

HEARINGS, MEETINGS, LICENSES

4-8-13



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding
Health Officer

PH: 508-946-2408
FX: 508-946-2321

MEMO

TO: Board of Selectman

FROM: Jessica Gardner Animal/Health Inspector

DATE: 3/27/13

RE: 19 Plymouth Street Middleborough, Ma 02346 Lot 018 Map 1623 Order Letter Appeal

Property owner Joyce Ryan is appealing the Health Departments order dated January 22, 2013 to have a Title 5 inspection for this dwelling in accordance to CMR State Sanitary Code 410.300 Sanitary Drainage System Required with 310 CMR 15.00:Subsurface Disposal of Sanitary Sewage (Title V).

At the request of the occupants renting this dwelling unit, the Health Department conducted a full inspection and found that the single dwelling unit was being utilized as a two family dwelling. The last Title 5 inspection passed in February 23, 2000 for a single family home. Currently we have one record of cesspool pumping of August 1, 2008.

Please the attached order letter dated January 22, 2013 and March 27, 2013.

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

HEALTH DEPARTMENT
508-946-2408

30 CENTRE STREET
MIDDLEBOROUGH, MA 02346

January 22, 2013

Joyce Ryan
72 Pleasant Street
Middleborough, MA 02346

*RE: State Sanitary Code Violations at 19 Plymouth Street, Middleborough MA 02346
Lot 018 Map 1623*

Ms. Ryan,

The Health Department conducted an inspection on January 16, 2013 at the above referenced location in response to a complaint. On the occasion of the inspection the following conditions were observed, which are violations of the State Sanitary Code Chapter II.

410.100 Kitchen Facilities

- *Cabinets for storage on both sides of stove in kitchen have no doors.
Every dwelling unit where cooking facilities are provided shall contain suitable space to store, prepare and serve food in a sanitary manner.*

410.150 Washbasins, Toilets, Tubs and Showers (D)

- *Seal around base of toilet not smooth and impervious.
The fixtures as required in 105 CMR 410.150(A) and 410.150 (B) shall have smooth and impervious surfaces and be free from defects which make them difficult to keep clean, or create an accident hazard.*

410.190 Hot Water

- *Water temperature for bathroom sink measured at 154°F.
Owner shall provide hot water for use at a temperature of not less than 110°F and not exceed 130°F.*

410.351 Owners Installation and Maintenance Responsibilities (A) & (B)

- *Missing face plate for outlet in enclosed porch area.*
- *Owner supplied refrigerator unit not in working order evidenced by accumulation of water collected in container.*
- *Observed pipe extending from washer unit through wall in basement and another pipe protruding from the outside ground which occupant states is drainage for washing machine.*

The owner shall install or cause to be installed, in accordance with accepted plumbing, gasfitting and electrical wiring standards and shall maintain free from leaks, obstructions or other defects, the following:

- (A) All facilities and equipment which the owner is or may be required to provide including, but not limited to, all sinks, washbasin, bathtubs, showers, toilets, water heating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connection to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto; and*
- (B) (B) All owner-installed optional equipment, including but not limited to, refrigerators, dishwashers, clothes washing machines and dryers, garbage grinders, and submetering devices designed to measure the usage of electricity, gas or water.*

410.480 Locks

- *Occupants do not have a key to operate front door lock.*
The owner shall provide, install and maintain locks so that every dwelling unit shall be capable of being secured against unlawful entry.

410.482 Smoke Detectors and Carbon Monoxide Alarms

410.750 Conditions Deemed to Endanger or Impair Health or Safety (N)

- *No carbon monoxide alarms or smoke detector observed in dwelling unit.*
Owners shall provide, install, and maintain operable condition smoke detectors and carbon monoxide alarms in every dwelling.

410.503 Protective Railings and Walls

- *Missing handrail and wall/guard rail for open right side of basement stairway.*
- *Missing wall/guardrail for open left side of basement stairway.*
Owner shall provide a safe handrail for every stairway, a wall or guardrail on the open sides of all stairways that have balusters placed at intervals of no more than six inches and shall not be constructed as to provide a ladder effect.

