



WARRANT AND MOTIONS FOR SPECIAL TOWN MEETING

Middleborough, Massachusetts

To: Joseph Perkins, Acting 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 6, 2014 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 2015, or act anything thereon.

MOTION: I move that the Town transfer the sum of \$45,464 from the free cash to department 710 Debt Service Maturing Principal, account number 591000:

I further move to transfer \$100,783 from the Water Enterprise Unreserved/Retained Earnings account to department 710, Debt Service Maturing Principal, account number 591000.

I further move to transfer \$160,562 from department 919, Employee Fringe Benefits Health and Life Insurance, account number 517400 to department 710, Debt Service Maturing Principal, account number 591000.

I further move to transfer \$45,000 from department 919, Employee Fringe Benefits Health and Life Insurance, account number 517400 to department 422 DPW Highway Snow Removal, account number 15293.

I further move to transfer \$150,000 from free cash to department 422 DPW Highway Snow Removal,

I further move to transfer \$60,000 from department 919, Employee Fringe Benefits Health and Life Insurance, account number 517400 to department 210 Police Department Dispatchers account number 511127.

I further move to transfer \$50,000 from department 919, Employee Fringe Benefits Health and Life Insurance, account number 517400 to department 210 Fire Department Reg. Pay Lieutenants account number 511500.

I further move to raise and appropriate from taxation the sum of \$20,000 to department 950 Unclassified Reserve Fund, account number 5781.

I further move to transfer \$8,000 from free cash to department 950 Unclassified Town Manager Search Advisor, account number 45322.

I further move to transfer \$75,000 from the Trash Disposal Enterprise Unreserved/Retained Earnings account to department 433, Trash Disposal Trash/Recycling Program Expense, account number 550200.

(The Finance Committee will make this motion)

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, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$4,977 from Free Cash to account number 555201 to pay unpaid bills from prior years to the following:

Plymouth County Registry of Deeds	\$ 32.25
Middleborough Gas & Electric	\$ 75.70
Earthlink Business	\$ 760.99
Kopelman & Paige	\$1,857.12
Donald Meyer, MD	\$2,250.00

(The Finance Committee will make this motion)

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer a sum of money of money 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-backs, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$60,837 from Free Cash to fund sick leave buy-backs in the following departments:

Police Department #519700	\$33,850
Health Department #519700	\$26,987

ARTICLE 4. 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 be placed into the Stabilization Fund, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$977,241 from Free Cash to the Stabilization Fund.

ARTICLE 5. 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 be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$200,000 from Free Cash to the Other Post-Employment Benefits Liability Trust Fund.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund one or more collective bargaining agreements, or act anything thereon.

MOTION: I move that the Town vote to appropriate \$9,000 from free cash to the appropriate line items in FY 2015 budget as established by the Town Accountant to fund the following collective bargaining agreement:

Middleborough Library Staff Assn.	\$9,000
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ARTICLE 7. To see if the Town will vote to raise and appropriate and /or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for the purpose of reimbursing Town employees and retired Town employees and other persons enrolled in the Town's non-Medicare health insurance plans for some of the increases in health insurance HMO and PPO co-payments paid by said employees and retirees and other persons in excess of the amounts of such co-payments applicable during Fiscal Year 2012, and to pay any related costs, or act anything thereon.

MOTION: I move that the Town vote to transfer \$304,434 from department 919, Employee Fringe Benefits Health and Life Insurance account number 517400 for the purpose of reimbursing Town employees and retired Town employees and other persons enrolled in the Town's non-Medicare health insurance plans for some of the increases in health insurance HMO and PPO co-payments paid by said employees and retirees and other persons in excess of the amounts of such co-payments applicable during Fiscal Year 2012, and to pay any related costs.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an

existing appropriation or account or other available source, or by borrowing to repair the roof at the Town Hall Annex, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$5,000 from Free Cash to repair the roof at the Town Hall Annex.

ARTICLE 9. 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 of account or other available source or by borrowing to replace intercom systems and to purchase two mini-buses for the School Department, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$120,000 from Free Cash to purchase two new mini-buses for the School Department.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source or by borrowing to purchase computers, servers, monitors, printers, and related hardware and software for various Town departments, or act anything thereon.

MOTION: I move that the Town vote to transfer the sum of \$137,482 from Free Cash to purchase computers, servers, monitors, printers, and related hardware and software for various Town departments.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to purchase four new mechanized trash collection/recycling vehicles and new trash/recycling carts for the Trash Disposal Department, or act anything thereon.

MOTION: I move that the Town vote to appropriate \$1,590,000 by borrowing for all relevant and necessary expenses associated with the purchase of four new mechanized trash collection/recycling vehicles and new trash/recycling carts for the Trash Disposal Department, including all costs incidental and related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$1,590,000 under General Laws, Chapter 44 or any other enabling authority, and to provide that the debt shall be paid in the first instance from the revenues of the Trash Disposal Enterprise System.

