

1. Special Town Meeting

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**SPECIAL TOWN MEETING  
OCTOBER 2, 2017**

Special Town Meeting was called to order at 7:21 PM by Town Moderator, Wayne C. Perkins, who declared a quorum present in the Middleborough High School Auditorium.

The Moderator introduced Sarah Person, Pastor of Unitarian Universalist Church who offered the invocation. The Veterans' Council led the meeting in the Pledge of Allegiance. The Moderator then introduced Brittany Churchill, Miss Taunton 2017, who sang the National Anthem. Ms. Person's platform is the Massachusetts Aggression Reduction Center (MARC) Program, which promotes bullying awareness and prevention. She has been trained at the Burtwood School of Performing Arts. The Moderator acknowledged and thanked the members of the Middleborough High School Student Council for acting as pages and counters for the evening and their leader Paul Branagan for allowing them to participate.

Voted unanimously to allow as necessary the following non-resident individuals to address Town Meeting: Robert G. Nunes, Town Manager; Steven Dooney, Town Accountant; Lance Benjamino, Fire Chief; Michael Bumpus, Water Superintendent; Christopher Peck, DPW Director; Kathleen Piatelli, School Department Business Manager; James Hutchinson, Director of Facilities; Ellen Driscoll, Chief Technology Director for the Middleborough Public Schools; Paul Branagan, Principal of the Middleborough High School; Robert Buker, Health Officer; Stephen Morris, Capital Planning Committee Chair; and Kelly Jarabek, Animal Control Officer; and further voted unanimously for approval of taking a voice vote first on those votes requiring a super majority.

The Moderator reminded those in attendance to turn off all cell phones and pagers. The Moderator also stated as in keeping with past practice, a motion to amend must be in writing for the record allowing time for those to write out the amendment if needed; anyone who would like to address the meeting to use the microphone stating their name and address to be recognized by the Moderator; debate and questions are healthy but to maintain order should be directed through the Moderator and as always maintain civility as Town Meeting is not the place for personal attacks or derogatory comment.

The Moderator certified that the warrant had been posted, served and returned in a proper fashion by Police Chief Joseph M. Perkins.

The following action was taken:

**ARTICLE 1:** Voted unanimously to accept the following report of the Bylaw Study Committee:

*Good evening. I am Allison Ferreira, Town Clerk and Chairman of the Bylaw Study Committee. Thank you for attending tonight's Special Town Meeting. On behalf of our committee, I would like to review Articles 30 and 31 on tonight's warrant.*

*On January 12, 2015, the Board of Selectmen appointed Tara Pirraglia, IT Director; Diane Stewart, Board of Selectmen; and I to serve on the Bylaw Study Committee. The charge of the committee was to organize, make recommendations to and codify the bylaws for the Town.*

*At the April 27, 2015 Annual Town Meeting, the Town voted unanimously to authorize the committee to update, organize and codify the Town's General Bylaws, Zoning Bylaws, Town Charter, acceptances of state laws and special acts.*

*The Town contracted with General Code to codify the bylaws and the Bylaw Study Committee has held regular posted meetings since January of 2015 on the codification project.*

*In March of 2016, General Code provided an Editorial and Legal Analysis and Manuscript, a Preliminary Draft was presented in January 2017; and a Final Draft of the Code on March 1, 2017. All documents were reviewed by the Bylaw Study Committee, Town departments, boards, committees and commissions as well as Town Counsel and responses were submitted to General Code.*

*The committee voted not to make any changes to our Town Charter within this codification project, however it has been included as part of the Code of the Town of Middleborough. The Code will be accessible on the Town's website through an online module known as eCode 360 and in paper form on file within the Office of the Town Clerk.*

*On March 30, 2017, we voted unanimously to recommend the Board of Selectmen postpone Articles 26 and 27 of the April 24, 2017 Annual Town Meeting Warrant until the 2017 Fall Special Town Meeting. ....these articles are now being presented as Articles 30 and 31 tonight.*

*On August 14, 2017, we voted unanimously to submit two proposed warrant articles for adoption of General Bylaws and revisions to the text of Zoning Bylaw to the Town Manager for inclusion on the October 2, 2017 warrant.*

*On September 18, 2017 the Board of Selectmen held a public hearing on Special Town Meeting Articles 30 and 31 and voted unanimously to support these articles as presented.*

*Articles 30 and 31 will adopt the Code of the Town of Middleborough. Article 30 addresses the adoption of the renumbering and revision of the various General Bylaws. Article 31 will adopt certain changes/amendments to the Zoning Bylaw of the Town. The Planning Board went through the public hearing process to change the Zoning Bylaw pursuant to M.G.L. c.140, Section 5:*

