



## 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 24, 2017, 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, 2017, 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 \$720,000.00 to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2018, 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 2018 as set forth below, or act anything thereon.

<b>PROGRAM</b>	<b>EXPENDING AUTHORITY</b>	<b>SOURCE</b>	<b>AMOUNT TO BE EXPENDED (Not to Exceed)</b>
Municipal Fire Alarm System	Fire Chief	Fees	\$15,000.00
Hazardous Materials Incident Training and Materials	Fire Chief	Fees	\$50,000.00
Recycling Program	DPW Director	Fees	\$5,000.00
Composting Bin Program	DPW Director	Fees	\$2,500.00
Herring Fishery Program	Herring Fishery Commission	Fees	\$10,000.00
Recreation and Sports Program	Park Commission	Fees	\$100,000.00
Zoning Map, Bylaws and Subdivision, Rules and Regulations	Town Clerk	Fees	\$2,500.00

<b>Oliver Estate Advisory Committee</b>	<b>Board of Selectmen</b>	<b>Fees</b>	<b>\$25,000.00</b>
<b>Tourism Committee</b>	<b>Tourism Committee</b>	<b>Fees</b>	<b>\$25,000.00</b>
<b>Wetland Act/Bylaw</b>	<b>Conservation Commission</b>	<b>Fees</b>	<b>\$15,000.00</b>

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer \$23,200.00 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 walk in freezer and refrigerator and a gas range with two convection ovens for the Council on Aging, or act anything thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$325,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase a public safety radio microwave communication system and a Self-Contained Breathing Apparatus (SCBA) for the Fire Department, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$113,000.00 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 purchase of a Used Cab and 10 Wheel Chassis and a radio communication system for the Department of Public Works and a 4WD vehicle for the Health Department, 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, Water Department Retained Earnings or other available source, or by borrowing to purchase an asphalt paver for the Highway Department and the Water Department and a one ton truck with dump body and plow for the Water Department, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$155,249.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for Town Hall UPS, iPads for boards and commissions, a server, LCD monitors, workstations, Town-wide website redesign for the Information Technology Department and other Town Departments and online permitting application module for the Health Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$262,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for a maintenance garage for the Park Department and air conditioning for Masi Field House, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$29,729.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for a printer for the Planning Department and the installation of carpeting for Town Hall, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$105,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase three police cruisers for the Police Department, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$330,000.00 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 purchase of a special needs wheelchair mini-bus for the School Department and for the replacement of boilers at the Nichols Middle School, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and or/transfer \$20,925.00 from Water Department Retained Earnings for the installation of fiber cable at the East Grove Street Pumping Station or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer \$15,000.00 from Water Department Retained Earnings for the purchase of a new transformer for the East Grove Street Pumping Station or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer \$50,000.00 from Water Department Retained Earnings for the purchase of a new generator for the East Grove Street Pumping Station, or act anything thereon.

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer \$50,000.00 from Water Department Retained Earnings, Sanitation Retained Earnings, taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for the purpose of a feasibility study and site evaluation for a new DPW facility.

ARTICLE 18. To see if the Town will vote to raise and appropriate \$42,000.00 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 EPA/DEP, or act anything thereon.

ARTICLE 19. To see if the Town will vote to raise and appropriate \$40,000.00 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 cost of a land survey and installation of property bounds at the Pratt Farm Conservation Area, or act anything thereon.