410.452 Safe Condition

410.500 Owner's Responsibility to Maintain Structural Elements

- *Window panes in garage secured by duct tape.*
- *Areas of pooled water on cement flooring throughout basement.*
- *Rear enclosed porch area to second dwelling unit has missing and loose ceiling tiles with evidence of chronic dampness by observed water staining.*
- *Rear enclosed porch area to second dwelling unit has torn flooring.*
- *Bricks and cement blocks used as support for rear enclosed porch area to second dwelling unit.*
- *Exterior of dwelling has evidence of wear and weatherworn structural elements including but not limited to deteriorating wood shingles and chipping paint on trim boards and windows.*

Owner shall maintain structural elements in good repair. Owner shall maintain all means of egress at all times in a safe operable condition whereas all corrodible structural parts shall be painted or otherwise protected against rust and corrosion and all wood structural members shall be treated to prevent rotting and decay. Owner must maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements so the dwelling excludes wind, rain and snow, and is rodent proof, watertight and free from chronic dampness, weathertight, in good repair and in every way fit for the use intended. Further, he shall maintain every structural element free from holes, cracks, loose plaster, or other defect where such holes, cracks, loose plaster.

This dwelling is listed as a single family home with 2 bedrooms. Currently, you are using it as two separate dwelling units in this building. The Building Department has no records of building permits obtained to convert this single family dwelling into a two family unit and the Health Department has no records that the existing cesspool has been modified to accommodate the current number of dwelling units for this property. Owner must provide documentation that this single family home was legally converted into two separate dwelling units, or CEASE and DESIST the use of this as a two dwelling unit building and removal of all illegal modifications in compliance with the Building Department.

In addition, the Health Department requires a Title 5 inspection for this dwelling.

You are hereby ORDERED to rectify the Carbon Monoxide Alarm violation within twenty four hours (24) receipt of this order in accordance to State Sanitary Code 410.750 (N).

You are hereby ORDERED to bring the remaining violations into compliance within thirty (30) days of receipt of this order. If unoccupied, this dwelling cannot be

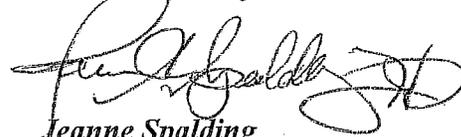
reoccupied until a re-inspection is conducted and a letter of compliance is issued by this department.

Should you be aggrieved by this order, you have the right to request a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this order. At said hearing you will be given an opportunity to be heard and to present witness and documentary evidence as to why this order should be modified or withdrawn. You may be represented by an attorney. Please be informed that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board and that any adverse party has the right to be present at the hearing.

All rights, claims, and defenses are reserved and not waived.

Please contact Animal/Health Inspector, Jessica Gardner at 508-946-2408 if you have any questions. A re-inspection for compliance will be scheduled.

*Very truly yours,
For the Board of Health*



*Jeanne Spalding
Health Officer*



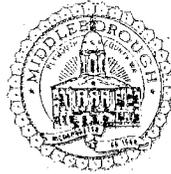
*Jessica Gardner
Animal/Health Inspector*

cc: Charles Cristello, Town Manager; Robert Whalen, Building Department

*Certified: 7011 3500 0001 3786 1728
Sent Regular Mail*

*A TRUE COPY ATTEST
Allison J. Ferreira
TOWN CLERK*

Incorporated 1669



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

HEALTH DEPARTMENT
508-946-2408

20 CENTRE STREET
MIDDLEBOROUGH, MA 02346

March 27, 2013

*Joyce Ryan
72 Pleasant Street
Middleborough, MA 02346*

*RE: State Sanitary Code Violations at 19 Plymouth Street, Middleborough MA 02346
Lot 018 Map 1623*

Ms. Ryan,

The Health Department conducted a re-inspection on March 11, 2013 at the above referenced location in response to a complaint. At this time the Health Department has granted a ninety (90) day extension to complete the following outstanding violations:

410.351 Owners Installation and Maintenance Responsibilities (A) & (B)

- *Observed pipe extending from washer unit through wall in basement and another pipe protruding from the outside ground.*

The owner shall install or cause to be installed, in accordance with accepted plumbing, gasfitting and electrical wiring standards and shall maintain free from leaks, obstructions or other defects, the following:

- (A) All facilities and equipment which the owner is or may be required to provide including, but not limited to, all sinks, washbasin, bathtubs, showers, toilets, water heating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connection to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto; and*
- (B) (B) All owner-installed optional equipment, including but not limited to, refrigerators, dishwashers, clothes washing machines and dryers, garbage grinders, and submetering devices designed to measure the usage of electricity, gas or water.*

410.452 Safe Condition

410.500 Owner's Responsibility to Maintain Structural Elements

- *Areas of pooled water on cement flooring throughout basement.*
- *Exterior of dwelling has evidence of wear and weatherworn structural elements including but not limited to deteriorating wood shingles and chipping paint on trim boards and windows.*

Owner shall maintain structural elements in good repair. Owner shall maintain all means of egress at all times in a safe operable condition whereas all corrodible structural parts shall be painted or otherwise protected against rust and corrosion and all wood structural members shall be treated to prevent rotting and decay. Owner must maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements so the dwelling excludes wind, rain and snow, and is rodent proof, watertight and free from chronic dampness, weathertight, in good repair and in every way fit for the use intended. Further, he shall maintain every structural element free from holes, cracks, loose plaster, or other defect where such holes, cracks, loose plaster.

During this re-inspection, State Sanitary Code 410.190 Hot Water was unable to be measured due to temperature meter measure malfunction. The Health Department will re-evaluate this violation at time of re-inspection to confirm compliance. Occupant states there is liquid still draining from one of the pipes protruding from the ground. Owner must provide documentation that the pipes are not being used for drainage to be in compliance with State Sanitary Code 410.351 Owners Installation and Maintenance Responsibilities (A) & (B).

Health Department has no records that the existing cesspool has been modified to accommodate the current number of dwelling units for this property. The Health Department requires a Title 5 inspection for this dwelling.

If unoccupied, this dwelling cannot be reoccupied until a re-inspection is conducted and a letter of compliance is issued by this department.

The remaining Massachusetts State Sanitary Code, Article II, 105 CMR 410.001-410.990 violations have been corrected and are in compliance pertaining to order letter dated January 22, 2013.

Should you be aggrieved by this order, you have the right to request a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this order. At said hearing you will be given an opportunity to be heard and to present witness and documentary evidence as to why this order should be modified or withdrawn. You may be represented by an attorney. Please be informed that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board and that any adverse party has the right to be present at the hearing.

All rights, claims, and defenses are reserved and not waived.

Please contact Animal/Health Inspector, Jessica Gardner at 508-946-2408 if you have any questions. A re-inspection for compliance will be scheduled.

*Very truly yours,
For the Board of Health*



*Jeanne Spalding
Health Officer*



*Jessica Gardner
Animal/Health Inspector*

cc: Charles Cristello, Town Manager; Robert Whalen, Building Department; Richard Barlow 19 Plymouth Street, Middleborough MA 02346

*Certified: 7011 3500 0001 3786 1797
Sent Regular Mail*

SPECIAL TOWN MEETING MOTIONS – APRIL 22, 2013

ARTICLE 1.

I move that \$35,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Law Department Special Counsel Account #530400:

I further move that \$7,500 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Elections & Registration Election Officers Account #511108:

I further move that \$40,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Police Department Regular Pay Officers Account #511126:

I further move that \$235,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the DPW Snow Removal Account #015293:

I further move that \$45,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Veterans' Services Medical & Cash Aid Account #577000:

I further move that \$70,000 be transferred from the Employee Benefits Health & Life Insurance Account # 517400 to the Unclassified Interest on Tax Abatement Account #015780

(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, the Stabilization Fund, an existing appropriation or account, or other available source for unpaid bills from prior years, or act anything thereon.~~

(There are no unpaid bills to address. The Finance Committee will move to postpone this article indefinitely)

ARTICLE 3. I move that the Town vote to transfer the sum of \$58,306 from the Employee Benefits Health & Life Insurance Account # 517400 to fund sick leave buy-backs in the following departments:

Police Department	#519700	\$20,170
Fire Department	#519700	\$36,136
Library	#519700	\$ 2,000

This article funds the sick leave buy-backs for three retiring town employees.

