Middleborough Board of Selectmen **May 16, 2011**
Meeting Minutes

Chairman opened meeting at 7:04 PM by inviting those in attendance to join in the Pledge of Allegiance.

ANNOUNCEMENTS
Chairman announced meeting was being broadcast live by Middleborough Cable Committee Access Media.

Selectman Frawley announced that he had attended a Kiwanis luncheon on Sunday honoring Marilyn Chammas and George Andrade. Ms. Chammas joined the Kiwanis in 1988 and Mr. Andrade in 1983. They have been donating their personal time for 23 to 28 years respectively.

Selectman Frawley announced that the Kiwanis will be holding a golf tournament on 5/22/11 at the Back Nine at 1 PM. Registration begins at 12 Noon.

Selectman Spataro announced that the Middleborough Friends will hold its annual Pancake Breakfast this weekend from 8 am to 11 pm at Council on Aging. He also announced that the Animal Shelter has a new roof thanks to the Middleborough Friends and Anders Martenson, IV.

Brian Giovanoni offered the thanks of the Middleborough Friends to Mr. Martenson and two contractors and also James Quinn. They completed the roof within a 12-hour day. Andy Bagas provided a truck. Jason Tracy made trips to the landfill. Chairman thanked Middleborough Friends.

Town Moderator Wayne Perkins addressed Board and reminded the public to attend the Annual Town Meeting on 6/6/11 at 7 pm at the High School.

OTHER
Michael De Arruda addressed Board to ask if Board could post his resume electronically and to please pass out to companies that may have a need for his skills. Chairman noted that the Town may not have the appropriate avenue to do that, but if it can, it will.

ANNOUNCEMENTS (continued)
Mark Belanger announced that Middleboro Nest Movers will meet Saturday, 5/21/11at Town Hall at 9 a.m. for the annual Town cleanup. He will mention in his Middleborough Gazette column this Thursday. Melissa Guimont runs the program and has further information. The website is mbmessmovers@gmail.com.

Chairman announced that there will be a small gathering held for Town Clerk Eileen Gates in the small conference room at the High School at 5:30 PM on 6/6/11.
Selectman Quelle announced that he heard from a resident who lives near the landfill regarding an accumulation of trash near the entrance of the landfill. This resident

believes that there was an agreement in the contract that it would be cleaned up. Town Manager will find out.

Selectman Quelle recognized 17-year-old James McKeon who is working on his Eagle Scout badge by tackling the Middleborough Historic Museum with help from family and friends and various businesses in Town. Selectman Quelle offered his thanks to James and the local businesses who donated to his project.

MINUTES
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted to approve 5-9-11 meeting minutes. Four in favor. Selectman Spataro abstained.

NEW BUSINESS
Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve two One-day Wines & Malt Beverages Liquor licenses for Muckey's Liquors on 5/22/11 from 12 Noon until 11 PM and 5/28/11 from 5 PM to 11 PM at 200 Oak Point Drive.

Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve request from Library to use Town Hall lawn on Thursday, June 30, 2011 from 12 Noon until approximately 1:30 PM for a Brown Bag Books story time.

Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve Town Hall rental request by Northbrook Academy on 6/3/11 from 5:30 PM until 10 PM.

HEARINGS, MEETINGS & LICENSES
School Department Budget
School Superintendent Michael Malone presented the School Department budget as attached. A question and answer period ensued between Superintendent Malone and the Board. School Business Manager Kathy Piatelli also addressed the Board. Selectman Spataro acknowledged Superintendent Malone for his leadership, cooperative spirit, and creativity. Chairman Rullo thanked Mr. Malone for addressing Level Three and for actively going after the problem. Selectman McKinnon suggested having fifty residents from each of the six precincts in Town write to their State Representatives to get some action where it is needed.

Conservation Restriction – Fuller Street
Conservation Agent Patricia Cassady addressed Board to present a Conservation Restriction for Fuller Street relative to Elliot Schneider's Earth Removal project. The restriction had been accepted by the Conservation Commission at its 5/5/11 meeting. Selectman Frawley asked if the public will be allowed on the Conservation Restriction.

Agent Cassady responded that it will be, but for passive recreation such as walking and bird watching. She will remind Mr. Schneider to be aware re Eastern Box turtles.
Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve the Conservation Restriction.

