TOWN MANAGER REPORT
8/29/16

Special Town Meeting Warrant

Middleborough Massachusetts

To Joseph Perkins, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School,** on **Monday, October 3, 2016, at 7:00 P.M.,** to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source, to supplement and/or adjust departmental budgets for Fiscal Year 2017, or act anything thereon.

- **I move that the Town vote to appropriate $58,227.00 from taxation to the appropriate line items in FY 2017 budgets as established by the Town Accountant to fund the following departments:**

Department	*Dept. No*	*Account*	*Line Item*	*Amount*
Assessor	141	511101	Reg. Pay Clerical FT	$977.00
Council on Aging	541	512900	Day Care Health Coord.	$20,600.00
Town Manager	123	542400	Printing	$3,000.00
Veterans	543	511121	Reg. Pay Temporary	$13,000.00
Conservation	171	573100	Dues	$475.00
Conservation	171	514600	Longevity	$175.00
Office of Economic and Community Development	185	511143	Reg. Pay Director	$20,000.00

- **I further move that the Town transfer $28,881.58 from Employee Benefits, Workers Compensation, number 919, account 517100 to Library, number 610, account 511176 and $3,118.42 from Employee Benefits, Workers Compensation, number 919, account 517100 to Library, number 610, account 558100.**

- **I further move that the Town transfer $609,038.00 from Free Cash to Debt Services, number 01.710. account 591000, maturing principal.**

- **I further move that the Town transfer $500,000.00 from Wastewater Retained Earnings Enterprise Account to Wastewater Debt Services, number 60.710, account 591000, maturing principal.**

ARTICLE 2. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.

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

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

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

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

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer $30,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, to remove asbestos from a town owned structure located on Cambridge Street, Map ID 50I, Parcel 3472, or act anything thereon.

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

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

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer $3,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for an archaeological study at the Oliver House estate property located on Plymouth Street, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer $200,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, or by borrowing for all relevant and necessary expenses associated with the design and construction of a water treatment plant and associated improvements for the East Main Street wells for the Water

Department and rescind $6,000,000 of the borrowing authorized under Article 13 of the 2015 Fall Special Town Meeting, or act anything thereon.

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

Sponsored by the Community Preservation Committee

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

Sponsored by the Community Preservation Committee

ARTICLES 15 and 16 are under review by Town Counsel and the Conservation Agent

ARTICLE 15. To see if the Town will vote to raise, borrow and/or appropriate $268,000.00; including up to $11,000 for in-house project management and oversight for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately 81.09 +/- acres owned by Sarah Jigerjian and Mary Jigerjian as described on Assessors Map 21 Parcels 1141 and Map 12, Parcel 4585, to be managed and controlled by the Conservation Commission of the Town of Middleborough in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes, and to meet said appropriate with funds transferred and/or borrowed in accordance with M.G.L. Chapter 293, the Community Preservation Act and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority, and that the Town Manager or Board of Selectmen be authorized to file on behalf of the Town of Middleborough any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition, and the Town manager and the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town of Middleborough to affect said purchase. Said conservation restriction may be granted to the Wildlands Trust or any other organization qualified and willing to hold such a restriction, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 16. To see if the Town of will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen to allow funding from the Community Preservation Act Fund to borrow the sum of ($865,000.00) according to M.G.L. Chapter 44, Section 8C, for the purpose of purchasing for conservation and passive recreation purposes, by eminent domain or negotiated purchase or otherwise, a certain property together with buildings thereon, known as "Lion's Head" consisting of 81.09 acres (Map 21, Lot 1411 and Map 12, Lot 4585), more or less, as shown on a plan entitled "Plan of Land in Middleborough" made by (surveying firm dated ....); that said land be conveyed to said Town of Middleborough under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of Middleborough, and the Conservation Commission be authorized to file on behalf of Middleborough any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 and

/or any others in any way connected with the scope of this Article, and the Town of Middleborough and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of Middleborough to affect said purchase, or act anything thereon.