Charles Cristello

STM ARTICLE 1

From: Decas, Murray & Decas <decasmurraydecas@yahoo.com>
Sent: Friday, March 22, 2013 12:58 PM
To: Charles Cristello
Cc: Jacqueline Shanley; Rich Pavadore - Finance Comm. Chairman
Subject: Law Dept Budget

March 22, 2013

Charles J. Cristello, Town Manager (*via email*)

RE: Law Department Budget for Fiscal Year 2013

Dear Charlie:

Please be advised that the balance in the Special Counsel portion of the Law Department Budget after payment of all bills received by this office as of 2/28/13 was \$11,754.33. Thus far for the month of March, I have submitted an invoice for processing from Attorney Peloquin in the amount of \$9,310.00. The remaining balance for Special Counsel after payment of the Peloquin invoice will be \$2,444.33.

Attorney Lampke submitted an invoice for services through 2/27/13 in the amount of \$2,700.94 which I have not yet processed for payment since there are not sufficient funds remaining to pay this bill in full.

I requested outside counsel to submit estimates as of 3/15/13 for services through 6/30/13. Responses I have received to date are as follows:

1. Attorney Peloquin estimates an additional \$15,580. This estimate is based on pending matters only.
2. Lampke & Lampke estimates an additional \$2,500 presuming there are no unanticipated activities.
3. Kopelman & Paige: No response.
4. Huggins & Witten: No response.

I think that the Peloquin estimate for the balance of the year is probably low given past experience. It also seems at least possible that there will be additional charges from Jon Witten and Kopelman & Paige.

Based upon the above I suggest a supplement to the Special Counsel portion of the Law Department Budget of \$35,000.00.

Very truly yours,

Daniel F. Murray
Town Counsel
DFM/s
82-117
cc: Board of Selectmen
Finance Committee

Charles Cristello

STM ARTICLE 1

From: Charles Cristello
Sent: Wednesday, April 03, 2013 4:39 PM
To: Allison Ferreira
Subject: RE: Additional Funds for Election Budget

OK. Thanks

From: Allison Ferreira
Sent: Wednesday, April 03, 2013 4:38 PM
To: Charles Cristello
Subject: Additional Funds for Election Budget

Charlie,

I currently have \$22,552.38 remaining the in the Elections budget (162). I have estimated the costs associated with the dual election of April 30, 2013 and June 25, 2013 Special State Election to be require an additional appropriation of **\$7,447.62** to bring the budget to \$30,000. Please let me know if you have any questions or concerns.

Thanks,
Allison

Allison J. Ferreira
Town Clerk
Town of Middleborough
20 Centre Street
Middleborough, MA 02346
(508) 946-2415 phone
(508) 946-2308 fax
afferreira@middleborough.com

Charles Cristello

STM ARTICLE 1

Subject: FW: estimated amounts STM

From: Steven Dooney
Sent: Thursday, March 28, 2013 3:48 PM
To: Charles Cristello
Subject: estimated amounts STM

LEGAL 01.151.530400.0.0 \$1,200 LEFT UNKNOWN WHAT IS STILL NEEDED

SNOW 01.422.015293.0.0 195K + MORE IN RED 230K?

VETERANS 01.543.577000.0.0 78K LEFT 48K GIVES ESTIMATED 5K CUSHION

UNCLASSIFIED 01.950.015780.0.0

65-70K TO COVER ABATEMENT FOR POLES WIRES
AND ANY SHORTAGE IN GAS NOT COVERED BY DIESEL

Steve Dooney, CGA
Town Accountant
Town of Middleborough
508-946-2313

Charles Cristello

STM ARTICLE 1

From: Andy Bagas
Sent: Friday, April 05, 2013 8:25 AM
To: Charles Cristello
Subject: FW: Snow Deficit

I should have added Police details for cleaning up after the blizzard. \$2,500 just came in and there will be more next week, probably another \$2,500 for two officers for 5 days.

From: Andy Bagas
Sent: Wednesday, April 03, 2013 1:47 PM
To: Charles Cristello
Subject: Snow Deficit

Current deficit estimate is \$228,000. A few more small bills may come in yet.

STON ARTICLE 1 and
ARTICLE 3

MIDDLEBOROUGH POLICE DEPARTMENT
WARRANT ARTICLES
SPRING TOWN MEETING
JUNE 2013

3 am
To see if the Town will vote to raise and appropriate the sum of \$98,469.90 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 3 cruisers.