Public Hearing re Special & Annual Town Meeting Warrant Articles
Chairman opened hearing re STM/ATM Warrant Articles at 8:20 PM. Board members took turns reading aloud the articles.

SPECIAL TOWN MEETING:
Article 1. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to approve article.

Jane Lopes questioned not having the future Annual Town Report (ATR) printed and available for the public, noting that it is a historical document. Selectman Frawley agreed and offered that the Board should have a meeting with the public for its input.

Article 2. Upon motion by Selectman McKinnon and seconded by Selectman Quelle, Board voted unanimously to continue this article indefinitely as recommended by Town Manager.

Artilce 3. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to approve article.

ANNUAL TOWN MEETING
Article 1. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to recommend favorable action on this article.

Article 2. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to recommend favorable action on this article.

Article 3. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve this article. Chairman thanked Town Manager for working with the MG&E. Selectman Frawley asked Town Manager if we can ask the MG&E for a larger Pilot payment. Selectman Frawley indicated that he looks forward to talking with the Commission.

Article 4. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 5. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article 6. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to pass over this article indefinitely.

Article 7. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article 8. Town Manager noted that Town Counsel intends to provide in writing that this article is not fundable in this manner. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted not to support this article. Selectman Frawley asked Town Manager if there is a way that we can find a way to support this article. Town Manager thinks it speaks to having municipalities not get involved in making contributions. Selectman Frawley would like to find a way to support this article. Town Manager will discuss with Town Counsel and Health Officer if the Health department can help this organization. Selectman McKinnon suggested there may be some type of grant funding available. Three in favor. Selectmen Frawley and Quelle abstained.

Article 9. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to make it 100% reimbursement for overseas servicemen.

Article 10. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 11. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 12. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 13. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article.

Article 14. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support this article, subject to grant being awarded by the state School Building Authority.

Article 15. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 16. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 17. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 18. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Article 19. Board agreed to hold voting on this article until later in the meeting when it would be discussing Lakeville I.M.A.

Article 20. Ocean Spray Cranberries, Inc. representative gave presentation re TIF being requested. A question and answer period ensued. They are also seeking state variance to allow for PVC versus cast iron for storm drains. They are looking for a letter of support from the Middleborough Board of Health. Town Manager indicated that the Health department is in full support of this. Upon motion by Selectman McKinnon and seconded by Selectman Frawley, Board voted unanimously to support variance. Glenn Montapert of Marion Road asked if the office on Route 18 is the corporate office and if it is in Middleborough. Town Manager responded that it is the corporate office, but that the building is not in Middleborough. The driveway is. The building is in Lakeville. Mr. Montapert then asked about job opportunities for residents. Chairman explained that this article is specifically for the 152 Bridge Street location. Mr. Montapert asked to reconsider 20 year time line of TIF. Town Manager responded that it will be reduced to 12 years because they've already had 8 years on current TIF and can't go beyond 20 years.

Article 21. OECD Director addressed Board to give brief overview. Town Manager informed Board he would not ask the Board to vote on this article this evening as more information is pending.

Article 22. Conservation Commission Chairman Ron Burgess addressed Board and suggested that the Commission and the Town Manager recommend removing this article. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to pass over this article.

Article 23. Jane Lopes who served as Chairman of the Community Preservation Bylaw Committee addressed Board to review intent of article. Discussion ensued. Selectman Frawley disclosed he was a member of the CPBC prior to being a member of the Board of Selectmen. Selectman Rullo offered that he thinks the Selectmen should appoint At Large members. Selectman Frawley thinks Selectmen and the CPC should make those appointments. Selectman Spataro thinks the Selectmen should appoint. Town Manager noted that the fundamental belief is that the Board of Selectmen should appoint. Upon motion by Selectman Frawley and seconded by Selectman Quelle, Board voted unanimously support this article. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted to make amendment to motion at ATM to change language so "At Large" appointments are made by the Board of Selectmen. Four in favor. Selectman Frawley opposed.