*The "Changes Made During Codification Project" document referenced in these articles is available for review in the lobby to provide you with a detailed summary of changes/amendments to the General and Zoning Bylaws within the Code.*

*The Final Draft of the Code of the Town of Middleborough is 262 pages in length and is available for review within the Office of the Town Clerk as well as posted on the Town's website along with the Changes Made During Codification Project document.*

*I would like to extend my heartfelt gratitude to the members of the Bylaw Study Committee, Town Manager Robert Nunes, all Town Departments, boards, committees, commissions and Town Counsel for their outstanding efforts over the past two years working collaboratively on this codification project.*

*We would sincerely appreciate the support and consideration of town meeting to move these articles forward.*

**ARTICLE 2:** Voted unanimously to appropriate \$164,119.73 from taxation to the appropriate line items in FY 2018 budgets as established by the Town Accountant to fund the following departments:

<i>Department</i>	<i>Dept. No</i>	<i>Account</i>	<i>Line Item</i>	<i>Amount</i>
Conservation	171	511104	Reg. Pay Clerical P.T.	\$497.00
Council on Aging	541	511159	Reg. Pay Activities Planner	\$16,830.00
Council on Aging	541	511130	Reg. Pay	\$3,696.00
Council on Aging	541	549100	Perishables	\$10,000.00
Highway	422	015293	Snow Removal	\$63,000.00
Highway	422	553400	Traffic & Street Signs	\$25,000.00
Town Manager's Office	123	512700	Temporary Personnel	\$10,000.00
Unclassified	950	574000	Property & Liability Ins.	\$25,000.00
Veteran's	543	511101	Reg. Pay Clerical	\$7,096.73
Veteran's	543	571000	In State Travel	\$1,000.00
Veteran's	543	542200	Other Related Supplies	\$1,200.00
Veteran's	543	542100	Office & Stationary	\$800.00

Further voted unanimously to reduce the Ambulance line item, Unclassified Budget by \$177,500.00.

Further voted unanimously to transfer \$550,152.00 from Free Cash to Debt Services, account number 01.710.591000.0.0, maturing principal.

Further voted unanimously to transfer \$150,000.00 from Water Department Retained Earnings Enterprise Account to Water Debt Services, 61.710.591000.0.0, maturing principal.

Further voted unanimously to transfer \$139,497.52 from Wastewater Department 60.710.592500.0.0, Interest on Temporary Notes to 60.710.591500.0.0 Interest on Debt \$27,592.52 and \$111,905.00 to Wastewater Department 60.710.534500.0.0 Underwriting.

Further voted unanimously to appropriate from Wastewater Departmental receipts to supplement the wastewater line item 60.840.569200.0.0 Clerical Offset \$67,404.76.

Further voted unanimously to transfer \$1,700,047.00 from the Wastewater Department Retained Earnings to the Wastewater Budget, Debt Services, 60.710.591000.0.0, Maturing Principal.

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 3:** Voted unanimously to transfer \$5,332.11 from Free Cash in order to pay previous years, unpaid bills, for the following:

<b>Collins, Loughran &amp; Peloquin</b>	<b>\$2,153.54</b>
<b>Veteran's Agent Reimbursement</b>	<b>\$163.93</b>
<b>South Coast Media Group</b>	<b>\$614.64</b>
<b>Quirk Chevrolet</b>	<b>\$2,400.00</b>

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 4:** Voted unanimously to transfer \$11,245.00 from Free Cash to fund sick leave buy back in the Police Department.

*Board of Selectmen Recommended Favorable Action  
Finance Committee Recommended Favorable Action*

**ARTICLE 5:** Voted unanimously to transfer \$50,000.00 from Free Cash to fund all relevant and necessary expenses associated with new storm water activities required by the EPA/DEP.

*Board of Selectmen Recommended Favorable Action  
Finance Committee Recommended Favorable Action*

**ARTICLE 6:** Voted unanimously to transfer \$200,000.00 from Free Cash to the Other Post-Employment Benefits (OPEB) Liability Trust Fund.

*Board of Selectmen Recommended Favorable Action  
Finance Committee Recommended Favorable Action*

***Prior to moving Article 7, the Moderator introduced Robert Desrosiers, Chairman of the School Building Committee, who made the following remarks:***

A motion was made and seconded to allow the following non-resident consultants to speak on Article 7 if necessary: Scot Woodin and Jim Barrett of Drummey, Rosane Anderson Architects; and Tim Bonfatti and Christy Murphy of Compass Project Management; voted unanimously.