2 am
To see if the Town will vote to raise and appropriate the sum of \$20,000.00 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 15 Tasers.

2 am
To see if the Town will vote to raise and appropriate the sum of \$7,000.00 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 portable radios.

✓
To see if the Town will vote to raise and appropriate the sum of \$3,532.88 (after deducting the Police Department's share) 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 reimburse 01.210.524800.0.0 Communications Equipment Maintenance for repairs to the shared communication equipment at the Barden Hill site. Total of 3 invoices is \$5,142.47.

✓
To see if the Town will vote to raise and appropriate the sum of \$8,067.90 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 reimburse 01.210.511126.0.0 Reg. Pay Police Officers for unused vacation paid to Officer Steven Schofield upon retirement.

Special Article 3
To see if the Town will vote to raise and appropriate the sum of \$20,169.75 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 reimburse 01.210.419700.0.0 Sick Leave Buy Back for unused sick leave paid to Officer Steven Schofield upon retirement.

✓ To see if the Town will vote to raise and appropriate the sum of \$8,679.00 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 reimburse 01.210.511126.0.0 Reg. Pay Police Officers for unused vacation and personal time paid to Officer Collins in the amount of \$3,859.00 and \$4,820.00 paid to Officer Levesque for unused comp, holiday and vacation.

✓ To see if the Town will vote to raise and appropriate the sum of \$1,828.63 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 reimburse 01.210.523100.0.0 Water & Sewer for charges incurred due to a broken water pipe in an unused, exterior bathroom.

✓ To see if the Town will vote to raise and appropriate the sum of \$1,098.96 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 reimburse 01.210.524100.0.0 Building and Grounds Maintenance for money spent to replace padding and carpet damaged by a water leak in an office.

✓ To see if the Town will vote to raise and appropriate the sum of \$500.00 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 reimburse 01.210.526900.0.0 Other Equipment Maintenance 1 for the deductible imposed on the Police Department for repairs to the Town's sign board.

✓ To see if the Town will vote to raise and appropriate the sum of \$17,442.30 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 reimburse 01.210.511126.0.0 Reg. Pay Police Officers for retro paid to Officers after they received a cost of living increase of 2% effective July 1, 2012.

✓ To see if the Town will vote to raise and appropriate the sum of \$1,213.47 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 reimburse 01.210.519500.0.0 Career Incentive for retro paid to Officers after they received a cost of living increase of 2% effective July 1, 2012.

Charles Cristello

STM ARTICLE 3

From: Lance Benjamino
Sent: Monday, January 28, 2013 5:27 PM
To: Charles Cristello
Subject: Sick Leave Buy Back
Attachments: Gaudette Sick Buy Back.pdf

Charlie,

Captain Thomas Gaudette has given me a letter (attached) of retirement effective on or around September 24, 2013. His estimated Sick Leave Buy Back is \$36,135.45.

Lance Benjamino

Chief of Department
Middleborough Fire Department
125 North Main Street
Middleborough, MA 02346
firechief@middleborough.com

From: Charles Cristello
Sent: Monday, January 28, 2013 4:56 PM
To: Lance Benjamino
Subject: RE: Meeting Monday

Yes

From: Lance Benjamino
Sent: Monday, January 28, 2013 3:12 PM
To: Charles Cristello
Subject: Re: Meeting Monday

Yes, your office?

Sent from my iPhone

On Jan 28, 2013, at 1:51 PM, "Charles Cristello" <ccristello@middleborough.com> wrote:

I set up a tentative meeting with Frank Posniak on regional dispatch for Monday February 4th at 2 P.M. here in Middleborough. Can you make it?

Charles J. Cristello
Town Manager
Town of Middleborough

THOMAS E. GAUDETTE		SICK LEAVE		USED		BALANCE		PERSONAL DAYS		VACATION	
2013		CREDIT				CREDIT USED	BALANCE	CREDIT USED	BALANCE	CREDIT USED	BALANCE
January		223.5					0			24	
February		225					0				
March		226.5					0				
April		228					0				
May		229.5					0				
June		231					0				
July		232.5				4					
August		234									
September	→	235.5									
October											
November											
December											

- 235.5 days (75 max)

Rate of pay (7-1-13) \$40.1505/hr.