ARTICLE 20. To see if the Town will vote to raise and appropriate \$466,500.00 by taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase property in Middleborough known as the JA-MAR Farm Property believed to be owned by Candace M. Gordon, containing 20.35 acres more or less and shown on a plan entitled "JA-MAR Farm Estates Definitive Subdivision in Middleborough, Massachusetts" dated September 23, 2004, revised October 3, 2005, prepared by Outback Engineering, Inc., recorded in the Plymouth County Registry of Deeds in Plan Book 52, Page 851, and to pay costs and expenses incurred in connection with or related to the purchase, said property to include without limitation all lots on said plan and shown on Middleborough Assessors Map 41 as Lots 4729, 4769, 5536, 5529, 4784, 5466, 5451, 4686 and 4745 and ways on said plan shown on Middleborough Assessors Map 41 as Lots 4785 and 4693, and said property to be purchased for conservation and passive recreation purposes pursuant to Massachusetts General Laws Chapter 40, Section 8C and as it may be hereafter amended and other Massachusetts statutes relating to conservation, to be under the management and control of the Town Conservation Commission, to authorize the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat. 897) and/or any others in any way connected with the scope of this article, to authorize the Town and its Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to carry out the purchase of said land, and to provide that the purchase and expenditure of the appropriation hereunder shall be contingent upon the Town receiving an award of a grant from the Commonwealth of Massachusetts of \$233,250.00 or more, receipt of a gift from the Archaeological Conservancy of \$112,500.00 or more and receipt of a gift or gifts from one or more Native American tribes and/or another donor or other donors in the total amount of \$120,750.00 or more, or act anything thereon.

ARTICLE 21. 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 2018, with each item to be considered a separate appropriation:

Appropriations:

From FY 2018 estimated revenues for Committee Administrative expenses	\$13,000.00
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Reserves:

From FY 2018 estimated revenues for Historic Resources Reserve	\$24,000.00
From FY 2018 estimated revenues for Community Housing Reserve	\$24,000.00
From FY 2018 estimated revenues for Open Space Reserve	\$24,000.00
From FY 2018 estimated revenues for Budgeted Reserve	\$175,000.00

Or take any action thereon.

Sponsored by the Community Preservation Committee

ARTICLE 22. To see if the Town will vote to appropriate a sum of money from the Open Space / Recreation Resources Reserve of the Community Preservation Fund for the purpose of repair/replace Bridge #2 at Oliver Mill Park; including up to \$2,000.00 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 23. To see if the Town will vote to appropriate \$18,500.00 from the Historic Resources Reserve of the Community Preservation Fund to fund a portion of the Massachusetts Archaeological Society's rehabilitation and preservation project at the Robbins Museum of Archaeology; including up to \$1,500.00 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 24. To see if the Town will vote to appropriate a sum of money from the Historic Resources Reserve of the Community Preservation Fund for the purpose of Phase I restoration of damaged stonework at Oliver Mill Park; including up to \$7,500 for in-house project management and oversight; said funds to be expended under the direction of the Community Preservation Committee; and to authorize the Board of Selectmen to grant or impose a preservation restriction with respect to Oliver Mill Park including without limitation Lots 3686, 3674 and 4443 on Assessors Map 41J; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 25. To see if the Town will vote to use some of the funds, received by the Town from Weston Forest timber sales re: the trust fund established under Clause Nineteenth C – VII of the will of Frederick S. Weston in connection with the Frederick Weston Memorial property, for the Stipend for Weston Forest Committee secretary, to appropriate from said funds \$400.00 for such purposes, or act anything thereon.

ARTICLE 26. To see if the Town will adopt the renumbering and revision of the various General Bylaws of the Town from their original numbering or their numbering in the General Bylaws, as amended through October 3, 2016, 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, dated March

1, 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 27. 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 March 1, 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” dated March 1, 2017, or act anything thereon.

ARTICLE 28. To see if the Town will authorize the Board of Selectmen to acquire the following land located at 3 Pine Street, Assessors Map 097, Lot 3662 and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements (Name of Project)

	Total # Parcel	Area (Square Feet)
In Fee	_____	_____
Permanent Easements	<u>2</u>	<u>570</u>
Temporary Easements	2	1266

Further that the Selectmen may acquire these parcels, or modification of these parcels or other required parcels through all legal means. This includes donations, purchase or eminent domain. The subject parcels are currently identified on plans drafted by Massachusetts Department of Transportation, Highway Division

Dated: January 20, 2017

Titled: Rochester Road over the Weweantic River

Further, to raise and appropriate a sum of money from Chapter 90 funds to defray any associated right of way expenses connected with this project, or act anything thereon.