*My name is Rob Desrosiers, and I am the Chairman of the School Building Committee.*

*I would like to thank all of you for being here for this important Town Meeting vote. It is good to see so many people here tonight who have attended the community forums and whose input and opinions have shaped the plans we are presenting.*

*The School Building Committee has been working for 2 ½ years on the High School Project and we have submitted this article to fund the construction of a new High School building. We believe it is the best long term solution for the Town.*

*We are joined tonight by our consultants from Drummey, Rosane, Anderson Architects and Compass Project Management. From DRA, we have Jim Barrett and Scot Woodin. From Compass, we have Tim Bonfatti and Christy Murphy. They have been great partners in this process and they are here to help answer any questions you may have regarding the project.*

*Rather than ask you to sit through a long PowerPoint slide presentation, we have created a video that consists of portions of the community forums we have had around Town, interviews with involved individuals, and images of the existing High School and the proposed new School Building.*

*Following the video, we hope to answer all questions and concerns you may have regarding the project that we are asking you to vote on tonight. Please address any questions or comments directly to the Moderator.*

A video presentation was shown followed by a question and answer session.

**ARTICLE 7:** By counted vote of 443 yes, 5 no, to appropriate by borrowing \$103,571,622.00 to pay costs to construct a new Middleborough High School and related site work to be located at 71 East Grove Street, Middleborough, Massachusetts and to demolish and remove the existing Middleborough High School, such costs to include, but not be limited to, employment of professionals and contractors, equipping and furnishing the new High School and all other costs incidental or related to the construction of a new High School and demolition and removal of the existing High School, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Middleborough acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town of Middleborough incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Middleborough; provided that any grant that the Town of Middleborough may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty-Seven and Seventy-Four hundredths percent (57.74%) of eligible approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided further that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Middleborough and the MSBA; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 8:** Voted by majority vote to transfer \$110,000.00 from Free Cash for the purchase of a tractor/mower for the Highway Department.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 9:** Voted by majority vote to transfer \$90,000.00 from Free Cash for the reconstruction of a sidewalk on Nickerson Avenue and replacement of asphalt in front of Town Hall.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 10:** Voted by majority vote to transfer \$30,000.00 from Free Cash to pay for a reuse/feasibility study for the current police station building located at 99 North Main Street.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 11:** Voted unanimously to transfer \$11,000.00 from Free Cash to pay for title insurance on property located on Wood Street at the site of the new police station.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 12:** Voted unanimously to transfer \$2,000.00 from Free Cash to pay for the Murdock Street/Lyonshead boundary survey.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 13:** Voted unanimously to transfer \$3,100.00 from Free Cash to pay for additional appraisal work for the JaMar Property.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 14:** Voted unanimously to transfer \$2,131.60 from Free Cash to pay for an archaeological study for the Pratt Farm ADA trail project.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 15:** Voted unanimously to transfer \$10,000.00 from Free Cash to pay for a GASB 45 actuarial valuation study.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 16:** Voted unanimously to transfer \$40,000.00 from Free Cash to pay for the installation/repair of air conditioning on the first floor of the Town Hall Annex Building.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 17:** Voted unanimously to transfer \$410,000.00 from Water Department Retained Earnings to pay for the replacement of water lines on Bishop Avenue and Myrtle Street.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**ARTICLE 18:** Voted unanimously to appropriate \$4908.89 from the Open Space Resources Reserves of the Community Preservation Fund for the purpose of paying the interest due on debt service for the Lyonshead Project; said funds to be expended under the direction of the Community Preservation Committee.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

(NOTE: Article 18 appears as voted. Kindly refer to end of Article for Record of Amendments and Motions for Article 18)

***RECORD OF AMENDMENTS AND MOTIONS FOR ARTICLE 18:***

***Original motion:*** A motion was made and seconded to appropriate \$11,000.00 from the Open Space Resources Reserves and \$142,000.00 from the Budgeted Reserves of the Community Preservation Fund for the purpose of paying the debt service for the Lyonshead Project; said funds to be expended under the direction of the Community Preservation Committee.