X 12 hrs.

481.8060/day

X 235.5 days (75 max)

\$361,135.45

Charles Cristello

STM ARTICLE 3

To: Danielle Bowker
Subject: RE: a retirement

I will add it in.

From: Danielle Bowker [<mailto:dbowker@sailsinc.org>]
Sent: Monday, April 01, 2013 3:37 PM
To: Charles Cristello
Subject: a retirement

Hi Charlie,

One of our part-time people, Peggy Scott, has decided to retire as of 6/30
Her sick leave buy back is relatively small, but I doubt that I will have enough to
fund it without something from Town Meeting. Is there any chance of getting
just \$2000 at the Special?

I know its late and this is probably the last thing I should be asking for.

--

Danielle Bowker
Director
Middleboro Public Library
508-946-2470



SPECIAL TOWN MEETING WARRANT

Middleborough, Massachusetts

To Bruce Gates, 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 22, 2013 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 2013, or act anything thereon.

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 a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, the Water Enterprise Unreserved/Retained Earnings account, or other available source to fund sick leave buy-backs, or act anything thereon.

Given, under our hands at Middleborough, this **1st day of April, 2013**.

Alfred P. Rullo, Jr., Chairman

Allin Frawley, Vice Chairman

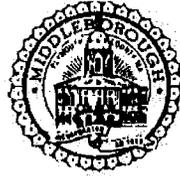
Steven P. Spataro

Ben Quelle

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 **4th day of April, 2013** that date being more than fourteen days before the time specified for said meeting.

BRUCE GATES
Police Chief



ANNUAL TOWN MEETING WARRANT

Middleborough, Massachusetts

To Bruce Gates, 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 22, 2013, at 7:30 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, 2013, 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 money to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2014, or act anything thereon.

ARTICLE 4. To see if the Town will vote to transfer \$106,902 from the receipts reserved for the Water Pollution Abatement Trust Loan Repayment Account in order to meet the Town's obligation for payment of the Water Pollution Trust Loan, or act anything thereon.

ARTICLE 5. To see if the Town will vote pursuant to Section 53E 1/2 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 2014, or act anything thereon.

PROGRAM	EXPENDING AUTHORITY	SOURCE	AMOUNT TO BE EXPENDED
Municipal Fire Alarm System	Fire Chief	Fees	Not to exceed \$15,000
Hazardous Materials Incident Training & Materials	Fire Chief	Fees	Not to exceed \$50,000
Recycling Program	Public Works Sup.	Fees	Not to exceed \$2,500
Composting Bin Program	Public Works Sup.	Fees	Not to exceed \$2,500
Herring Fishery Program	Herring Fishery Com	Fees	Not to exceed \$10,000
Recreation and Sports Program	Park Commission	Fees	Not to exceed \$100,000
Zoning Map, Bylaws and Subdivision Rules & Regulations	Town Clerk	Fees	Not to exceed \$2,500

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.

ARTICLE 7. To see if the Town will vote to raise and appropriate the sum of \$200,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C, or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems, or act anything thereon.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$73,195 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 new police cruisers, new portable radios, and new tasers for the Police Department, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$235,000 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 new forestry vehicle and portable radios for the Fire Department, or act anything thereon.

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$595,000 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 new sweeper and a new dump truck for the Public Works Department, a new dump truck for the Parks Department, an A.D.A. compliant traffic signal, a new six-wheel truck for the Wastewater Department, and new fire hydrants for the Water Department, or act anything thereon.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$147,183 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to engineer, permit and construct the expansion of the Council on Aging parking lot, replace carpeting in the Town Hall Annex and Council on Aging, to replace a compressor in the Public Library and to repair the roof on the Town Hall Annex, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$155,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to install security cameras, and renovate bathrooms at the Elementary Complex, or act anything thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$115,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to for various building improvements at Middleborough High School, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer \$175,000 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 staff/classroom computers, printers, and file servers, LCD projectors and instructional technology, and computer network infrastructure for the School Department, or act anything thereon.

