

**Middleborough Board of Selectmen  
Meeting Minutes**

**May 24, 2010**

Chairwoman Brunelle opened meeting by inviting Troop 96 Boy Scouts Ian Lemieux and Jonathan Bagley to lead in the Pledge of Allegiance. Troop Leader Rob Theriault was also in attendance.

**Minutes**

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve 5-17-10 meeting minutes with request by Selectman Spataro that i.g.a. be spelled out on page 1 and the words "with Wampanoag Tribe" be added immediately following.

**ANNOUNCEMENT**

Selectman McKinnon noted that Cirelli's is going to hold its Annual free BBG Bonanza and car show on 6/5/10 12 Noon until 4 PM.

**NEW BUSINESS**

Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve the 5<sup>th</sup> annual two-mile walk in memory of Kris McGuinness on Sunday, September 26, 2010 and also to approve placement of an advertisement sign on the Town Hall lawn from 9/10/10 through 9/26/10, subject to the sign being made shorter in length. Applicant is to verify with the Police Department that the race route is acceptable.

Board agreed to reschedule appointing an MBTA Advisory Board Representative. Board's secretary to provide information as to when the Advisory Board meets.

Donald Boucher addressed Board asking to change the name of Access Way to Joe Ciaglo Way in memory of Joe Ciaglo. Chairwoman noted the steps involved would be to make a sign and to notify the E-911 Coordinator. Upon motion by Selectwoman Duphily and seconded by Selectman McKinnon, Board voted unanimously to approve this request. Selectman McKinnon asked Town Manager if the Town could find the funds to pay for this expense. Town Manager responded in the affirmative and thanked D. Boucher recognizing Mr. Ciaglo in this way. Town Manager to notify DPW Director Andy Bagas. Secretary to notify E-911 Coordinator.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to approve appointment of Annette Holmes as Delegate Representative to Old Colony Elderly Services.

Donna Vickery addressed Board to note that Donna's Dawgs will have a military theme and a dedication wall with hot dogs, light sandwiches, soups, and soda. Upon motion by Selectwoman Duphily and seconded by Selectman Spataro, Board voted unanimously to approve a Common Victualler's license with hours of operation being Sunday through Saturday 10 a.m. to 6 p.m.

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Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to rescind appointment of Stephen Peterson as Alternate Wiring Inspector and to maintain John Hogan as the only Alternate Wiring Inspector.

**OLD BUSINESS**

Chairwoman Brunelle read aloud response from MG&E re moratorium on the development of fossil fuel electric generating plants. Upon motion by Selectwoman Dughily and seconded by Selectman McKinnon, Board voted in agreement with the opinion of the MG&E and opposed supporting this legislation. Selectman McKinnon commented that, given we are a society driven on electricity, and everyone wants clean energy sources and the length of time it takes to process permits, he can't see wanting to get bogged down with further regulations. The best thing the Board can do is let the people who put this together know that we strongly do not support this moratorium. Selectman Spataro suggested that we should ask them for monitoring records. Selectwoman Dughily noted that we need some monitors nearer to, or in, Middleborough. Chairwoman Brunelle will ask Town Manager to draft something for the Board.

**HEARINGS, MEETINGS & LICENSES**

Chairwoman opened hearing at 7:30 PM by reading aloud the public hearing notice. Applicant Steve Barnicoat addressed Board to explain the Alteration in Premises that he is seeking for his restaurant. Selectman McKinnon made public disclosure that he and Mr. Barnicoat served together on a Committee for a brief period of time and he is voting as a Selectman tonight for the betterment of the Town. Selectwoman Dughily read aloud Police Chief's recommendation that the 10' fence Mr. Barnicoat references in the diagram submitted be installed prior to approval of this license. Mr. Barnicoat explained that he ordered it today. Chairwoman asked for comments by the public. Hearing none, Chairwoman declared the hearing closed. Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted unanimously to approve, subject to the 10' fence installation being completed and confirmed by Building Commissioner.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to approve Change of Manager for the VFW to Joseph H. Thayer. Four in favor. Selectman Spataro opposed.

Upon motion by Selectwoman Dughily and seconded by Selectman McKinnon, Board voted unanimously to approve a Change of Director for the VFW, specifically, that John F. Roberson, Jr. was elected President of the Corporation to serve until replaced by a new vote for President.

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to get the recommendation of the Police Chief on application made by Arthur Blaire for Constable and on all future Constable applications. Board agreed to reschedule Mr. Blaire's application until the CORI report is received.

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Town Accountant Steve Dooney addressed Board to comment on his Quarterly Financial Report as presented on the attached. Board engaged in brief discussion, and question and answer period regarding the report.

**TOWN MEETING ARTICLES**

**Special Town Meeting Motions for Articles (Attached)**

Vice Chairman Rullo ran meeting for few minutes and began by reading aloud motion for Special Town Meeting "STM" Article 1.

Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve.

Allin Frawley addressed Board to ask if this was a special hearing/public hearing. Chairwoman responded that the Board already had a public hearing and that tonight was only about the motions on the articles.

Chairwoman Brunelle read aloud motions for STM Article 2. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve.

Chairwoman Brunelle read aloud motions for STM Article 3. Town Manager explained article. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve.

Chairwoman Brunelle read aloud motions for STM Article 4. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve.

Chairwoman Brunelle read aloud motions for STM Article 5. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted unanimously to approve.

**Annual Town Meeting Motions for Articles**

Town Manager reviewed Article 12 and recommended Board table. Upon motion by Selectman McKinnon and seconded by Selectman Spataro, Board voted to table this article.

Chairwoman explained that Article 14 is about Rock Village School. Upon motion by Selectman Spataro and seconded by Selectman Rullo, Board voted to support Article 14.

Town Manager explained Article 17. Upon motion by Selectman Spataro and seconded by Selectwoman Dughily, Board voted to hold this article.