ARTICLE 29. 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 30. To see if the Town will vote to assent to the appointment of Ms. Caroline LaCroix as Trustee under the will of Thomas S. Peirce for the benefit of the Public Library of the Town of Middleborough and as Trustee under the will of Thomas S. Peirce for the benefit of the Town of Middleborough without furnishing a surety or sureties on his official bond as Trustee under either of said Trusts, or act anything thereon.

ARTICLE 31. To see if the Town will vote to authorize the Board of Selectmen to negotiate a PILOT tax agreement on behalf of the Town as authorized by M.G.L. Chapter 59, Section 38H, with GWE Cranberry Solar RT, LLC or an affiliate controlled by GWE Cranberry Solar RT, LLC with respect to annual payment in lieu of personal property taxes for a term of up to twenty years relative to a solar energy system with a DC rated capacity of up to one and a half (1 ½) megawatts to be installed on the roof of two buildings located on Assessors Map 064-4773 and 5572 owned by North East Refrigerated Terminals, Inc. and Northeast Refrigerated Terminals N A Inc., respectively, or act anything thereon.

ARTICLE 32. To see if the Town will vote to extend M.G.L. Chapter 59, S5, Clause 56 which will 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 33. To see if the Town will amend the Middleborough Right to Farm bylaw by striking the word commercial in Sections 2 and 3, by adding the following to Section 2 Definitions, “the terms “farming”, “agriculture”, “aquaculture”, “floriculture” and “horticulture” shall not include the growing, cultivation, distribution or dispensation of marijuana, in accordance with Massachusetts General Laws Chapter 40A, Section 3 and by striking in Section 3, “as acquiring any interest in land, or”, or act anything thereon.

#### Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A, and Chapter 128, Section 1A. We the citizens of Middleborough restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Middleborough by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

#### Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of ~~commercial~~ agriculture, or accessory thereto.

~~the terms “farming”, “agriculture”, “aquaculture”, “floriculture” and “horticulture” shall not include the growing, cultivation, distribution or dispensation of marijuana, in accordance with Massachusetts General Laws Chapter 40A, Section 3~~

The words "farming" or agriculture" or their derivatives shall include , but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;

- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches, and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following: operation and transportation of slow-moving farm equipment over roads within the Town;

- control of pests, including, but not limited to, insects, weeds, predators, and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

### Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Middleborough. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those ~~commercial~~ agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in the Right to Farm By-law shall be deemed ~~as acquiring any interest in land, or~~ as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

### Section 4 Disclosure Notification

Within 30 days after this By-Law becomes effective, the Board of Selectmen shall prominently post in the town Hall and make available for distribution the following disclosure:

"It is the policy of this community to conserve, protect, and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust, and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town Hall, Town Clerk, and posted in the Middleborough Public Library.

## Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame. **Section 6**

### **Severability Clause**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Middleborough hereby declares the provisions of this By-law to be severable.

ARTICLE 34. To see if the Town will vote to accept Massachusetts General Laws, Chapter 40A, Section 8L and to establish an Agricultural Commission, or act anything thereon.

Section 8L. (a) For the purposes of this section "farming" and "agriculture" shall have the same meaning as ascribed to them in section 1A of chapter 128.

(b) A municipality which accepts this section may establish a municipal agricultural commission to promote and develop the agricultural resources of the municipality. Unless otherwise restricted by law, a municipal agricultural commission may: (i) buy, hold, manage, license or lease land for agricultural purposes; (ii) educate the public on agricultural issues; (iii) advocate for farmers, farm businesses and farm interests; (iv) assist farmers in resolving municipal problems or conflicts related to farms; (v) seek to coordinate agricultural related activities with other governmental bodies or unofficial local groups or organizations that promote agriculture; (vi) receive grants, gifts, bequests or devise of money or personal property of any nature and interests in real property in accordance with this section; (vii) apply for, receive, expend and act on behalf of the municipality in connection with federal and state grants or programs or private grants related to local agriculture, with the approval of the mayor or city manager in a city or the board of selectmen in a town; and (viii) advertise, prepare, print and distribute books, maps, charts and pamphlets related to local agriculture that the municipal agricultural commission deems necessary for its work.

