Town Clerk) by adopting the following by-law:

MASSACHUSETTS STRETCH ENERGY CODE

Section 1. The Massachusetts Stretch Energy Code (the “code”) is hereby adopted and incorporated in this by-law. The code shall be in effect in the Town, and the Building Commissioner shall administer and enforce the code.

Section 2. The purpose of the code is to regulate the design and construction of buildings for the effective use of energy.

Section 3. The code is found in Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code.

Section 4. The code version which is hereby adopted shall be the code version which is in effect on the date this by-law is adopted.

**ARTICLE 21.** To see if the Town will vote to accept Brookside Drive and Fidelity Lane as Town ways as 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 Brookside Drive and Fidelity Lane – Middleborough, Massachusetts 02346” consisting of three sheets, dated August 9<sup>th</sup>, 2016, and prepared by Outback Engineering, Inc., 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.

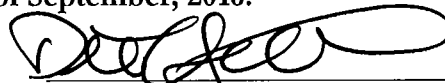
**ARTICLE 22.** To see if the Town will vote to appropriate the following surety sums for the following purposes in connection with a subdivision known as “Brookside Estates” as follows:

<u>AMOUNTS</u>	<u>PURPOSES</u>
1. \$400,000.00 (plus accrued interest)	Construction of roads and related infrastructure including without limitation drainage facilities.
2. \$30,000.00 (plus accrued interest)	Work within the Colarusso Drive layout and in Colarusso Woods subdivision related to construction Brookside Estates subdivision.
3. \$2,000.00 (plus accrued interest)	Patch and repair of utility trench cut across Brookside Drive in connection with house construction on Lot 14, Brookside Estates subdivision.

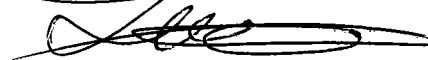
,and to authorize the Board of Selectmen to use the respective appropriations for the respective specified purposes, or act anything thereon.

**ARTICLE 23.** To see if the Town would vote to accept Captain Hall Road, Augustus Way, Hayden Way and Leland Way 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 plans, on file with the Town Clerk entitled Roadway Acceptance Plan, Captain Hall Road, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc.”, which plan is dated February 4, 2016, and being page 1 of 4 pages; Roadway Acceptance Plan, Augustus Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc. which plan is dated February 4, 2016, and being page 2 of 4 pages; Roadway Acceptance Plan, Hayden Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc., which plan is dated February 4, 2016, and being page 3 of 4 pages; and Roadway Acceptance Plan, Leland Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc., which plan is dated February 4, 2016, and being page 4 of 4 pages; and also the related easements as shown on the above referenced plans and subdivision plan on file with the Town Clerk entitled “Subdivision ‘Eastwood Estates’ in Middleborough, Massachusetts, Prepared For Greystone Realty, Inc. Date: March 20, 2006”, consisting of 20 pages, which plan is recorded at the Plymouth County Registry of Deeds in Plan Book 51, Page 1080; and as shown on a plan of land entitled “Plan of Modification of Definitive Subdivision “Eastwood Estates” in Middleborough, Massachusetts, Prepared For Greystone Realty, Inc. Date: February 13, 2008” , consisting of 2 pages, which plan is recorded at the Plymouth County Registry of Deeds in Plan Book 54, Page 229; or act anything thereon.

Given, under our hands at Middleborough, this 12th day of September, 2016.



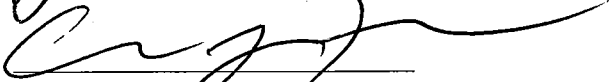
Diane Stewart, Chairman



Leilani Dalpe, Vice Chairman



John M. Knowlton




Allin Frawley



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 15th day of September, 2016, that date being more than fourteen days before the time specified for said meeting.



JOSEPH PERKINS  
Police Chief