Town Manager informed Board that he still needs to talk to one more person about Article 20. Chairwoman requested Board's Secretary post meeting for 6:30 PM on 6/7/10 for Board to meet prior to Town Meeting to make a decision on this article.

**Proposed Financial Guidelines**

Selectman Rullo briefly explained and discussed the attached proposed financial guidelines. Chairwoman thanked Selectman Rullo.

**TOWN MANAGER'S REPORT**

The FEMA deadline coming up this week has been extended to give people more time. Just to remind people, please contact F.E.M.A. at FEMA.com. for further details.

**CORRESPONDENCE**

#3 CEHIC – Abandoned liquid waste drying lagoons from Lakeville Hospital  
Selectman Rullo asked Town Manager if they've gotten approval to get this done. Town Manager responded that he knows that they brought it to the attention of D.E.P., but he is unaware of what D.E.P. is going to do. Chairwoman Brunelle responded she and Selectwoman Duphily sat on that Committee and the Committee was just looking for assurances that they are looking into concerns that contaminants may be leaching into the Nemasket River. Selectwoman Duphily noted that the lagoons were covered in clay, but were under water when we had all that rain.

#11 Plymouth County Retirement Association – 2010-2011 Town Expense  
Town Manager suggested that we may want to go back to the Retirement Board and argue that if the state is giving us relief, they may want to give us relief.

#16 DEP – Proposed Conditional Approval Brockton Power Company - Air Quality Standard.

#7 Plymouth County Mosquito Control is continuing with mosquito adulticide applications.

**BILLS**

Upon motion by Selectman Spataro and seconded by Selectman McKinnon, Board voted unanimously to pay bill for Dickinson Wright, PLLC in the amount of \$7,452.54.

**OTHER**

Selectwoman Duphily noted that the steeple has gone onto the Congregational church on Friday and how amazing it was to watch. She thanked the Garden Club from Oak Point for re-planting flowers around the two little shrubs out front and for planting the other planters. Selectwoman Duphily also spoke about how things are sometimes misrepresented in the newspaper such as a recent article referencing newly elected Selectman Allin Frawley.

Allin Frawley addressed Board to say that he is assuming that the letter has gone to the Tribe. Town Manager responded that it is still being drafted. Mr. Frawley asked when the ten day count down begins. Chairwoman responded that it begins as soon as the

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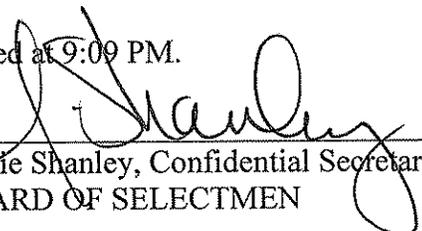
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Tribe receives the Town's letter. He asked if the public can be kept apprised of any new information. Board agreed. Mr. Frawley asked who will be representing the Town's side. Chairwoman Brunelle responded that it will be Attorney Whittlesey. Mr. Frawley asked if there would not also be a member of the Board representing the Town. Chairwoman Brunelle responded that it depends on what the Arbitrator requires.

Chairwoman Brunelle noted that she had talked with Town Clerk Eileen Gates and Eileen will be having an informational seminar on the new Open Meeting Law. She's going to another meeting on June 3<sup>rd</sup> and will then have an informational meeting for all committees, boards, and departments.

Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted by Roll Call to go into Executive Session at 8:54 PM to discuss strategy relative to Collective Bargaining and not to return into Open Session. Poll Vote: A. Rullo, Yes; M. Duphily, Yes; S. McKinnon, Yes; S. Spataro, Yes; M. Brunelle, Yes.

Ended at 9:09 PM.

  
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Jackie Shanley, Confidential Secretary  
BOARD OF SELECTMEN

CLASSIFICATION LOCAL RECEIPTS	BUDGETED PER 10 RECAP 2,338,490.00	ACTUAL 3/31/2009 2,145,567.00	ACTUAL 3/31/2010 1,884,444.00	Variance (261,123.00)
1. MOTOR VEHICLE EXCISE				
01.4150.00 MOTOR VEHICLE	221,797.00	163,016.00	158,249.00	(4,767.00)
2. OTHER EXCISE				
01.4161.00 BOAT EXCISE		7,485.00	6,916.00	
01.4162.00 FARM ANIMAL I/E NON RETURN PENALTY		4,970.00	4,404.00	
01.4165.00 I/E NON RETURN PENALTY TAX TITLE		9,350.00	11,400.00	
01.4166.00 ALL OTHER TAXES		-	328.00	
3. HOTEL/MOTEL TAX				
01.4696.00 ROOM OCCUPANCY TAX	305,428.00	141,211.00	135,201.00	89,539.00
01.4697.00 PENALTIES AND INTEREST		149,735.00	239,274.00	
4. COSTS AND INTEREST				
01.4171.00 COSTS/INTEREST REP/PP	36,270.00	57,901.00	53,941.00	1,859.00
01.4172.00 PAYMENTS IN LIEU OF TAXES		91,834.00	185,333.00	
8. ASSESSORS IN LIEU OF TAX				
01.4370.13 CHARGES FOR SERVICES - TRASH DISPOSAL	1,085,069.00	32,851.00	34,720.00	7,905.00
01.4336.00 TRASH BAG STICKERS		822,969.00	830,874.00	
01.4337.00 CURBSIDE TRASH FEES *		26,695.00	26,968.00	
01.4337.08 TRASH ADDED TO REAL *		792,488.00	791,363.00	
01.4337.09 TRASH ADDED TO REAL *		-	-	
01.4370.17 RESIDENTIAL LANDFILL BULKY PERMITS*		3,786.00	12,121.00	
01.4338.00 TRASH TAX TITLE		-	422.00	
9. TRASH POSSESSIONS				
01.4322.00 OTHER CHARGES FOR SERVICES	930.00	730.00	496.00	(234.00)
10. SERVICE CHARGES	98,651.00	64,286.00	96,431.00	32,135.00
01.4323.00 FILING FEES		622.00	9,941.00	
01.4324.00 CERT. OF MUN. LIENS		16,175.00	25,395.00	
01.4326.00 ZONING & PLANNING FEES		7,900.00	15,960.00	
01.4327.00 ASSESSORS FEES		3,342.00	2,313.00	
01.4329.00 DOG POUND FEES		300.00	195.00	
01.4334.00 NON-RENEWAL REGISTRY FEES		15,837.00	19,020.00	
01.4330.00 EARTH REMOVAL INSPECTIONS		17,500.00	21,200.00	
01.4332.00 CABLEVISION FRANCHISE FEES		2,620.00	2,407.00	
11. RENTALS				
01.4370.15 ALL OTHER RENTAL INCOME	209,302.00	141,071.00	143,149.00	2,078.00
01.4370.07 SCHOOL ST. PROPERTY RENTAL		30,090.00	32,488.00	
01.4370.08 TRAILER		2,429.00	2,385.00	
12. TOWN HALL				
01.4370.19 CUPOLLA RENTAL	199,963.00	107,990.00	65,147.00	(42,843.00)
01.4842.00 DEPARTMENTAL REVENUE - SCHOOLS		-	-	
01.4856.00 SCHOOL MISCELLANEOUS		107,990.00	65,147.00	
REIMBURSEMENT SCHOOL MEDICAID				