A ***motion*** was made and seconded to amend the original motion as follows: to appropriate \$4908.89 from the Open Space Resources Reserves of the Community Preservation Fund for the purpose of paying the interest due on debt service for the Lyonshead Project; said funds to be expended under the direction of the Community Preservation Committee; ***voted unanimously.***

**ARTICLE 19:** Voted unanimously to \$12,600.00 from the Budgeted Reserves of the Community Preservation Fund for the purpose of Nemasket Hill Cemetery arch & gate restoration project; said funds to be expended under the direction of the Community Preservation Committee.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*  
*Community Preservation Committee Recommended Favorable Action*

**ARTICLE 20:** Voted unanimously to establish a seven (7) member committee, whose members may or may not be Middleborough residents, to be known as the History of Middleborough Committee and to provide that the members of the Committee shall be appointed by the Historical Commission for yearly terms until the Committee has completed its work. In the event of a vacancy, the appointing authority shall fill the vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments. To establish the purpose and goals of the Committee, which are to procure an author, printer, and publishing service for the creation of Volume III of the *History of the Town of Middleboro, Massachusetts.*

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 21:** Voted unanimously to authorize and establish a **revolving fund** pursuant to General Laws Chapter 44, Section 53E ½ for Fiscal Year 2018 (7/1/17 – 6/30/18) for the History of Middleborough Committee established by vote under Article 20 of the warrant for the October 2, 2017 Special Town Meeting for the program operated by the History of Middleborough Committee which may include sponsoring and/or holding events from which revenue is derived from the sale of books/merchandise 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 History of Middleborough Committee authorized to expend from the fund for purposes of the fund and program including expenses incurred in connection with the program activities, with a limit of **Twenty-Five Thousand Dollars (\$25,000.00)** in total amount which may be expended from the fund.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*  
*Historical Commission Recommended Favorable Action*



**ARTICLE 22:** Voted unanimously to authorize the Board of Selectmen to enter into an intermunicipal agreement with the Town of Rochester pursuant to General Laws, Chapter 40, Section 4A to allow Middleborough to provide and sell water to Annie Maxim House, Inc. for its buildings located on North Avenue in Rochester, MA for a term of more than two years and on such other terms and conditions determined by the Board of Selectmen.

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 23:** Voted unanimously to enter into an agreement with Conduent Government Systems, LLC., or its successors or assigns, pursuant to G.L. c30B, s. 12 or any other enabling statute, to enter into a five year contract for the Fire Department’s Firehouse Records Management application, on such terms and conditions as the Board of Selectmen determines to be in the best interests of the Town.

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 24:** Voted unanimously to amend the **Zoning By-law** to allow accessory solar voltaic installations in the Business (B) District by special permit from the Board of Appeals as follows – (1) Amend Section 3.1 Table of Uses [Section F, Paragraph 15 – Accessory solar voltaic installation] of the by-law by deleting “N” in the B column of the Table of Uses applicable to Accessory solar voltaic installation and replacing it with “ZBA” as shown in the following:

	RA	RB	RR	B	I	GU	GUX	GUA	CD
<b>E. INDUSTRIAL USES</b>									
<b>10. Large Scale Ground Mounted Solar Photovoltaic Installation</b>	ZBA	ZBA	ZBA	N	Y	Y	Y	Y	N
<b>F. ACCESSORY USES</b>									
<b>15. Accessory solar voltaic installation</b>	Y	Y	Y	ZBA	Y	Y	Y	Y	N

(2) Amend Section 8.4.4 of the by-law by adding in the third line after “SOLAR Districts” the phrase – “and allowed in the Business (B) District by special permit from the Board of Appeals,”.

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 25:** By counted vote of 76 yes, 31 no, to authorize the Board of Selectmen to lease a parcel of land off Chestnut Street shown as Lot 2926 on Assessors Map 052 containing 27.52 acres

more or less for solar energy panel development on such terms and conditions as the Board of Selectmen determines.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*

**(NOTE: Article 25 appears as voted. Kindly refer to end of Article for Record of Amendments and Motions for Article 25)**

***RECORD OF AMENDMENTS AND MOTIONS FOR ARTICLE 25:***

***Original motion:*** A ***motion*** was made and ***seconded*** to authorize the Board of Selectmen to lease a parcel of land off Chestnut Street shown as Lot 2926 on Assessors Map 052 containing 27.52 acres more or less for solar energy panel development on such terms and conditions as the Board of Selectmen determines.

A ***motion*** was made and ***seconded*** to ***amend*** the original motion by adding “but the Selectmen must not enter into any agreement unless 1) a minimum annual payment of \$30,000 per megawatt is paid to the General Fund and 2) a bond to cover the full cost of decommissioning at the end of the lease is posted”, after the word “determines” in the last sentence; ***motion failed by majority vote.***

A ***point of order*** was made on ***Article 25*** after the consideration of Article 26 requesting the Moderator reconfirm the figures voted on under Article 25 as the motion required a 2/3 vote and was declared passed under the following motion: “By counted vote of 76 yes, 43 no, motion **passed** to authorize the Board of Selectmen to lease a parcel of land off Chestnut Street shown as Lot 2926 on Assessors Map 052 containing 27.52 acres more or less for solar energy panel development on such terms and conditions as the Board of Selectmen determines.” Upon further review, the Town Moderator declared this motion **failed** as the calculations did not equal the required 2/3 vote which would have been 78. The total vote count necessary would have been 78, there was 76 so the vote does not carry.