Sponsored by the Conservation Commission

ARTICLE 17. To see if the Town will vote to transfer $9,000 from Account # 26-930-573-264 - Woloski Park project in the Open Space Resources Reserve of the Community Preservation Fund to Account # 26-931-573-262-Oliver Estate Rehab project in the Historic Resources Reserve; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 18. To see if the Town will vote to amend the handicapped and disabled veterans parking by law adopted under Article 4 of the October 22, 1984 Special Town meeting by deleting Section (d) the penalty clause of the by-law, and replacing it with the following:

Section (d):

(1) The penalty for violation of this by-law shall be Three Hundred Dollars ($300.00) for each offense
(2) Any unauthorized vehicle parked or standing in violation of this by-law shall be removed in accordance with Section 22D of General Laws Chapter 40, or act anything thereon.

ARTICLE 19. To see if the Town will vote to adopt the following by-law:

HANDICAPPED PARKING FINES

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

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

ARTICLE 20. To see if the Town will vote to transfer the care, custody, management and control of 157 Wood Street Map 59 Lot 5999 .23 acres of land (10,019 sq. ft. of land +/-), 159 Wood Street Map 59 Lot 6074 .12 acres of land (5,227 sq. ft. of land +/-), 161 Wood Street Map 59 Lot 6073 .23 acres of land (9,934 sq. ft. of land +/-),163 Wood Street Map 59 Lot 6057 .23 acres of land (10,019 sq. ft. of land +/-), 0 Wood Street Map 65 Lot 414 2.84 acres of land (123,560 sq. ft. of land +/-),from the Board of Selectmen to the Park Commission for recreational use, or act anything thereon.

ARTICLE 21. 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 22. To see if the Town will vote to accept Brookside Drive and Fidelity Lane as Town ways as laid out by the Board of Selectmen, to authorize the Selectmen to acquire by eminent domain or by gift the fee in said ways as shown on the road layout plan on file with the Town Clerk entitled "Road Layout Plan of Brookside Drive and Fidelity Lane – Middleborough, Massachusetts 02346" consisting of three sheets, dated August 9th, 2016, and prepared by Outback Engineering, Inc., and any related easements as shown on said plan, to authorize the Board to complete construction of the ways and related easements, to raise and appropriate a sum of money by borrowing for the cost of construction, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money under General Laws, Chapter 44 and to authorize the Board of Selectmen to assess betterments for the cost of construction under General Laws, Chapter 80, or act anything thereon.

ARTICLE 23. To see if the Town will vote to appropriate the sum of **(amount under review by town counsel)** with respect to surety funds for the subdivision known as "Brookside Estates" for the construction of roads and drainage system and to authorize the Board of Selectmen to use the appropriation for construction of roads and drainage system at the subdivision; or act anything thereon.

ARTICLE 24. To see if the Town would vote to accept Captain Hall Road, Augustus Way, Hayden Way and Leland Way as Town ways as laid out by the Board of Selectmen and to authorize the Selectmen to acquire by eminent domain or by gift, the fee in the ways as shown on the road layout plans, on file with the Town Clerk entitled Roadway Acceptance Plan, Captain Hall Road, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc.", which plan is dated February 4, 2016, and being page 1 of 4 pages; Roadway Acceptance Plan, Augustus Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc. which plan is dated February 4, 2016, and being page 2 of 4 pages; Roadway Acceptance Plan, Hayden Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc., which plan is dated February 4, 2016, and being page 3 of 4 pages; and Roadway Acceptance Plan, Leland Way, Eastwood Estates, Middleborough, Massachusetts, Greystone Realty, Inc., which plan is dated February 4, 2016, and being page 4 of 4 pages; and also the related easements as shown on the above referenced plans and subdivision plan on file with the Town Clerk entitled "Subdivision 'Eastwood Estates' in Middleborough, Massachusetts, Prepared For Greystone Realty, Inc. Date: March 20, 2016", consisting of 20 pages, which plan is recorded at the Plymouth County Registry of Deeds in Plan Book 51, Page 1080; and as shown on a plan of land entitled "Plan of Modification of Definitive Subdivision "Eastwood Estates" in Middleborough, Massachusetts, Prepared For Greystone Realty, Inc. Date: February 13, 2008" , consisting of 2 pages, which plan is recorded at the Plymouth County Registry of Deeds in Plan Book 54, Page 229; or act anything thereon.

Given, under our hands at Middleborough, this **day of 2016.**

_____

Diane Stewart, Chairman

Leilani Dalpe, Vice Chairman

John M. Knowlton

Allin Frawley

Stephen J. McKinnon
BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the 15th **day of September, 2016,** that date being more than fourteen days before the time specified for said meeting.

JOSEPH PERKINS
Police Chief