Article 24. Selectman Frawley asked to hear from Edgeway residents as to whether they want a separate Rent Control Board appointed. Selectman McKinnon offered that he feels it's the Board's responsibility to maintain its position as Rent Board as CEO's of the Town. Selectman Spataro agreed. Various Edgeway residents addressed Board indicated that they would prefer that the Board continue to serve as the Rent Board as they believe they have waited long enough and fear they may have to start over. They believe they should be able to contact the Board members whenever they need to in order to get things accomplished. They offered that they need regular meetings with this Board and maybe in the future it can go to a separate Board. Jim Knox of Tispaquin Street spoke. He thinks it should stay with the Board. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted not to support this article. Four in favor. Chairman Rullo opposed.

Article 25. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support this article.

Article 26. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support this article.

Article 27. DPW Director Andy Bagas addressed Board to explain purpose of this article. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to support this article.

Article 28. DPW Director Andy Bagas addressed Board to explain purpose of this article. Upon motion by Selectman Spataro and seconded by Selectman Frawley, Board voted unanimously to support this article. Selectman Spataro thanked Mr. Bagas for working with residents.

Article 29. DPW Director Andy Bagas addressed Board to explain purpose of this article. Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to support this article.

Vote Final Budget Recommendations
Town Manager reviewed his recommendations. Question and answer period ensued. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve recommendations as summarized by Town Manager.

Lakeville IMA
Selectman Frawley stated that he would like to come up with a good draft strictly for existing customers. He'd like to see Lakeville put a vehicle in place to ensure we will get paid. He thinks it's an important 1st step and would just like to begin by tackling that. Chairman Rullo explained that we bill the Town of Carver and Carver bills its residents. Chairman suggested Board go back to '07 draft of IMA with Lakeville and remove

wastewater and process for which new customers could be added. Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to authorize Selectman Frawley to work on draft IMA. Town Manager noted that it can be modified quickly and we can move it along to Lakeville. Selectman Frawley added that he intends to talk with Andy Bagas, Joe Silva and possibly Richard Tinkham.

TOWN MANAGER'S REPORT

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to award contracts to the bidders listed under the SERSG DPW Supplies IFB for a twelve month period commencing 7/1/11. This award is conditioned upon the receipt of the appropriate documents specified in the IFB. The SERSG Regional Administrator will collect these documents on behalf of the Board of Selectmen and present them to the Board for final approval and signatures.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to sign the attached contract award sheets for office supplies and paper through the southeastern Regional Services Group.

Town Manager noted email forwarded to the office, which originated from the Attorney General regarding material posted on meeting agendas. Discussion ensued. Board agreed that there doesn't appear to be any issues, at this time, with the manner in which the Board's agenda items are listed.

CORRESPONDENCE

#1 Selectman Frawley noted correspondence from A.G. to Donald Boucher and dated 10-2-07. Edgeway resident John King addressed Board and noted that he had given Ruth Geoffroy a memo from the A.G. in 2007/2008 regarding trees when they felt they were stonewalled by the Tree Warden. Margaret King added that she had written the letter because the Town hadn't done anything.

Town Manager stated that a meeting was held at Town Hall with Attorney Marsan, Corey Farcus, and the Attorney General's office last week at which he, Planning, the Health Officer, and the Building Commissioner, and Town Counsel were in attendance. They discussed trees and lighting issues. The A.G. made it clear they are concerned with the issues and gave Mr. Farcas 2-3 wks to resolve them or they would consider taking some action. Town Manager explained that the Tree Warden doesn't have the authority to go on private property, but through mobile home parks, he has the authority through hazardous conditions. We will have him go out there and assess and report back to the Board with recommendations. Chairman Rullo stated that he met with Town Counsel last week and Counsel has filed suit against Edgeway for operating without a license and the other suit to be filed soon will be for failure to complete the park. Town Manager will have Tree Warden go out there this week. Louisa Brown asked if the Selectmen were invited to this meeting that had been held with the Attorney General's office. Town Manager responded that it was just the staff. Chairman Rullo explained that the Board

doesn't need to be there. Selectman Frawley additionally explained that three or more Board members cannot be together at one time without posting a meeting of the Board.

#2 Selectman Frawley indicated that he will attend the Plymouth County Advisory Board Annual meeting on 6/9/11 at Middleborough Town Hall.

#5 Upon motion by Selectman Frawley and seconded by Selectman McKinnon, Board voted unanimously to approve paranormal investigation with Selectman Frawley volunteering to stay at the Town Hall during the investigation.

