

**SPECIAL TOWN MEETING  
OCTOBER 3, 2011**

Special Town Meeting was called to order at 7:14 PM by Town Moderator, Wayne C. Perkins, who declared a quorum present in the Middleborough High School Auditorium.

The Moderator then introduced the following: Reverend Brian M. Cook of the Rock Village Church who gave the invocation; the Veteran's Council who led the meeting in the Pledge of Allegiance; Miss Massachusetts Molly Whalen who sang the National Anthem, and welcomed and thanked the members of the Middleborough High School Student Council for acting as pagers and counters for the evening.

Library Director Danielle Bowker of the Middleborough Public Library made an announcement apologizing for an error which resulted in the omission from the memorial page of the 2010 Town Report. The name of her good friend and colleague, Betty Brown, who passed away in January of 2010 did not appear on that page. Ms. Bowker received permission from Town Manager Charles J. Cristello to add her name to the 2011 report.

Chairman of the Board of Selectmen Alfred P. Rullo, Jr. and Selectman Ben Quelle presented Private First Class Steven R. Olson, Jr. with a proclamation from the Board of Selectmen in recognition of his achievement during his service for our country. Selectman Quelle read the following proclamation:

WHEREAS, Private First Class Steven R. Olson, Jr., United States Army distinguished himself in his service to the United States as a Security Forces Member; and

WHEREAS, Private First Class Steven R. Olson, Jr., was instrumental in helping to win the support of the local populace in Northeastern Afghanistan; and

WHEREAS, Private First Class Steven R. Olson, Jr.'s unwavering abilities as a Gunner helped suppress the enemy resulting in no Coalition casualties; and

WHEREAS, Private First Class Steven R. Olson, Jr.'s actions on December 28, 2010, during a complex attack on Forward Operating Base Kalagush, prevented the spread of fire to multiple FOB structures and helped ensure the safety of the 500 personnel residing on the FOB; and

WHEREAS, Private First Class Steven R. Olson, Jr.'s motivation and dedication allowed safe operation of more than 100 mounted and dismounted combat missions for Provincial Reconstruction Team Nuristan; and

WHEREAS, Private First Class Steven R. Olson, Jr. was a main contributor to the defense of FOB Kalagush during multiple rocket and complex attacks; and

WHEREAS, Private First Class Steven R. Olson, Jr.'s dedication to duty and his technical and tactical proficiency led to Provincial Reconstruction Team Nuristan's overall success;

NOW THEREFORE, We, the Board of Selectmen, hereby commend

*Private First Class Steven R. Olson, Jr.*

for his exceptional and distinguished contributions during his service to the United States as a Security Forces Member.

Dated at Middleborough, Massachusetts, this 3rd day of October 2011.

Voted unanimously to allow as necessary the following non-resident Department Heads to address Town Meeting: Charles Cristello, Town Manager; Steven Dooney, Town Accountant; Lance Benjamino, Fire Chief; Joseph Silva, Water Superintendent; Andrew Bagas, DPW Director; Michael Malone, Acting Superintendent of Schools; and Kathleen Piatelli, School Department Business Manager.

Voted unanimously to allow for a voice vote first when a super majority vote is required.

Before any action was taken, the Moderator reminded those in attendance to turn off all cell phones and pagers; 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; all questions and responses are to be made through the Moderator; limit all comments, questions and debates to the motion and the article and debate before us, and as always maintain civility.

The Moderator announced that the warrant had been properly posted, served and returned by Police Chief Bruce Gates.

The Moderator also introduced the new State Representative Keiko Orrall.

The following action was taken:

**ARTICLE 1:** The following was voted unanimously:

To transfer the sum of \$45,300 from Free Cash to supplement the following budgets and account numbers for Fiscal Year 2012:

Department/Department#	Account #	Line Item/Description	Amount
Police Department – 210	519500	Career Incentive	\$20,000
School Transportation - 899	530407	Homeless Transportation	\$15,000
Treasurer/Collector – 145	542400	CPA Insert and printing	\$1,000
Council on Aging	512802	Regular Pay, Direct Care Assistant	\$9,000
Town Clerk – 161	534300	Postage	\$300

Further voted unanimously to raise and appropriate from taxation or other available funds in the treasury the sum of \$130,000 to supplement the DPW Highway, Department 422, Account #15293, Snow and Ice, for Fiscal Year 2012 contingent on the State of Massachusetts promised increase in state aid of this same amount.

Further voted unanimously to transfer \$20,000 from the School Department Occupational Education Expense, Account #557100 to the School Department Homeless Transportation Account #530407.

Further voted to transfer \$5,000 from the School Department Crossing Guards, Account #511120 to the School Department Homeless Transportation Account #530407.

*Board of Selectmen recommended favorable action*

**ARTICLE 2:** Voted unanimously to transfer the sum of \$573.74 from Free Cash, in order to pay previous years, unpaid bills, Account #195201 to the following:

<b>MMA Beacon</b>	<b>\$230.00</b>
<b>TK Rose Web Solutions</b>	<b>\$ 37.50</b>
<b>Roger Brunelle</b>	<b>\$129.65</b>
<b>Staples, Inc.</b>	<b>\$176.59</b>

*Board of Selectmen recommended favorable action*

**ARTICLE 3:** Voted by majority vote to transfer the sum of \$51,372 from Free Cash to the Fire Department Account #519700 to fund sick leave buy-backs for personnel retiring from the Fire Department.