13.	01.4774.00	DEPARTMENT REVENUE - LIBRARIES						
		LIBRARY MISCELLANEOUS						
	16.	OTHER DEPARTMENTAL REVENUE	369,383.00	279,517.00	260,571.00	(18,846.00)		
		HIGHWAY ROAD OPENINGS		1,540.00	1,460.00			
	01.4370.04	LANDFILL MISC		80.00	-			
	01.4801.00	MISC TWIN CLERK RECEIPTS		18,266.00	17,329.00			
	01.4802.00	POLICE ADMIN		18,672.00	9,342.00			
	01.4805.00	POLICE MISCELLANEOUS		15,597.00	13,318.00			
	01.4841.00	FIRE MISCELLANEOUS		26,391.00	28,993.00			
	01.4370.20	LANDFILL MONITOR		44,243.00	46,943.00			
	01.4370.21	LANDFILL ROYALTIES		154,728.00	143,286.00			
	17.	LICENSES AND PERMITS	665,551.00	538,858.00	445,139.00	(93,719.00)		
		DOG LICENSES		28,763.00	28,305.00			
	01.4325.00	ALCOHOLIC BEVERAGES LIC.		36,470.00	41,280.00			
	01.4410.00	OTHER LICENSES/PERMITS		11,693.00	13,900.00			
	01.4421.00	BUILDING PERMITS		236,270.00	161,017.00			
	01.4426.00	LANDFILL PERMITS		37,950.00	39,150.00			
	01.4427.00	FIRE PERMITS		27,292.00	25,785.00			
	01.4431.00	PLUMBING PERMITS		18,124.00	13,858.00			
	01.4450.00	GAS PERMITS		38,358.00	26,454.00			
	01.4451.00	WIRING PERMITS		97,928.00	87,449.00			
	01.4452.00	HEALTH DEPARTMENT PERMITS		6,010.00	7,941.00			
	01.4453.00	WEIGHTS & MEASURES						
	01.4455.00	SIDEWALK OBSTRUCTION PERMIT						
	18.	SPECIAL ASSESSMENTS	33,575.00	30,512.00	32,282.00	1,770.00		
		SPECIAL ASSESSMENTS		30,512.00	32,282.00			
	01.4750.00	FINES AND FORFEITS	96,009.00	67,032.00	79,036.00	12,004.00		
	19.	COURT FINES		45,419.00	58,569.00			
	01.4695.00	LIBRARY FINES		15,674.00	15,893.00			
	01.4774.00	FINES FOR RETURNED CHECKS		2,710.00	1,975.00			
	01.4773.00	DRUG RELATED FINES		100.00	200.00			
	01.4777.00	PARKING TICKETS		3,129.00	2,399.00			
	01.4847.00	INVESTMENT INCOME	319,876.00	299,360.00	116,329.00	(183,031.00)		
	20.	EARNINGS ON INVESTMENTS		299,360.00	116,329.00			
	01.4820.00	PREMIUM ON NOTES						
	21.	MISCELLANEOUS RECURRING	66,706.00	38,910.00	60,923.00	22,013.00		
		MISCELLANEOUS		1,549.00	11,290.00			
	01.4804.00	SALES OF INVENTORY						
	01.4875.00	DP SAFETY REIMB		37,361.00	49,633.00			
		SMHG MEDICARE D REIMB						
		REIMBURSEMENT UCC FILINGS						
		NON-RECURRING MISCELLANEOUS		910,187.00	73,367.00	(836,820.00)		
	22.	PRIOR YEAR REIMBURSEMENT						
		REIMBURSEMENT INSURANCE						
	01.4849.00	SALE OF TOWN OWNED PROPERTY						
	01.4806.00	NON-RECURRING MISC FIRE TRUCK						
	01.4807.00							

01.4807.01	SALE OF LAND DEPOSIT			
01.4807.02	SURPLUS PROPEQUIP SALES			
01.4807.03	PRECEINCT STREET PROPERTY SALE			
01.4807.04	SALE OF LAND - CHESTNUT ST			
01.4807.05	SALE OF LAND-HILLSIDE AVE			
01.4807.06	SALE OF LAND-OFF PLYMPTON ST			
01.4807.07	SALE OF LAND-OFF WALL ST			
01.4807.08	SALE OF LAND-OFF WALNUT ST			
01.4807.09	SALE OF LAND-OFF WAREHAM ST			
01.4807.10	OCC ED TRANS REIMB			
01.4807.11	SBA REIMB REP ROOFS			
01.4873.00	PRIOR YEAR REIMB			
	COURT JUDGEMENT - LANDFILL	910,187.00		
	COURT JUDGEMENT - MBTE SETTLEMENT	-		
	GAS/ELECTRIC DEPT. LEASE BUY-OUT	-		
	FEMA REIMBURSEMENT FOR SNOW	-		