#7 Selectman Frawley noted correspondence re Plymouth Street Bridge.

#8 Selectman Frawley offered that he appreciates the information from the Carver Board of Selectmen re reorganization.
#9 Selectman Frawley asked that correspondence from Buzzards Bay National Estuary program be forwarded to Patricia Cassady.

#10 Selectman Frawley noted that he was happy to see letters from Attorney Marsan.

#2 Selectman McKinnon noted that he will be attending the Plymouth County Advisory Board Annual meeting on 6/9/11 at Town Hall.

Upon motion by Selectman Frawley and seconded by Selectman Spataro, Board voted unanimously to adjourn meeting at 11:25 PM.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

WARRANT FOR SPECIAL TOWN MEETING

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, June 6, 2011 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 2011, 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 9th day of May, 2011.

Alfred P. Rullo, Jr., Chairman

Stephen J. McKinnon, Vice Chairman

Steven P. Spataro

Allin Frawley

Ben Quelle

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 19th **day of May, 2011**, that date being more than fourteen days before the time specified for said meeting.

BRUCE GATES
Police Chief

ANNUAL 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, June 6, 2011, 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, 2011, 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 2012, or act anything thereon.

ARTICLE 4. To see if the Town will vote to transfer $96,950 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 ½ of Chapter 44 of the General Laws, as amended, to authorize and/or reauthorize establishment of one or more revolving funds for the purpose of funding certain activities and operations of certain departments and programs of the Town during Fiscal Year 2012, or act anything thereon.

Municipal Fire Alarm System	**Not to exceed $15,000**
Hazardous Materials Incident Training & Materials	**Not to exceed $50,000**
Recycling Program	**Not to exceed $2,500**
Composting Bin Program	**Not to exceed $2,500**
Herring Fishery Program	**Not to exceed $10,000**
Recreation and Sports Program	**Not to exceed $100,000**
Zoning Map, Bylaws and Subdivision Rules & Regulations	**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 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 health insurance plans for some of the increases in health insurance HMO and PPO deductibles and co-payments paid by said employees and retirees and other persons during Fiscal Year 2012 and in excess of the amounts of such deductibles and co-payments applicable during Fiscal Year 2010, and to pay any related costs, or act anything thereon.

ARTICLE 8. A NEW DAY (formerly Womansplace Crisis Center) requests from the Town of Middleborough that $1,500 be raised and appropriated to A New Day in fiscal year 2012 in lieu of services provided to the sexual assault survivors and their families.
By petition

ARTICLE 9. To see if the Town will vote to accept Clause 56 of G.L. c.59, ss 5 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 10. 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 11. To see if the Town will vote to raise and appropriate and/or transfer the sum of $400,000 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 engine for the Fire Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer the sum of $287,000 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 sander for the Public Works Department, two new utility trucks for the Wastewater Department, and a new van for the Water Department, or act anything thereon.

ARTICLE 13. 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 Town Hall Cupola and to make exterior repairs to the Town Hall Annex and Public Library, or act anything thereon.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer the sum of $520,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace windows and repave the parking lot at the Elementary Complex, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer the sum of $170,000 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing to replace part of the floor tiles at Middleborough High School, and install security cameras and access control card readers at all school buildings, or act anything thereon.

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer the sum of $253,095 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 fileservers, LCD projectors and instructional technology, and computer network infrastructure for the School Department and to purchase computers, servers, monitors, printers, and related hardware for various Town departments, or act anything thereon.

ARTICLE 17. To see if the Town will vote to accept River's Edge Drive and Edge Water Lane as Town ways 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 River's Edge Drive and Edgewater Lane – Middleborough, Massachusetts 02346" consisting of five sheets, dated October 15, 2007, revised through February 14, 2008 and prepared by Atlantic Design Engineers, L.L.C., 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 18. To see if the Town will vote to transfer the care, custody, management, and control of land and building (Freight House), Assessors Map and lot #s: Map 50M: lots 5058 (10 Cambridge Street), 5089 (2 Cambridge Street), 5852 (15 Station Street), and R.O.W. (discontinued road, Centre Avenue) to the Board of Selectmen for the purpose of sale and conveyance of the properties, or act anything thereon.