*Finance Committee recommended favorable action*

**ARTICLE 4:** Voted unanimously to transfer \$45,000 from Free Cash to purchase a 20 passenger special needs school bus for the School Department.

*Finance Committee recommended favorable action*

**ARTICLE 5:** Voted unanimously to transfer \$30,190 from Free Cash to purchase one cruiser for the Police Department.

*Finance Committee recommended favorable action*

**ARTICLE 6:** Voted unanimously to transfer \$20,113 from Free Cash to purchase software, licenses, and related materials for various Town departments.

*Finance Committee recommended favorable action*

**ARTICLE 7:** Voted unanimously to transfer \$50,000 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.

*Finance Committee recommended favorable action*

**ARTICLE 8:** Voted unanimously to transfer \$50,000 from the Wastewater Enterprise Unreserved/Retained Earnings Account to purchase and install an emergency generator for the Lane Street Pumping Station for the Wastewater Department.

*Finance Committee recommended favorable action*

**ARTICLE 9:** Voted unanimously to appropriate \$400,000 by **borrowing** for all relevant and necessary expenses associated with the design of the upgrade to the Wastewater Treatment Facility for the Wastewater Department and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$400,000 under General Laws, Chapter 44 and to provide that the debt shall be paid from the revenues of the Wastewater Enterprise System.

*Finance Committee recommended favorable action*

**ARTICLE 10:** Voted unanimously to transfer \$120,000 from the unexpended proceeds from the borrowing authorized under Article 15 of the 2004 warrant for the Annual Town Meeting for repairs to the force sewer main and appurtenances at or near the Route 44 bridge over Interstate Highway 495, to authorize the Board of Selectmen to make such repairs, to authorize the Board of Selectmen to assess betterments/special assessments for the cost of such repairs and to determine that the betterments/special assessments shall be made by a uniform unit method.

*Finance Committee recommended favorable action*

**ARTICLE 11:** Voted unanimously to accept Massachusetts General Law Chapter 32B Section 20 in order to establish an Other Post Employment Benefits Liability Trust Fund.

*Finance Committee recommended favorable action*

**ARTICLE 12:** Voted unanimously to include satellite well installations at the Spruce Street and Rock wells, tank painting and repair, and the upgrading of pumping stations, to the water system improvements project voted under Article 12 of the warrant for the September 23, 2002 Special Town Meeting.

**ARTICLE 13:** Voted unanimously to adopt the following by-law:

PAWNBROKER LICENSE FEE

The fee for a license as a pawnbroker or renewal thereof shall be One Hundred Dollars (\$100.00) per license year.

**ARTICLE 14:** Voted unanimously to rescind the dog license demand fee by-law adopted under Article 34 of the 1987 Annual Town Meeting, such rescission to be effective on January 1, 2013, and to adopt the following by-law:

FAILURE TO LICENSE – LATE FEE

Section 1. The license period applicable to licenses for dogs required to be obtained under General Laws Chapter 140 by an owner or keeper of a dog shall be the time in a year between January first and the following December thirty-first, both dates inclusive.

Section 2. The owner or keeper of a dog which is required to be licensed under General Laws Chapter 140 shall cause the dog to be licensed for a license period before April first of the license period. If the owner or keeper fails to obtain a license for the dog by April first of the license period, such owner or keeper shall be liable for a late fee of Ten Dollars (\$10.00)

to be collected by the Town Clerk at the time the Town Clerk issues a license for the dog. The late fee shall be in addition to license fees, fines, penalties and forfeitures otherwise provided by law. The Town Clerk shall pay all late fees received into the Town treasury.

Section 3. This by-law shall be become effective on January 1, 2013.

**ARTICLE 15:** Voted unanimously to accept the provisions of General Law Chapter 31 Section 58A which provides that no person shall be eligible to have his/her name certified for original civil service appointment to the position of police officer if such person has reached the age of thirty-two (qualifying military veterans may be up to age thirty-six) on the date of the entrance examination.

**ARTICLE 16:** Voted unanimously to accept Meadowbrooke Lane and Bon View Circle as Town ways as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way as shown on the road layout plan on file with the Town Clerk entitled "Street Acceptance Plan, Meadowbrooke Lane and Bon View Circle, Meadowbrooke Farm" prepared by Site Design Engineering, Inc. and dated July 14, 2011, and any related easements.

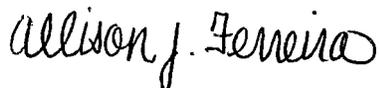
Michael Labonte, Chairman of the Planning Board, read the following report:

The Planning Board, at their July 12, 2011 meeting, voted to issue a Certificate of Completion for "Meadowbrooke Farm Subdivision", Meadowbrooke Lane and Bon View Circle. The Board found that the construction of the subdivision road, as approved July 12, 2011, and the installation of the municipal services to be complete, and have been built to the standards of the Town of Middleborough Subdivision Rules and Regulations.

The Planning Board, at their regularly scheduled meeting held July 26, 2011, voted to recommend favorable action on the layout and acceptance of "Meadowbrooke Lane and Bon View Circle" by the Town.

Voted unanimously to dissolve the meeting at 7:46 PM.

A true copy, attest:



---

ALLISON J. FERREIRA  
Town Clerk