(c) A commission may conduct research and prepare agricultural related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with any current town master plan and regional area plans. The plan shall show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this section; (iv) municipal lands that are held as open space; (v) nonmunicipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii) any other information that the commission



determines to be relevant to local agricultural land use. The commission may amend the plan whenever necessary.

(d) The commission may appoint a chair, clerks, consultants and other employees and may contract for materials and services as it may require, subject to appropriation by the municipality.

(e) The commission shall keep accurate records of its meetings and actions and shall file an annual report with the clerk of the municipality. The commission's annual report shall be posted on the municipality's public website and, in a town, shall be printed in the annual town report for that year.

(f) A commission shall consist of not less than 3 nor more than 7 members who shall be residents of the municipality. A majority of members shall be farmers or employed in an agriculture related field. If farmers or persons employed in agriculture are not available to serve on the commission, then the commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business. Each member of the commission shall serve for a term of 3 years; provided, however, that the initial members appointed under this section shall serve for terms of 1, 2 or 3 years and the terms shall be arranged by the appointing authority so that the terms of approximately 1/3 of the commission's members shall expire each year.

In a city, the members of a commission shall be appointed by the mayor unless otherwise provided by the city's charter; provided, however, that in a city having a Plan D or Plan E charter, the appointments shall be made by the city manager unless otherwise provided by the city's charter. In a town, the members of the commission shall be appointed after a public hearing by the board of selectmen; provided, however, that in a town having a town manager form of government, the appointments shall be made by the town manager subject to the approval of the board of selectmen.

A member of a commission may be removed for cause by the appointing authority after a public hearing if a hearing is requested by the member. A vacancy created by a member being removed for cause shall be filled by the appointing authority for the remainder of the unexpired term in the same manner as the original appointment.

(g) A commission may receive gifts, bequests or devises of personal property or interests in real property as described in this subsection in the name of the municipality, subject to the approval of the city council or board of selectmen, as the case may be. The commission may purchase interests in the land only with funds available to the commission. A city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the municipality, by option, purchase, lease or otherwise, the fee in the land or water rights, conservation or agricultural restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or conserve and properly utilize open spaces in land and water areas within the municipality. The commission shall manage and control the interests in land acquired under this subsection. The commission shall not take or obtain land by eminent domain.

The commission shall adopt rules and regulations governing the use of land and water under its control and prescribe civil penalties, not exceeding a fine of \$100, for a violation.

(h) A municipality may appropriate money to an agricultural preservation fund of which the treasurer of the municipality shall be the custodian. The treasurer shall receive, deposit or invest the funds in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks or invest the funds in: (i) paid up shares and accounts of and in cooperative banks; (ii) shares of savings and loan associations; or (iii) shares of federal savings and loan associations doing business in the commonwealth. Any income derived from deposits or investments under this subsection shall be credited to the fund. Money in the fund may be expended by the commission for any purpose authorized by this section.

ARTICLE 35. To see if the Town will vote to authorize the Board of Selectmen to accept as a gift by Greystone Realty, Inc. to the Town the real estate located at Eastwood Estates in Middleborough and being Lot D01, Lot D02 and Lot D03 as shown on a plan of land 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 being Lot D04A and Lot D05A 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. Said lots are the so-called “drainage lots” in the Eastwood Estates Subdivision; or act anything thereon.

Given, under our hands at Middleborough, this **day of April, 2017.**

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**Diane Stewart, Chairman**

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**Stephen J. McKinnon, Vice Chairman**

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**John M. Knowlton**

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**Allin Frawley**

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**Leilani 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 13th **day of April, 2017**, that date being more than seven days before the time specified for said meeting.

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**JOSEPH PERKINS**  
Police Chief