ARTICLE 19. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Town of Lakeville to provide water service to certain properties in the Town of Lakeville on such terms and conditions as the Board of Selectmen determines, or act anything thereon.

ARTICLE 20. To see if the Town will vote to: (a) approve a Tax Increment Financing ("TIF") Plan and Agreement pursuant to Massachusetts General Laws c. 23A, §3E between Ocean Spray Cranberries, Inc. and the Town of Middleborough for an expansion project located at 152 Bridge Street shown on Assessors' Map 64, Lot 4545 which TIF provides for tax exemptions over a twenty (20) year period at the rates set forth therein, substantially in the form on file with the Board of Selectmen and the Town Clerk, subject to approval by the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts ("EACC"); (b) authorize the Board of Selectmen to execute the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; (c) authorize the Board of Selectmen to submit all such documents to the EACC under the Economic Development Incentive Program for approval and designation of the Bridge Street Economic Opportunity Area expansion project, TIF Plan and TIF Agreement and Certified Project Application described therein; (d) take such other and further action as may be necessary or appropriate to carry out the purposes of this article; and (e) or act anything thereon.

ARTICLE 21. Local Adoption of Chapter 43D Expedited Permitting – South Middleborough Property

To see if the Town will vote to accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land generally bounded by Route 28 (Wareham Street) and Route 495, totaling 134.6 acres, assessor's Map #:88: Lots 3449, 3488, 4234, 4265, 5056, 5751 and Map #94: :Lots 1026, 274, 5966 as a Priority Development Site, or act anything thereon.

ARTICLE 22. To see if the Town will vote pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, to authorize establishment of an Administrative Services revolving fund for the purpose of funding certain activities and operations of the Conservation Commission during Fiscal Year 2012, or act anything thereon.

ARTICLE 23. To see if the Town will vote to adopt the following bylaw –
Community Preservation Bylaw

Section 1: Establishment

The Town of Middleborough hereby establishes a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B, Section 5. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Housing Authority as designated by the Authority for a term of three years.

One member of the Planning Board as designated by the Board for an initial term of two years and thereafter for a term of three years.

One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

Two at-large members to be appointed for a term of two years and thereafter for a term of three years.

Two at-large members to be appointed for a term of one year and thereafter for terms of three years.

The initial four at-large members shall be appointed by majority vote during a joint meeting of the statutory members of the Community Preservation Committee and the Board of Selectmen. Further, prior to this joint meeting, the Board and the Committee shall each receive the applications of interested persons and may interview the applicants. Thereafter, the appointment of at-large members shall be by majority vote during a joint meeting of the Board of Selectmen and all members of the Community Preservation Committee.

Notwithstanding the terms of office set forth above, in the event that a person no longer serves in the position or on the commission, board or authority designated above, such person shall be deemed to have vacated his or her position on the Community Preservation Committee.

Should any of the commissions or boards who have appointing authority under this Section be no longer in existence for whatever reason, the appointing authority for that commission, board or authority shall become the responsibility of the Board of Selectmen.

Section 2: Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to, the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Parks Commissioners and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more publicinformational hearings on the needs, possibilities and resources of the Town regarding Community Preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.
2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside, for later spending, funds for specific purposes that are consistent with Community Preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4: Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Section 5: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 6: Effective Date

Following Town Meeting approval, this bylaw shall take effect under and pursuant to the procedures and requirements of General Laws Chapter 40, Section 32. Each designating and appointing authority shall have thirty days after the bylaw takes effect to make their initial appointments, or act anything thereon.

ARTICLE 24. To see if the Town will vote to rescind the vote taken under Article 23 of the warrant for the June 14, 1993 Special Town Meeting that the Board of Selectmen shall be the Rent Board for the purpose of regulating rents, minimum standards for the use or occupancy of mobile home park accommodations and evictions of tenants therefrom pursuant to the provisions of Chapter 703 of the Acts of 1985, to authorize the Board of Selectmen to appoint a five (5) member Rent Board pursuant to the provisions of Chapter 703 of the Acts of 1985 for such terms as the Board of Selectmen determines, to provide that the Board of Selectmen shall by appointment fill any vacancies in the Rent Board, to provide that the Board of Selectmen shall cease to be the Rent Board under Chapter 703 of the Acts of 1985 from and after December 1, 2011 and that the members of the Rent Board appointed by the Board of Selectmen shall take office on December 1, 2011, or act anything thereon.