ARTICLE 12. To see if the Town will vote to appropriate \$25,000,000 to pay costs of rehabilitating and constructing additions to the Water Pollution Control Facility, including, but not limited to, the employment of professionals and equipping and furnishing said building and all other costs incidental and related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$25,000,000 of said sum under General Laws Chapter 44, or any other enabling authority and issue bonds or notes of the

Town upon such terms as the Treasurer and the Board of Selectmen shall determine, or act anything thereon.

MOTION: I move that the Town vote to appropriate \$25,000,000 by borrowing to pay costs of rehabilitating and constructing additions to the Water Pollution Control Facility, including, but not limited to, the employment of professionals and the equipping and furnishing of said building and all other costs incidental and related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$25,000,000 under General Laws Chapter 44 and/or Chapter 29C, or any other enabling authority, and issue bonds or notes of the Town, through the Massachusetts Clean Water Trust (the "Trust") or otherwise, upon such terms as the Treasurer and the Board of Selectmen shall determine, and to provide that the debt shall be paid in the first instance from the revenues of the Wastewater Enterprise System; and that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement, financing agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

ARTICLE 13. To see if the Town will vote to transfer \$1,900,000 from the Wastewater Enterprise Unreserved/Retained Earnings account for all relevant and necessary expenses associated with the design and financing of the upgrade to the Water Pollution Control Facility for the Wastewater Department, and rescind \$1,500,000 of the the borrowing authorized under Article 15 of the 2013 Annual Town Meeting, or act anything thereon.

MOTION: I move that the Town vote to 1) transfer \$1,500,000 from the Wastewater Enterprise Unreserved/Retained Earnings account for all relevant and necessary expenses associated with the design and financing of the upgrade to the Water Pollution Control Facility for the Wastewater Department; rescind \$1,500,000 of the borrowing authorized under Article 15 of the 2013 Annual Town Meeting; and 3) transfer \$400,000 from the Wastewater Enterprise Unreserved/Retained Earnings account to department 710, Debt Service Maturing Principal, account number 591000.

ARTICLE 14. To see if the Town will vote to transfer \$1,750,000 from the Water Enterprise Unreserved/Retained Earnings account for all relevant and necessary expenses associated with the design and construction of a well, well pumping station and associated improvements at the Mizaras Well Site for the Water Department, and rescind the borrowing authorized under Article 18 of the 2014 Annual Town Meeting, or act anything thereon.

MOTION: I move that the Town vote to transfer \$1,750,000 from the Water Enterprise Unreserved/Retained Earnings account for all relevant and necessary expenses associated

with the design and construction of a well, well pumping station and associated improvements at the Mizaras Well Site for the Water Department, and rescind the borrowing authorized under Article 18 of the 2014 Annual Town Meeting.

ARTICLE 15. 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 the Department of Public Works for all relevant and necessary expenses associated with new stormwater activities required by the EPA/DEP, or act anything thereon.

MOTION: I move that the Town vote to transfer \$10,000 from free cash to the Department of Public Works for all relevant and necessary expenses associated with new stormwater activities required by the EPA/DEP.

ARTICLE 16. To see if the Town will vote to appropriate a sum of money 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; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

Sponsored by the Community Preservation Committee

MOTION: I move that the Town vote to appropriate \$9,000 from the Historic Resources Reserve of the Community Preservation Fund and from the Budgeted Reserve Fund Balance 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; said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 17. To see if the Town will vote to appropriate \$75,000 from the Open Space Resources Reserve of the Community Preservation Fund and \$150,000 from the Budgeted Reserve Fund Balance of the Community Preservation Fund to assist in the purchase of the Oliver estate; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

Sponsored by the Community Preservation Committee

MOTION: I move that the Town vote to appropriate \$75,000 from the Open Space Resources Reserve of the Community Preservation Fund and \$150,000 from the Budgeted Reserve Fund Balance of the Community Preservation Fund to assist in the purchase of the Oliver estate; said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 18. To see if the Town will vote to use some of the funds, received by the Town from 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 purchase of additional park or forest areas, to appropriate from said funds \$40,000 for such purposes and to authorize the Board

of Selectmen to purchase that part of the Oliver Estate property, so-called, located on and off the westerly side of Plymouth Street in Middleborough and shown as Lot 2867 and Lot 2098 on Middleborough Assessors Map 041 which is designated by the Board of Selectmen as park and/or forest area using the sum so appropriated to pay part of the purchase price, or act anything thereon.

MOTION: I move that the Town vote to use some of the funds, received by the Town from 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 purchase of additional park or forest areas, to appropriate from said funds \$40,000 for such purposes and to authorize the Board of Selectmen to purchase that part of the Oliver Estate property, so-called, located on and off the westerly side of Plymouth Street in Middleborough and shown as Lot 2867 and Lot 2098 on Middleborough Assessors Map 041 which is designated by the Board of Selectmen as park and/or forest area using the sum so appropriated to pay part of the purchase price.