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 all relevant and necessary expenses associated with the design and financing of the upgrade to the Wastewater Treatment Facility for the Wastewater Department, or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer \$600,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to design an expansion of the police station in its current location, or act anything thereon.

ARTICLE 17. 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 2014, with each item to be considered a separate appropriation:

Appropriations:

From FY 2014 estimated revenues for Committee Administrative Expenses	\$13,000
---	----------

Reserves:

From FY 2014 estimated revenues for Historic Resources Reserve	\$26,000
From FY 2014 estimated revenues for Community Housing Reserve	\$26,000
From FY 2014 estimated revenues for Open Space Reserve	\$26,000
From FY 2014 estimated revenues for Budgeted Reserve	\$151,000

, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 18. To see if the Town will vote to appropriate \$3,500 from the Historic Resources Reserve of the Community Preservation Fund to fund the Planning Phase of the Middleborough Historical Museum's project for preservation of historic town records and artifacts contained in two buildings by conducting an assessment of the exiting conditions of the buildings, determining their condition and suitability for renovations and to prepare a scope of work and construction cost estimate; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 19. To see if the Town will vote to appropriate \$5,000 from the Historic Resources Reserve of the Community Preservation Fund to Refurbish and Preserve an 1890 Woodberry and Harris Historic Pipe Organ located in the Unitarian Universalist Church and to record a preservation restriction on said organ; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 20. To see if the Town will vote to appropriate \$20,000 from the Community Housing Resources Reserve of the Community Preservation Fund to fund a portion of the Middleborough Housing Authority's Nemasket Apartments Window Project for the purpose of improving housing conditions for ten elderly housing units in two buildings; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 21. To see if the Town will vote to appropriate \$40,000 from the Community Housing Resources Reserve of the Community Preservation Fund to fund a portion of the Shoe Shop Place Affordable Housing Project located at 151 Pierce Street for the purpose of constructing 24 affordable housing units; said funds to be expended under the direction of the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 22. To see if the Town will vote to adopt the following by-law:

Discharges to the Municipal Storm Drainage System

Section 1. Purpose

Increased and contaminated stormwater runoff is a major cause of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Middleborough's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this By-Law are:

1. to prevent Pollutants, as defined herein, from entering the Town of Middleborough's municipal separate storm sewer system (hereinafter, the "MS4");
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges;
5. to establish the legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring, and enforcement.
6. to provide the authority for the adoption of regulations by the Board of Selectmen to aid in the implementation and enforcement of this Bylaw.

Section 2. Definitions

For the purposes of this By-Law, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Town of Middleborough Board of Selectmen [the Board]), its employees or agents designated to enforce this By-Law.

BEST MANAGEMENT PRACTICE ("BMP"): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an unauthorized discharge of pollutants into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water; and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-Law.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Article 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Article 8, of this By-Law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, tennis/sports courts and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Middleborough.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, unincorporated entity, business enterprise, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock, sand, salt, soils unless applied for the purpose of public safety during winter conditions;
- (10) construction wastes and residues; and
- (11) noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 3. Applicability

This By-Law shall apply to flows entering the municipally owned storm drainage system.

Section 4. Authority

This By-Law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Section 5. Responsibility for Administration

The Board shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to agents of the Board.

Section 6. Regulations

The Board may promulgate rules and regulations to implement and enforce the purposes of this By-Law. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

Section 7. Prohibited Activities

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any Pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board.

Section 8. Exemptions

The following activities shall be exempt from the prohibitions under Section 7:

Discharge or flow resulting from firefighting activities.

Discharge or flow resulting from DPW ice and snow control operations

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- (1) Waterline flushing;
- (2) Flow from potable water sources;
- (3) Springs;
- (4) Natural flow from riparian habitats and wetlands;
- (5) Diverted stream flow;
- (6) Rising groundwater;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (9) Discharge from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing and temporary fundraising car wash events;
- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;

- (13) Dye testing, provided verbal notification is given to the Board or its duly authorized agent prior to the time of the test;
- (14) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
- (15) Discharge for which advanced written approval is received from the Board or its agent as necessary to protect public health, safety, welfare or the environment; and
- (16) Discharge allowed under a Planning Board-issued special permit/subdivision approval or under a Conservation Commission-issued Order of Conditions

Section 9. Sump Pumps

All sump pumps tied into the MS4 shall be registered with the Authorized Enforcement Agency. If, for reasons of protecting public health or the environment, the Authorized Enforcement Agency deems it necessary, disconnection of sump pump(s) or pretreatment of discharge may be required.