A ***second point of order*** was made on ***Article 25*** after the consideration of Article 26, following the first point of order, to confirm the number of votes and take a re-vote on Article 25; a motion was made and seconded to recount the vote taken on Article 25; ***motion passed by majority vote.*** A recount was conducted by standing vote resulting in 107 votes cast; 76 in favor and 31 opposed.

A ***third point of order*** was made on ***Article 25*** after the consideration of Article 26, following the second point of order, asking how the reconsideration of the vote for Article 25 was allowed. The Town Moderator declared he did not consider this to be a reconsideration as he consulted with Town Counsel who provided his opinion that he is within his authorized rights to take a favorable motion to recount the vote as long as it occurs within the same meeting.

**ARTICLE 26:** By counted vote 105 yes, 3 no; motion passed to authorize the Board of Selectmen to lease or license the use of

Location	Address	Lot	Map
Roof of Town Hall Annex	20 Centre Street	6249	50P
Roof of Council on Aging	558 Plymouth Street	3811	042
Roof of Central Fire Station	125 North Main Street	5549	50Q
Roof of North Fire Station	58 Bedford Street	4169	039

Solar Canopy in the Jackson Street Parking Lot	Jackson Street	6321	50Q
Solar Canopy in the Town Hall Parking Lot	Nickerson Avenue	6189	50P

for solar energy panel development on such terms and conditions as the Board of Selectmen determines.

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 27:** Voted unanimously to authorize the Board of Selectmen to convey a parcel of land shown as lot 3253 and on Assessor's map 20 with a total of 1.9 acres from the Middleborough Board of Selectmen to the Massachusetts Department of Fish & Game said conveyance subject to such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate.

*Board of Selectmen Recommended Favorable Action*

*Finance Committee Recommended Favorable Action*

**ARTICLE 28:** Voted unanimously to authorize the Board of Selectmen and the Conservation Commission, to convey the fee interest in various parcels to be acquired at Woloski Park shown on Assessors Map 20, as Lots 2448, 2478, 2465, 2476, 2455, 2444, 2339, 2414 and 2487, to the Massachusetts Department of Fish and Game said conveyance subject to the terms and conditions of the grant from FEMA to the Town and for such consideration as the Board of Selectmen and Conservation Commission shall determine to be appropriate.

**(NOTE: Article 28 appears as voted. Kindly refer to end of Article for Record of Amendments and Motions for Article 28)**

***RECORD OF AMENDMENTS AND MOTIONS FOR ARTICLE 28:***

***Original motion:*** A motion was made and seconded to authorize the Board of Selectmen and the Conservation Commission, to convey the fee interest in various parcels to be acquired at Woloski Park shown on Assessors Map 20, as Lots 2448, 2478, 2465, 2476, 2455, 2444, 2339 and 2414, to the Massachusetts Department of Fish and Game said conveyance subject to the terms and conditions of the grant from FEMA to the Town and for such consideration as the Board of Selectmen and Conservation Commission shall determine to be appropriate.

A motion was made and seconded to **amend** the original motion by adding Lot 2487 after Lot 2414; **voted unanimously.**

**ARTICLE 29:** Voted unanimously to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Board of Selectmen and Conservation Commission to convey various parcels of land at Woloski Park in Middleborough, Massachusetts shown as Lots 2448, 2478, 2465, 2476, 2455, 2444, 2339, 2414 and 2487 on Assessors Map 20, to the Massachusetts Department of Fish and Game, said conveyance subject to the terms and conditions of the grant from FEMA to the Town and for such consideration as the Board of Selectmen and Conservation Commission shall determine to be appropriate.

**(NOTE: Article 29 appears as voted. Kindly refer to end of Article for Record of Amendments and Motions for Article 29)**

***RECORD OF AMENDMENTS AND MOTIONS FOR ARTICLE 29:***

**Original motion:** *A motion was made and seconded* to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Board of Selectmen and Conservation Commission to convey various parcels of land at Woloski Park in Middleborough, Massachusetts shown as Lots 2448, 2478, 2465, 2476, 2455, 2444, 2339 and 2414 on Assessors Map 20, to the Massachusetts Department of Fish and Game, said conveyance subject to the terms and conditions of the grant from FEMA to the Town and for such consideration as the Board of Selectmen and Conservation Commission shall determine to be appropriate.