ARTICLE 25. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact special legislation to provide that any agreement for a term of more than two (2) years made by the Town with any other governmental unit under the provisions of Section 4A of Chapter 40 of the General Laws respecting the sale by the Town of Middleborough of water or wastewater treatment services shall be subject to authorization by the Town Meeting, or act anything thereon.

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation to allow the Board to impose reasonable fees for the employment of outside consultants under the provisions of General Laws Chapter 44, Section 53G in connection with its review of Earth Removal permit applications under the Town's Earth Removal By-law, or act anything thereon.

ARTICLE 27. To see if the Town will vote to adopt the following by-law –

Section 1. A record owner of a lot of land which abuts a Town way who intends to construct a building or other structure on the lot and which construction requires a building permit shall, before commencement of construction, file a written notice of intent to construct with the Director of the Town's Department of Public Works (the "Director"). The notice shall contain the street address of the lot on which construction is to take place, the name(s) of the record owner(s) of the lot, a description of the proposed construction, the estimated dates when construction will take place, and the vehicles, equipment and machinery which will be used in such construction. Upon receipt of such notice, the Director may require the record owner of the lot to provide to the Town a monetary bond ("bond") in an amount not to exceed Two Thousand Dollars ($2,000.00). The Director in determining whether to require a bond and the amount of the bond shall take into consideration the nature of the proposed construction, when the proposed construction is to occur, the vehicles, equipment and machinery likely to be used in such construction, the condition of the Town way on which the lot abuts and the purpose of the bond as set forth in Section 2.

Section 2. The purpose of a bond under this by-law is to provide money to the Town to defray the cost to restore or repair a Town way which incurs damage caused by or arising from the use of vehicles, equipment or machinery in connection with the construction of a building or structure on a lot which abuts the Town way.

Section 3. If the Director requires a bond, the record owner of a lot shall provide such bond to the Town before commencement of construction.

Section 4. When a record owner of a lot who provided a bond pursuant to this by-law notifies the Director that construction has been completed including completion of any related lot grading and/or landscaping, the amount of the bond shall be refunded to the record owner less an amount determined by the Director for the cost to restore or repair the Town way on which the

lot abuts which way incurred damage caused by vehicles, equipment or machinery in connection with construction on the lot. The Town shall retain such amount determined by the Director for the cost to restore or repair the Town way and refund the remainder of the bond amount to the record owner of the lot who provided the bond.

Section 5. Violation of Section 1 or Section 2 hereof by a record owner of a lot shall be punished by a fine of One Hundred Fifty Dollars ($150.00) for each violation, or act anything thereon.

ARTICLE 28. To see if the Town will vote to authorize the Board of Selectmen to acquire easements in two parcels of land by gift, purchase or eminent domain in connection with the project to improve drainage on Thompson Street, such parcels being shown on a plan entitled "DRAINAGE EASEMENT PLAN, Map 14 Plot 732, Map 23 Lot 766, 174 & 176 Thompson Street, Middleboro, Mass. Date: March 14, 2011." By Michael J. Koska & Associates, Inc. Said property owners are Goldman, 174 Thompson Street and Ribeiro, 176 Thompson Street, or act anything thereon.

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to acquire easements in one parcel of land by gift, purchase or eminent domain in connection with the project to improve the intersection of Rocky Meadow Street at Tispaquin Street, such parcel being shown on a plan entitled "ROADWAY EASEMENT PLAN FOR ROCKY MEADOW AND TISPAQUIN STREETS, Map 44 Plot 5527, Middleboro, Mass. Date: March 30, 2011." By Michael J. Koska & Associates, Inc. Said property owner is Rudolph, 52 Rocky Meadow Street, or act anything thereon.

Given, under our hands at Middleborough, this 9th day of May, 2011.

Alfred P. Rullo, Jr., Chairman

Stephen J. McKinnon, Vice Chairman

Steven P. Spataro

Allin Frawley

Ben Quelle

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 **19th day of May, 2011**, that date being more than seven days before the time specified for said meeting.

BRUCE GATES
Police Chief