Section 10. Emergency Suspension of Storm Drainage Access

The Board may suspend MS4 access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 11. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in, or which may result in, discharge of pollutants to the MS4 waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Middleborough Fire and Police Departments. In the event of a release of non-hazardous material, the person shall notify the Authorized Enforcement Agency no later than the next business day. The person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 12. Enforcement

The Board or an authorized agent of the Board shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. This includes costs borne by the Board, which were directly associated with the investigation that led to the discovery of the illicit discharge.

Civil Relief. If a person violates the provisions of this By-Law, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from

activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

Remedies Not Exclusive. The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

If the property owner violates more than one provision of this By-Law, each provision so violated shall constitute a separate offense.

Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-Law and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

Section 13. Severability

Any person that violates any provision of these regulations may be punished by fines of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense. The Board or its duly authorized agent is an authorized officer to impose such fines.

The provisions of this By-Law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this By-Law.

Section 14. Transitional Provisions

Property owners shall have 30 days from the effective date of the By-Law to comply with its provisions provided good cause is shown for the failure to comply with the By-Law during that period, or act anything thereon.

ARTICLE 23. To see if the Town will vote to amend its Zoning By-Law as follows:

1. Amend Section 3.3.5 - Nonconforming Single and Two Family Residential Structures, subsections 1, 2 and 3 by:
 - a. adding "Reconstruction, extension, change or" before "Alteration to a structure..." in the first sentence of each subsection, and
 - b. adding "reconstruction, extension, change or" before "alteration" in the 2nd line of subsection 3.
2. Amend Section 3.3.7 - Reconstruction after Catastrophe or Demolition by adding "Except as provided in Section 3.3.5 above," before "Any nonconforming structure..." in the first sentence, or act anything thereon.

ARTICLE 24. To see if the Town will vote to extend Clause 56 of G.L. c59, ss5 which would 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 they are serving in a foreign country, or act anything thereon.

ARTICLE 25. To see if the Town will vote to adopt the following by-law:

When a two-thirds vote of the Town Meeting is required by statute for passage of a motion, the Moderator may declare that the motion passed by two-thirds vote under a voice vote, and in such case a counted vote need not be taken unless a standing vote, vote by ballot or other counted vote is required by statute, or act anything thereon.

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase and/or eminent domain for use in connection with a municipal water system well site parcels of land off Cross Street, now or formerly owned by Alfred Gomes and believed to be now owned by Robin Craver and/or Dorothy Lucas containing in the aggregate 11.59 acres of land more or less and being part of Lot 3922 on Assessors Map 40, on such terms and conditions as the Board determines, and to appropriate a sum of money by borrowing, by transfer from the water development charge portion of the retained earnings of the Water Enterprise Fund and/or another account or source to pay for acquisition of the parcels, or act anything thereon.

ARTICLE 27. To see if the Town will vote to authorize the Board of Selectmen to acquire a parcel of land off Plymouth Street in North Middleborough containing 4.28 acres more or less by purchase and/or eminent domain for use in connection with a municipal water system well site, said parcel being part of Lot 5077 on Assessors Map 10 and which parcel abuts an existing municipal well site property sometimes known as the Mizaras or Kalow well site shown as Lot 5173 on Assessors Map 10, such parcel believed to be owned by Bertarelli Bros., Inc., on such terms and conditions as the Board determines, and to appropriate a sum of money from retained earnings of the Water Enterprise Fund, by borrowing or from other available account or source by pay for acquisition of the parcel, or act anything thereon.

ARTICLE 28. To see if the Town will vote to assent to the appointment of Robert M. Desrosiers 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 wither of said Trusts, or act anything thereon.

Given, under our hands at Middleborough, this **1st day of April, 2013.**

Alfred P. Rullo, Jr., Chairman

Allin Frawley, Vice Chairman

Steven P. Spataro

Ben Quelle

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 **4th day of April, 2013**, that date being more than seven days before the time specified for said meeting.

BRUCE GATES
Police Chief