4,934.00

910,187.00

68,433.00

TOTAL		6,047,000.00	5,792,601.00	4,520,531.00	(1,272,070.00)
MINUS NON RECUR			4,882,414.00	4,452,098.00	(430,316.00)

MIDDLEBOROUGH					
EXPENDITURES			MARCH 10		
		BUDGET	EXPENDITURES	REMAINING	%
#	DEPARTMENT	with adjust			
111	FINANCE COMMITTEE	\$ 4,843.00	\$ 3,193.18	\$ 1,649.82	66%
	PERSONNEL BOARD		\$ -	\$ -	
	CABLE COMMISSION	\$ -	\$ -	\$ -	
	MODERATOR	\$ -	\$ -	\$ -	
	B&I COMMISSION	\$ -	\$ -	\$ -	
122	SELECTMEN	\$ 58,003.00	\$ 42,124.63	\$ 15,878.37	73%
123	TOWN MANAGER	\$ 187,683.00	\$ 135,982.34	\$ 51,700.66	72%
136	ACCOUNTANT	\$ 126,956.00	\$ 91,688.11	\$ 35,267.89	72%
141	ASSESSORS	\$ 264,678.00	\$ 200,406.77	\$ 64,271.23	76%
146	TREASURER & COLLECTOR	\$ 462,955.00	\$ 313,007.19	\$ 149,947.81	68%
151	LAW	\$ 142,351.00	\$ 102,970.88	\$ 39,380.12	72%
165	INFORMATION TECHNOLOGY	\$ 305,034.00	\$ 239,040.94	\$ 65,993.06	78%
161	TOWN CLERK	\$ 160,208.00	\$ 119,809.27	\$ 40,398.73	75%
162	ELECTIONS & REGISTRATION	\$ 48,473.00	\$ 26,541.15	\$ 21,931.85	55%
171	CONSERVATION COMMISSION	\$ 98,846.00	\$ 80,411.90	\$ 18,434.10	81%
176	PLANNING BOARD	\$ 184,086.00	\$ 136,682.00	\$ 47,404.00	74%
176	ZONING BOARD	\$ 31,354.00	\$ 23,919.48	\$ 7,434.52	76%
189	ADMINISTRATIVE OFFICE BUILDING	\$ 154,352.00	\$ 99,531.10	\$ 54,820.90	64%
210	POLICE DEPARTMENT	\$ 3,583,631.00	\$ 2,587,811.58	\$ 995,819.42	72%
220	FIRE DEPARTMENT	\$ 2,634,249.00	\$ 1,860,227.31	\$ 774,021.69	71%
241	BUILDING DEPARTMENT	\$ 340,380.00	\$ 212,920.89	\$ 127,459.11	63%
244	SEALER WEIGHTS & MEASURES	\$ 6,198.00	\$ 4,313.97	\$ 1,884.03	70%
262	DOG DEPARTMENT	\$ 99,623.00	\$ 73,440.67	\$ 26,182.33	74%
421	DPW ADMINISTRATION	\$ 20,919.00	\$ 16,986.32	\$ 3,932.68	81%
422	DPW HIGHWAY	\$ 1,097,277.00	\$ 975,122.87	\$ 122,154.13	89%
423	DPW TREE WARDEN	\$ 11,870.00	\$ 6,541.15	\$ 5,328.85	55%
429	DPW INSECT & PEST	\$ 965.00	\$ -	\$ 965.00	0%
433	DPW RUBBISH REMOVAL	\$ 374,428.00	\$ 232,374.00	\$ 142,054.00	62%
521	HEALTH	\$ 303,251.00	\$ 226,945.08	\$ 76,305.92	75%
541	COUNCIL ON AGING	\$ 540,448.00	\$ 419,440.40	\$ 121,007.60	78%
543	VETERAN'S SERVICES	\$ 372,276.00	\$ 325,806.25	\$ 46,469.75	88%
610	LIBRARY	\$ 586,481.00	\$ 481,144.84	\$ 105,336.16	82%
660	PARK DEPARTMENT	\$ 290,159.00	\$ 252,069.24	\$ 38,089.76	87%
691	HISTORICAL COMMISSION	\$ 1,711.00	\$ 417.00	\$ 1,294.00	24%
	GENERAL GOVERNMENT	\$ 12,493,688.00	\$ 9,290,870.51	\$ 3,202,817.49	74%
710	DEBT SERVICES	\$ 6,181,168.00	\$ 5,045,091.63	\$ 1,136,076.37	82%
919	EMPLOYEE FRINGE BENEFITS	\$ 15,145,646.00	\$ 12,759,620.00	\$ 2,386,026.00	84%
941	COURT JUDGEMENTS	\$ -	\$ -	\$ -	
950	UNCLASSIFIED	\$ 2,015,149.00	\$ 1,594,048.00	\$ 421,101.00	79%
311	SCHOOL DEPARTMENT	\$ 26,454,010.00	\$ 17,116,495.13	\$ 9,337,514.87	65%
899	TRANSPORTATION MISC	\$ 532,149.00	\$ 394,177.00	\$ 137,972.00	74%
900	TRANSPORTATION CONTRACTED	\$ 1,775,218.00	\$ 927,497.34	\$ 847,720.66	52%
951	ARTICLES	\$ 598,243.00	\$ 285,914.39	\$ 312,328.61	48%
	INTERGOVERNMENTAL ASSESS		\$ 348,101.00	\$ 216,992.00	
	still in process expenses (encumbered)		\$ 6,695.00		
	TOTAL	\$ 65,195,271.00	\$ 47,761,815.00	\$ 17,426,761.00	73%
	UNEXPENDED APPROPRIATIONS		\$ 47,761,815.00	\$ 17,426,761.00	





ARTICLE 1 I move that the Town transfer \$35,000 from the Employee Benefits Health Insurance Account #517400 to the Law Department Special Counsel Account #530400

I further move to transfer \$1,964 from Employee Benefits Workers' Compensation Account # 517100 to the Information Technology Administrator Account #511115.