ARTICLE 19. To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 8.2.7 (3) (j.) WRPD Z2 – Special Permit Uses – by deleting “Any use that will render impervious more than 15% but not more than 25% of any lot is prohibited, but” from the first sentence and replacing it with “Any use that will render any lot more than 25% impervious is prohibited. Alterations resulting in more than 15% but less than 25% impervious area” or act anything thereon.

MOTION: I move that the Town vote to amend the Zoning By-law as follows:

Amend Section 8.2.7 (3) (j.) WRPD Z2 – Special Permit Uses – by deleting “Any use that will render impervious more than 15% but not more than 25% of any lot is prohibited, but” from the first sentence and replacing it with “Any use that will render any lot more than 25% impervious is prohibited. Alterations resulting in more than 15% but less than 25% impervious area”

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen to enter into and execute on behalf of the Town a tax agreement, as authorized by MGL Chapter 59, section 38H, with NextSun Energy LLC with respect to annual payments in lieu of real and personal property taxes for a term of up to twenty years relative to a solar energy system with an AC-rated capacity of up to two and one half (2.5) megawatts, to be installed on different parcels of land owned by David Fisher, Gid Fisher and Lorraine Truelson, and located at 154 Purchase Street, Gid Circle and River Street respectively, or act anything thereon.

MOTION: I move that the Town vote to authorize the Board of Selectmen to enter into on behalf of the Town a tax agreement, as authorized by MGL Chapter 59, section 38H, with NextSun Energy LLC with respect to annual payments in lieu of real and personal property taxes for a term of up to twenty years relative to a solar energy system with an AC-rated capacity of up to two and one half (2.5) megawatts, to be installed on different

parcels of land owned by David Fisher, Gid Fisher and Lorraine Truelson, and located at 154 Purchase Street, Gid Circle and River Street respectively.

ARTICLE 21. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Southeastern Massachusetts Law Enforcement Council to increase the capability of the Middleborough Police Department to protect the lives, safety and property of people within the cities and towns that are signatories to the agreement, or act anything thereon.

MOTION: I move that the Town vote to authorize the Board of Selectmen to enter into an agreement with the Southeastern Massachusetts Law Enforcement Council to increase the capability of the Middleborough Police Department to protect the lives, safety and property of people within the cities and towns that are signatories to the agreement.

ARTICLE 22. To see if the Town will vote to transfer the care, custody, management and control of property on the westerly side of Thompson Street (Route 105) shown as Lot 4933 on Assessors Map 24 and as Lot #2 on a plan recorded in the Plymouth County Registry of Deeds in Plan Book 54, Page 492 containing 12.54 acres more or less to the Conservation Commission for the purpose of leasing the property, and to authorize the Conservation Commission to lease the property for agricultural, horticultural, farming and/or forestry use(s) consistent with a conservation restriction to which the property is subject, or act anything thereon.

MOTION: I move that the Town vote to transfer the care, custody, management and control of property on the westerly side of Thompson Street (Route 105) shown as Lot 4933 on Assessors Map 24 and as Lot #2 on a plan recorded in the Plymouth County Registry of Deeds in Plan Book 54, Page 492 containing 12.54 acres more or less to the Conservation Commission for the purpose of leasing the property, and to authorize the Conservation Commission to lease the property for agricultural, horticultural, farming and/or forestry use(s) consistent with a conservation restriction to which the property is subject.

ARTICLE 23. To see if the Town will vote to amend the Litter by-law adopted under Article 8 of the Town Meeting held on March 7, 1927 by adding the following section –

Section 2:

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

MOTION: I move that the Town vote to amend the Litter by-law adopted under Article 8 of the Town Meeting held on March 7, 1927 by adding the following section –

Section 2:

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

ARTICLE 24. To see if the Town will vote to accept Fernway Estates as a unfinished subdivision in the town of Middleborough, which includes Fernway and Look Out Circle as a Town way as laid out and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way and related easements as shown on the road layout plan entitled “Roadway As-Built in Middleborough, MA, Fernway Estates Subdivision, Fernway and Look Out Circle” prepared by Outback Engineering, and any related easements, or act anything thereon.

By Petition

MOTION: I move to postpone this article indefinitely.

Given, under our hands at Middleborough, this 8th day of September, 2014.

ALLIN FRAWLEY

LEILANI DALPE

JOHN M. KNOWLTON

DIANE STEWART

STEPHEN J. MCKINNON

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all Inhabitants of said Town of Middleborough, qualified to vote as expressed in said Warrant, to meet at the time and place for the purpose specified by causing an attested Copy of the same to be published in the Middleboro Gazette on the **18th day of September, 2014**, that date being more than fourteen days before the time specified for said meeting.

Joseph Perkins, Acting Police Chief