*A motion was made and seconded to amend the original motion by adding Lot 2487 after Lot 2414; voted unanimously.*

**ARTICLE 30:** Voted unanimously to adopt the renumbering and revision of the various General Bylaws of the Town with changes/amendments detailed in the document on file in the office of the Town Clerk entitled “Changes Made During Codification Project (revised 8-2-2017),” from their original numbering or their numbering in the General Bylaws, as amended through April 24, 2017, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the Final Draft of the Code of the Town of Middleborough, June 2017, on file in the office of the Town Clerk, said codification having been done under the direction of the Board of Selectmen and Town Counsel, and said Code being a compilation and comprehensive revision of the present bylaws of the Town. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing bylaw, and such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth.

**Prior to moving Article 31, Adam Bond, Chairman of the Planning Board presented the following report:**

*The Planning Board, at their regularly scheduled meeting held on July 11, 2017, voted unanimously to approve certain changes/amendments to the Zoning Bylaw of the Town; and on August 8, 2017 voted unanimously to recommend favorable action on the Final Draft of the document entitled “Changes Made During Codification Project (revised 8/2/17)”, with such changes/ amendments generally noted therein by strikethroughs (indicating deletions) and underlines (indicating additions), said document being on file in the office of the Town Clerk, and vote to include the Zoning Bylaw, as revised hereunder, in the Code of the Town of Middleborough, as set forth in the Final Draft of the Code of the Town of Middleborough, June 2017; or act anything thereon.*

*The Planning Board made a total of 54 changes to the Zoning Code Chapter 275; 6 changes were substantive and the remaining 48 changes were corrections to grammar, numbering, spelling, citations, typos, missing or extra text and to clarify meaning. The 6 substantive changes were made to: the Table of Use in Section 3.1, Subsection D-21 under Column RA, RB & RR and Subsection F-14 under Column CD; Subsection 7.6.9 Internal Roadways within Adult Mobile Home Parks; Section 9.4.2 Special Permit Criteria; Subsection 10.2 [Subsection 6.7.2(3)] Definition of “Adult Paraphernalia”; and Subsection 10.2 Definition of “age restriction”.*

**ARTICLE 31:** Voted unanimously to adopt certain changes/amendments to the Zoning Bylaw of the Town with such changes/amendments detailed in the document entitled “Changes Made During Codification Project (revised 8-2-2017),” generally noted therein by strikethroughs (indicating deletions) and underlines (indicating additions), said document being on file in the office

of the Town Clerk, and vote to include the Zoning Bylaw, as revised hereunder, in the Code of the Town of Middleborough, as set forth in the Final Draft of the Code of the Town of Middleborough, June 2017.

*Board of Selectmen Recommended Favorable Action*

*Planning Board Recommended Favorable Action*

Voted unanimously to dissolve the meeting at 9:44 PM.

A true copy, attest:

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ALLISON J. FERREIRA  
Town Clerk



## 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 2, 2017, at 7:00 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 and/or transfer **\$164,119.73** 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 2018, or act anything thereon.

**ARTICLE 3.** To see if the Town will vote to raise and appropriate and/or transfer \$5,332.11 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.

Collins, Loughran & Peloquin	\$2,153.54
Veteran's Agent Reimbursement	\$163.93
South Coast Media Group	\$614.64
Quirk Chevrolet	\$2,400.00

**ARTICLE 4.** To see if the Town will vote to raise and appropriate and/or transfer \$11,245.00 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 back in the Police Department, or act anything thereon.

**ARTICLE 5.** To see if the Town will vote to raise and appropriate and/or transfer \$50,000.00 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 Department of Public Works for all relevant and necessary expenses associated with new storm water activities required by the EPA/DEP, or act anything thereon.

**ARTICLE 6.** 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 7.** To see if the Town will vote to raise and appropriate and or transfer \$103,571,622.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing under the direction of the School Building Committee to pay costs to construct a new Middleborough High School and related site work to be located at 71 East Grove Street, Middleborough, Massachusetts and to demolish and remove the existing Middleborough High School, such costs to include, but not be limited to, employment of professionals and contractors, equipping and furnishing the new High School and all other costs incidental or related to the construction of a new High School and demolition and removal of the existing High School, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Middleborough may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty-Seven and Seventy-Four hundredths percent (57.74%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Middleborough and the MSBA; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or act anything thereon.

**ARTICLE 8.** To see if the Town will vote to raise and appropriate and/or transfer \$110,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the purchase of a tractor/mower for the Highway Department, or act anything thereon.