I further move to transfer \$10,000 from Elections & Registrations Elections Officers Account # 511108 to the Town Clerk Restoration of Records Account #555401

I further move to transfer \$10,000 from Employee Benefits Workers' Compensation Account # 517100 to the Conservation Commission Dams and Culverts Account #582500.

I further move to transfer \$265,662 from the following accounts to DPW Highway Snow Removal Account #15293:

DPW Highway	#511146	\$9,000
DPW Highway	#511147	\$48,000
DPW Highway	#511148	\$75,000
DPW Highway	#553200	\$10,000
Building	#511138	\$45,000
Employee Benefits	#517600	\$10,000
Transportation Cont.	#530401	\$50,000
Elections & Reg.	#511108	\$5,000
Elections & Reg.	#511109	\$5,000
Rubbish	#529000	\$8,662

I further move to transfer \$25,000 from Employee Benefits FICA Account # 517600 to the Veterans' Services Medical & Cash Aid Account #577000

I further move to transfer \$305,000 from Employee Benefits Health Insurance Account #517400 to School Department Special Education Tuition Account # 563150.9330.2999.

ARTICLE 2 I move that the Town vote to transfer the sum of \$15,000 from the Wastewater Enterprise Unreserved/Retained Earnings Account for the purpose of paying for the accrued vacation days of retired employees.

ARTICLE 3 I move that the Town vote to transfer the sum of \$300,000 from the Water Enterprise Development Account to the Water Department Interest on Debt Account #591500. I further move to reduce the following Water Department accounts by a total of \$530,000:

Regular Pay Sup.	511146	\$ 20,000
Regular Pay Labor	511148	\$ 90,000
Overtime Pay	513100	\$ 30,000
Bldg & Grounds Maint.	524100	\$ 5,000
Water Pump Station Maint.	524300	\$ 15,000
Hot Top Material	525400	\$ 5,000

Water Exploration	538700	\$ 20,000
Building & Grounds Maint.	543000	\$ 2,000
Tires	548200	\$ 500
Sundry Vehicles	548900	\$ 500
General Materials	553200	\$ 7,000
Pipes & Fittings	544300	\$ 5,000
Ph & Chlorination Parts	585201	\$ 1,000
Distribution System Improv.	587501	\$ 29,000
Interest on Debt	591500	\$300,000

ARTICLE 4 I move to transfer \$916 from Employee Benefits Workers' Compensation Account #517600 to pay the following unpaid bills from previous years

Information Technology	#	\$866
Unclassified	#025301	\$50

ARTICLE 5 I move that the Town vote to transfer the sum of \$40,590 from Workers Compensation Account #517100 and \$25,430 from the Wastewater Enterprise Unreserved/Retained Earnings Account to fund sick leave buy-backs in the following departments:

Fire Department	#519700	\$40,590
Wastewater Department	#519700	\$25,430



## 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, May 17, 2010, 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, 2010, relating to all or any of its officers, boards or departments and for purposes authorized by law, to vote to fix the salary and compensation of all elected officers, 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 for the purpose of fixing the tax rate a sum of money to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2011, or act anything thereon.

ARTICLE 4. To see if the Town will vote to transfer \$66, 736 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 2011, or act anything thereon.

Municipal Fire Alarm System	Not to exceed \$15,000.00
Hazardous Materials Incident Training & Materials	Not to exceed \$50,000.00
Recycling Program	Not to exceed \$100,000.00
Herring Fishery Program	Not to exceed \$100,000.00
Composting Bin Program	Not to exceed \$2,500.00
Recreation and Sports Program	Not to exceed \$100,000.00
Zoning Map, Bylaws and Subdivision Rules & Regulations	Not to exceed \$2,500.00

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 2011 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. 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 amend the Town Charter adopted pursuant to Chapter 592 of the Acts of 1920, as amended, by striking out in its entirety Section 9 pertaining to the Town Treasurer and Collector of Taxes and inserting in place thereof the following:

**SECTION NINE:** The Selectmen shall appoint a suitable qualified person to the office of Town Treasurer and Collector of Taxes. The existing elective office of Town Treasurer and Collector of Taxes shall be continued until the person appointed to the office of Town Treasurer and Collector of Taxes shall have qualified, at which time the elective office of Town Treasurer and Collector of Taxes shall terminate. The Selectmen shall appoint the person who is serving in the elective office of Town Treasurer and Collector of Taxes as the initial appointee as Town Treasurer and Collector of Taxes who shall receive not less than the compensation and benefits to which the elected Town Treasurer and Collector of Taxes was entitled unless modified by an employment contract which may be established. The Town Treasurer and Collector of Taxes shall have and exercise all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon town treasurers and town collectors of taxes. The Selectmen by majority vote after notice and hearing may remove the Town Treasurer and Collector of Taxes from office for cause. The Selectmen shall forthwith appoint a suitable qualified person to fill any vacancy in the office of Town Treasurer and Collector of Taxes resulting from death, resignation, retirement, removal or other cause. The Selectmen shall determine the compensation of the Town Treasurer and Collector of Taxes and may establish an employment contract with the Town Treasurer and Collector of Taxes for a period of time to provide for salary, fringe benefits and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties of office, liability insurance, vacation and leave, or act anything thereon.

ARTICLE 9. 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 amend the Town Charter adopted pursuant to Chapter 592 of the Acts of 1920, as amended, by amending subsections (A) and (B) to Section 17 of the Town Charter as follows

- (A) The Board of Selectmen shall annually appoint and determine the compensation of an Attorney at Law or law firm to act as Town Counsel.
- (B) The Board of Selectmen shall have the authority to prosecute, defend, and compromise all litigation to which the town is a party, and to appoint and determine the compensation of special counsel to assist the Town Counsel whenever in their judgment it may be necessary, or act anything thereon.

ARTICLE 10. 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 amend the Town Charter adopted pursuant to Chapter 592 of the Acts of 1920, as amended, by adding the following subsections to Section 19 of the Town Charter to add specified powers and duties of the Town Manager:

(K) To prepare and submit an annual operating budget to the Selectmen. The proposed budget shall include, but not be limited to a listing of the funds requested by all boards, committees, officers, and departments of the town; shall be balanced and show both proposed expenditures and anticipated revenues. The Board of Selectmen, after reviewing the proposed budget and making changes it deems appropriate, shall submit its recommended budget to the Finance Committee on or before the twentieth day of January of each year for review and recommendation to town meeting.

(L) To prepare annually a five year financial forecast of town revenue, expenditures and general finance condition of the town. The forecast shall be submitted to the Selectmen who shall make it available to the public.

(M) To be responsible on behalf of the Selectmen for the negotiation, administration and enforcement of collective bargaining agreements and other employment agreements, exclusive of agreements made by the School Committee and the Municipal Light Board. The Town Manager in carrying out duties hereunder may engage labor counsel as he deems necessary and as approved by the Selectmen.

Notwithstanding the foregoing, the Selectmen shall retain the sole authority to approve and execute all collective bargaining agreements negotiated by the Town Manager on the Board's behalf, or act anything thereon.

ARTICLE 11. 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 12. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for disposal by the Town of refuse, garbage and other solid waste on such terms and conditions as the Board may determine, or act anything thereon.

ARTICLE 13. To see if the Town will vote to transfer to the Board of Selectmen the care, custody, management and control of two parcels of land shown as Lots 1 and 2 on a plan of land dated February 10, 2002, drawn by Outback Engineering and recorded in the Plymouth County Registry of Deeds as Plan No. 250 of 2002 and also shown on the Assessors' Map described below, for the purpose of sale of the parcels, and to authorize the Board of Selectmen to sell and convey the parcels on such terms and conditions as the Board of Selectmen may determine, or act anything thereon.

	<u>Map #</u>	<u>Parcel #</u>	<u>Location</u>	<u>Land Area</u>
1.	48	3832	West Grove Street	5.62 acres
2.	48	3042	West Grove Street	28.30 acres

ARTICLE 14. To see if the Town will vote to transfer the care, custody, management and control of the Rock Village School property at 63 Miller Street shown as Lot 923 on Assessors Map 87 to the Board of Selectmen for the purpose of sale of the property, and to authorize the Board of Selectmen to sell the property on such terms and conditions as the Board determines, or act anything thereon.

ARTICLE 15. To see if the Town will vote to transfer to the Board of Selectmen the care, custody, management and control of a parcel of land on Lake Shore Drive at Navaho Lake Shores shown as Lot 5856 on Assessors Map 35, also shown as Lot 36 on a plan of Whispering Pines dated April 1952, for the purpose of sale or conveyance of the parcel, and to authorize the Board of Selectmen to sell and/or convey the parcel to Frances Stanizzi or other person(s) on such terms and conditions as the Board of Selectmen determines including conveyance for nominal consideration, or act anything thereon.

ARTICLE 16. 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 rehabilitate the Summer Street Bridge over the Taunton River, such parcels being shown on a plan entitled "Preliminary Right of Way Plans for Summer Street Bridge – Bridgewater/Middleborough" dated October 9, 2009 revised December 22, 2009 prepared by Jacobs Engineering Group as follows:

Parcel #	Property Owner	Area
E-1	Brooks	270 square feet
E-2	Pocius	498 square feet

, or act anything thereon.

ARTICLE 17. to see if the Town will vote to authorize the Board of Selectmen to acquire easements in parcels of land by gift, purchase or eminent domain in connection with the project to mitigate pollution to the Nemasket River, or act anything thereon.

ARTICLE 18. To see if the Town will transfer the management and control of a parcel of land on Wareham Street (Route 28) shown as Lot 4356 on Assessors Map 110 to the Middleborough Gas & Electric Department Light Board for purposes of the Gas & Electric Department Light Board for purposes of the Gas & Electric including without limitation leasing all or a part of the parcel to a third party, and to authorize the Light Board to lease all or part of the property to Algonquin Gas Transmission, LLC or other party on such terms and conditions which may be approved by the Light Board, or act anything thereon.

ARTICLE 19. To see if the Town will vote to include acquisition of a Supervisory Control and Data Acquisition (SCADA) system, a mixing system for the Barden Hill storage tank, a dome for the East Grove Street well, and pump station modifications, to the water system improvements project voted under Article 12 of the warrant for the September 23, 2003 Special Town Meeting, or act anything thereon.

ARTICLE 20. To see if the Town will vote to appropriate the sum of \$6,000,000 for the purpose of improving the water system; and further to authorize the Town through the Treasurer, with the approval of the Board of Selectmen, to borrow said \$6,000,000.00, or any portion thereof, and issue bonds or notes therefore under Section 8(4) of Chapter 44 of the General Laws or any other enabling authority, or Chapter 29C of the General Laws; and further to authorize the Treasurer with the approval of the Board of Selectmen, to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, or any other fund established in connection with the Safe Water Drinking Act, and in connection therewith to enter into a loan agreement and/or security agreement with the Trust, or any other such pertinent fund administrator, and otherwise to contract with the Trust and/or the Department of Environmental Protection with respect to such loan and with respect to any federal or state aid available for the project, or for the financing thereof, or for reimbursement of costs incurred in connection therewith' and further to authorize the Board of Selectmen to enter into a project

regulatory agreement with the Department of Environmental Protection, to extend all funds available for the project, and to take any other action ordered to the purposes of carrying out the project, or act anything thereon.