**ARTICLE 9.** To see if the Town will vote to raise and appropriate and/or transfer \$90,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the reconstruction of a sidewalk on Nickerson Avenue and replacement of asphalt in front of Town Hall, or act anything thereon.

**ARTICLE 10.** 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, an existing appropriation or account or other available source, to pay for a reuse/feasibility study for the current police station building located at 99 North Main Street, Middleborough, or act anything thereon.

**ARTICLE 11.** To see if the Town will vote to raise and appropriate and/or transfer \$11,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for title insurance on property located on Wood Street at the site of the new police station, or act anything thereon.

**ARTICLE 12.** To see if the Town will vote to raise and appropriate and/or transfer \$2,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the Murdock Street/Lyonshead boundary survey, or act anything thereon.

**ARTICLE 13.** To see if the Town will vote to raise and appropriate and/or transfer \$3,100.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for additional appraisal work for the JaMar Property, or act anything thereon.

**ARTICLE 14.** To see if the Town will vote to raise and appropriate and/or transfer \$2,131.60 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for an archaeological study for the Pratt Farm ADA trail project, or act anything thereon.

**ARTICLE 15.** To see if the Town will vote to raise and appropriate and/or transfer \$10,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for a GASB 45 actuarial valuation study, or act anything thereon.

**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, to install air conditioning on the first floor of the Town Hall Annex Building, or act anything thereon.

**ARTICLE 17.** To see if the Town will vote to raise and appropriate and or transfer \$410,000.00 from Water Department Retained Earnings for the replacement of water lines on Bishop Avenue and Myrtle Street, or act anything thereon.

**ARTICLE 18.** To see if the Town will vote to appropriate \$11,000.00 from the Open Space Resources Reserves and \$142,000.00 from the Budgeted Reserves of the Community Preservation Fund for the purpose of paying the debt service for the Lyonshead Project; 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 19.** To see if the Town will vote to appropriate \$12,600.00 from the Budgeted Reserves of the Community Preservation Fund for the purpose of Nemasket Hill Cemetery arch & gate restoration project; 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 20.** To see if the town will vote to establish a seven (7) member committee, whose members may or may not be Middleborough residents, to be known as the History of Middleborough Committee and to provide that the members of the Committee shall be appointed by the Historical Commission for yearly terms until the Committee has completed its work. In the event of a vacancy, the appointing authority shall fill the vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments. To establish the purpose and goals of the Committee, which are to procure an author, printer, and publishing service for the creation of Volume III of the *History of the Town of Middleboro, Massachusetts* and to establish other matters applicable to the Committee including those matters required to be established under the Town committee Formation By-Law, or act on anything thereon.

**ARTICLE 21.** 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 2018 (7/1/17 – 6/30/18) for the History of Middleborough Committee established by vote under Article 20 of the warrant for the October 2, 2017 Special Town Meeting for the program operated by the History of Middleborough Committee which may include sponsoring and/or holding events from which revenue is derived from the sale of books/merchandise 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 History of Middleborough Committee authorized to expend from the fund for purposes of the fund and program including expenses incurred in connection with the program activities, with a limit of Twenty-Five Thousand Dollars (\$25,000.00) in total amount which may be expended from the fund, or act on anything thereon.



**ARTICLE 22.** To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the Town of Rochester pursuant to General Laws, Chapter 40, Section 4A to allow Middleborough to provide and sell water to Annie Maxim House, Inc. for its buildings located on North Avenue in Rochester, MA for a term of more than two years and on such other terms and conditions determined by the Board of Selectmen, or act anything thereon.

**ARTICLE 23.** To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with Conduent Government Systems, LLC., or its successors or assigns, pursuant to G.L. c30B, s. 12 or any other enabling statute, to enter into a five year contract for the Fire Department’s Firehouse Records Management application, on such terms and conditions as the Board of Selectmen determines to be in the best interests of the Town, or act anything thereon.

**ARTICLE 24.** To see if the Town will vote to amend the Zoning By-law to allow accessory solar voltaic installations in the Business (B) District by special permit from the Board of Appeals as follows – (1) Amend Section 3.1 Table of Uses [Section F, Paragraph 15 – Accessory solar voltaic installation] of the by-law by deleting “N” in the B column of the Table of Uses applicable to Accessory solar voltaic installation and replacing it with “ZBA” as shown in the following:

	RA	RB	RR	B	I	GU	GUX	GUA	CD
E. INDUSTRIAL USES									
10. Large Scale Ground Mounted Solar Photovoltaic Installation	ZBA	ZBA	ZBA	N	Y	Y	Y	Y	N
F. ACCESSORY USES									
15. Accessory solar voltaic installation	Y	Y	Y	ZBA	Y	Y	Y	Y	N

(2) Amend Section 8.4.4 of the by-law by adding in the third line after “SOLAR Districts” the phrase – “and allowed in the Business (B) District by special permit from the Board of Appeals,”, or act anything thereon.