ARTICLE 21. 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 22. To see if the Town will vote to amend its Earth Removal By-law by deleting the first four sentences of the first paragraph of Section 5 and replacing them with the following:

**Section 5**

An earth removal permit may be issued for a period of up to three (3) years. If a project is not completed during the initial permit period, a permit may be extended up to one (1) year beyond the initial permit period, provided, however, that no permit may be extended unless an application therefore is filed no later than three (3) months before expiration of the initial permit period. If an earth removal project is not completed during the initial permit period and any permit extension period, a new permit to complete the project shall be required, provided, however, that a new permit to complete a project may not be issued until three (3) years have elapsed after expiration of the initial permit period and any permit extension period. Any project which is the subject of an earth removal permit or extension permit and which permit is in effect on January 1, 2010 shall not be subject to a three (3) year delay after expiration before issuance of a new permit to complete the project as set forth in the previous sentence. An applicant for a new permit to complete a project shall comply with all requirements of the by-law and regulations in effect when the application for a new permit is filed, or act anything thereon.

ARTICLE 23. To see if the Town will vote to support continued discussions regarding the potential acquisition, by the Town, of the former St. Luke's Hospital property at Center Street and Oak Street for a police station or other municipal use, or act anything thereon.

ARTICLE 24. To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitting by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act; to levy a 1% surcharge of the annual real estate tax against real property, to accept a \$100,000 exemption from the surcharge, as well as the exemption of property owned and occupied by a person who would qualify for low income housing or low or moderate income senior housing in the town, as permitted under Section 3(e) of said Act; or to take any other action relative thereto.

By Petition

ARTICLE 25. To see if the town meeting will vote to enact the following addition to the Town Charter:

To see if the Town meeting will vote to enact the following addition to the Town Charter:

**TERM LIMITS**

Beginning with the 2011 Annual Town Election, no elected Town Official shall serve more than 2 consecutive terms of office at any one time. Additionally, any Town Official who has served 2 consecutive terms, shall not be able to run for the same Board or position until his or her successor has served at least one full term.

By Petition

ARTICLE 26. To place on the town meeting warrant and article to accept Gibbs Road as a street in Middleboro.

By Petition

Given, under our hands at Middleborough, this 21<sup>st</sup> day of April, 2010.

Mark L. Brunelle

Michael C. Dughey

Richard P. Butcher

Alan P. Gates

Stephen J. ...

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 29th day of April, 2010, that date being more than seven days before the time specified for said meeting.

Bruce Gates  
BRUCE GATES  
Police Chief

# **Proposed Town of Middleborough Financial Policy and Procedures**

## **Purpose and Benefit of Financial Policy:**

Provides historical basis for future decisions

Provides for consistent guidelines for financial activities

Sets a foundation for financial decision making

Provides definitions for key financial terms

## **Objectives of the Financial Policy**

To provide effective financial management within the Town that conforms with generally accepted accounting principles (GAAP) and Massachusetts General Laws (MGL);

- To provide public confidence in municipal financial management;
- To protect and enhance the Town's credit rating and prevent defaults on municipal debt;
- To provide essential public safety, municipal and education services at the most efficient cost;
- To provide safeguards to ensure the quality and integrity of municipal financial systems;
- To hire and retain qualified professional financial managers;
- To minimize the Town's financial risk due to unforeseen emergencies;
- To protect and maintain the Town's capital assets.

The goal of this financial policy is to control expenditures and build reserves. This policy includes guidelines which are intended for use by the Town Manager/ Board of Selectmen in preparing budgets, by the Finance Committee in reviewing and recommending budgets, and by Town Meeting in evaluating and approving budgets.

In order to achieve these objectives the Middleborough Board of Selectmen has adopted the following financial procedures.

### **A. ACCOUNTING AND AUDITING POLICIES**

1. The Town will utilize accounting practices that conform to GAAP, as set forth by the Government Accounting Standards Board (GASB) and MGL.
2. An annual audit will be performed by an independent public accounting firm in a timely basis.
3. The Town will maintain strong financial controls to ensure compliance with town meeting actions, Town Charter, Town bylaws and state regulations.
4. The Town will produce timely payroll and accounts payable warrants ensuring that vendors and employees are paid on a regular basis.

## **B. ANNUAL BUDGET**

1. The annual budget should be prepared such that all current operating expenditures will be paid for with current operating revenue. Operating expenses should be supported solely by ongoing recurring revenue sources, including taxes, state aid, local receipts, inter-fund transfers, and fees. The annual budget should not be funded with non-recurring revenue sources, such as stabilization. All accounts in the annual budget should be adequately funded to minimize the use of non-recurring revenue sources once the annual budget has been funded, and to prevent the deferral of expenses, particularly capital costs, to future years.
2. Operational overrides may be considered if the costs of municipal and/or educational services outstrip recurring revenues. All other available options, excluding the use of reserves, should be considered in advance of proposing an operational override for consideration by the Board of Selectmen.

## **C. REVENUE**

1. The Town will strive to maintain and increase a healthy commercial tax base to supplement residential tax revenues by encouraging economic development.
2. The Town will thoroughly analyze any unexpected and unusual one-time revenue sources. One-time revenue sources include unanticipated state funds, legal settlements, and sale of town assets. These funds should be used toward meeting financial reserve goals and capital needs. These funds should not be used for funding general fund operating budgets.
3. The Town will thoroughly analyze any new recurring revenue sources before appropriation. New recurring revenue sources include significant new growth, increased state

aid or other permanent revenue sources. These funds shall be considered, particularly in the first year, toward meeting financial reserve goals and capital needs before being utilized for funding general fund operating budget needs.