**ARTICLE 25.** To see if the Town will vote to authorize the Board of Selectmen to lease a parcel of land off Chestnut Street shown as Lot 2926 on Assessors Map 052 containing 27.52 acres more or less for solar energy panel development on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

**ARTICLE 26.** To see if the Town will vote to authorize the Board of Selectmen to lease or license the use of

Location	Address	Lot	Map
Roof of Town Hall Annex	20 Center Street	6249	50P
Roof of Council on Aging	558 Plymouth Street	3811	042

Roof of Central Fire Station	125 North Main Street	5549	50Q
Roof of North Fire Station	58 Bedford Street	4169	039
Solar Canopy in the Jackson Street Parking Lot	Jackson Street	6321	50Q
Solar Canopy in the Town Hall Parking Lot	10 Nickerson Avenue	6189	50P

for solar energy panel development on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

**ARTICLE 27.** To see if the town will vote to authorize the Board of Selectmen to convey a parcel of land shown as lot 3253 and on Assessor’s map 20 with a total of 1.9 acres from the Middleborough Board of Selectmen to the Massachusetts Department of Fish & Game said conveyance subject to such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, or act anything thereon.


**ARTICLE 28.** To see if the town will vote to authorize the Board of Selectmen and the Conservation Commission, to convey the fee interest in various parcels to be acquired at Woloski Park shown on Assessors Map 20, as Lots 2448, 2478, 2465, 2476, 2455, 2444, 2339 & 2414, to the Massachusetts Department of Fish and Game said conveyance subject to the terms and conditions of the grant from FEMA to the Town and for such consideration as the Board of Selectmen and Conservation Commission shall determine to be appropriate, or act anything thereon.

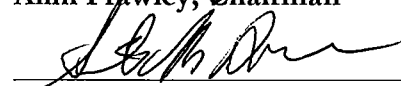
**ARTICLE 29.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Board of Selectmen and Conservation Commission to convey various parcels of land at Woloski Park in Middleborough, Massachusetts shown as Lots 2448, 2478, 2465, 2476, 2455, 2444, 2339 & 2414 on Assessors Map 20, to the Massachusetts Department of Fish and Game, said conveyance subject to the terms and conditions of the grant from FEMA to the Town and for such consideration as the Board of Selectmen and Conservation Commission shall determine to be appropriate, or act anything thereon.

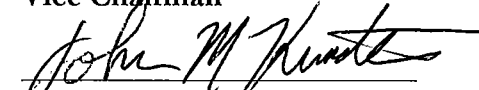
**ARTICLE 30.** To see if the Town will adopt the renumbering and revision of the various General Bylaws of the Town with changes/amendments detailed in the document on file in the office of the Town Clerk entitled “Changes Made During Codification Project (revised 8-2-2017),” from their original numbering or their numbering in the General Bylaws, as amended through April 24, 2017, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the Final Draft of the Code of the Town of Middleborough, June 2017, on file in the office of the Town Clerk, said codification having been done under the direction of the Board of Selectmen and Town Counsel, and said Code being a compilation and comprehensive revision of the present bylaws of the Town. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing bylaw, and such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the provisions of any statute of the commonwealth; or act anything thereon.

**ARTICLE 31.** To see if the Town will vote to adopt certain changes/amendments to the Zoning Bylaw of the Town with such changes/amendments detailed in the document entitled “Changes Made During Codification Project (revised 8-2-2017),” generally noted therein by strikethroughs (indicating deletions) and underlines (indicating additions), said document being on file in the office of the Town Clerk, and vote to include the Zoning Bylaw, as revised hereunder, in the Code of the Town of Middleborough, as set forth in the Final Draft of the Code of the Town of Middleborough, June 2017; or act anything thereon.


Given, under our hands at Middleborough, this 11th day of September, 2017.

  
\_\_\_\_\_  
Allin Frawley, Chairman

  
\_\_\_\_\_  
Stephen J. McKinnon  
Vice Chairman

  
\_\_\_\_\_  
John M. Knowlton

  
\_\_\_\_\_  
Diane Stewart

  
\_\_\_\_\_  
Lelani Dalpe  
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 September, 2017**, that date being more than fourteen days before the time specified for said meeting.

  
\_\_\_\_\_  
JOSEPH PERKINS  
Police Chief