#### **D. RESERVES**

1. The Town should maintain reserves to protect the Town from unforeseen, extraordinary needs of an emergency nature. Prudent stewardship of the Town requires such planning and protection for the Town's financial health.

2. Reserves as discussed in this section include expendable reserves (free cash, stabilization funds) and non-expendable reserves (unreserved fund balance).

3. The amount the Town has in its reserves plays a major role in maintaining and/or improving its bond rating. Bond rating agencies consider reserve balances of 5-10% of operating revenues adequate to maintain good financial condition. A temporary decline or reduction in reserves due to capital investment or emergency expenditure may not be considered by rating agencies as a cause for concern, but a continual decline or reduction in reserves may indicate a problem in meeting current expenditures and revenue targets, in subsidizing the current operating budget, utilizing reserves for purposes not planned or any combination of these circumstances.

4. The Town's goal is to fund the Stabilization Fund at a minimum of 5% of general fund operating revenues. In the short term, the Town shall strive to annually maintain the Stabilization Fund with a balance of one million dollars (\$1,000,000) The Town should strive to annually transfer the balance of free cash after the appropriation of capital or other one time expenses from free cash to the Stabilization Fund

5. Reserve funds should be used to provide for temporary financing for unanticipated or unforeseen extraordinary needs of an emergency nature; an unexpected liability created by Federal or State legislation, funding of previous fiscal year expenses, immediate public safety or health needs, opportunities to achieve long-term cost savings, or planned capital investments, and related debt service. Reserves should not be used to fund recurring budget items. In the event that it is necessary to fund the operating budget with reserves, the budget in the next fiscal year should contain an appropriation of the same amount to the Stabilization Fund

6. Funds should be allocated from reserves only after an analysis and utilization plan has been prepared by the Town Manager/School Superintendent and presented to the Board of Selectmen/School Committee/Finance Committee for their agreement and sponsorship on the Town Meeting warrant.

## **E. GENERAL OBLIGATION DEBT**

1. Long-term debt should be issued only for capital projects or assets that have a long useful life. Debt should be issued to pay for the cost of significant infrastructure or capital projects, such as land and equipment purchases, building construction or remodeling, and road construction.
2. Long-term debt should not be incurred without a clear identification of its financing sources. Debt issued on behalf of the water, sewer or trash enterprise funds should be supported by user fees or charges from those funds.
3. The term of long-term debt should not exceed the expected useful life of the capital asset being financed, but under no circumstances should the Town schedule debt for repayment in a term greater than twenty (20) years. This ensures cost savings to the community and seeks to avoid committing future generations to large debt obligations. This policy recognizes that capital needs continue and that new debt will continue to be identified and issued.
4. The minimum requirements for debt financing shall be an expenditure of at least \$50,000 and a useful life in excess of five (5) years.
5. General fund nonexempt debt service, net of grant funding, should not exceed 8% of general fund revenues so as to provide appropriate funding for other Town services. Total general fund debt, exempt and non-exempt, exclusive of grant funding, should be maintained at no greater than 12% of net general fund operating revenues so as to balance total debt costs and tax implications with other services.
6. Maintaining or improving the Town's bond rating will result in interest savings over the life of any borrowing. Moody's Investors Service cites stabilization of financial position at levels consistent with current rating category, restoration of structurally balanced operations, and replenishment of available reserves as the three key factors in improving the Town's bond rating. The Town should strive to utilize financial planning practices that enhance its financial positions, thereby stabilizing or improving the Town's bond rating.

## **F. CAPITAL PLANNING**

1. The Town should maintain its physical assets by providing funding in the operating budget to protect the Town's capital investments and to minimize future maintenance and replacement costs. The Town's physical resources are a major component of the Town's overall financial assets and represent a significant investment of public funds. As such, the Town should strive to maintain and update its capital assets.
2. The Town should develop a multi-year plan for capital improvements to be known as the 'Five-Year Capital Budget' which will be updated on an annual basis.

3. Capital items shall be defined as follows:

Items requiring an expenditure of at least \$50,000 and having a useful life of more than five (5) years;

Projects consisting of real property acquisitions, construction, capital asset improvements, long-life capital equipment, or major maintenance/repair of an existing capital item, as distinguished from a normal operating expenditure;

Items obtained over a long-term lease;

Multiple purchases of similar items with values a total value of over \$50,000 should be aggregated and the total considered a capital expense.

4. The Town should strive to budget in coming years three percent (3%) of the general fund operating budget, net of debt on capital maintenance and equipment. The Town understands the need to invest in capital stock on an ongoing basis and should attempt to fund such investments in coming years. Annual delays in reinvesting in the Town's capital assets and equipment can often lead to delaying major problems that result in larger investments of financial resources to correct. The Town Manager/Board of Selectmen should continue to stress the importance of capital reinvestment and will carefully balance the financing of capital with annual operating expenses.

5. The funding source of capital projects must be identified and analyzed before any long term bonded capital project is recommended. Funding sources for capital projects must be analyzed so as to balance the resources available within Proposition 2 ½.

6. Capital project funding should also be reviewed in relation to impact on property tax limitations.

Projects paid with current tax revenues should identify impact on the annual tax rate and/or tax bill.

Projects funded with long-term debt and *not exempted* from Proposition 2 ½ should identify impact on annual operating budgets.

Projects funded with long-term debt that are *exempted* from Proposition 2 ½, via *debt exclusion* or *override*, should identify impact on annual tax rate and/or tax bill.

Projects funded via *capital outlay expenditure exclusion* should identify impact on the current annual tax rate and/or tax bill.

## OFFSET RECEIPTS AND ENTERPRISE FUNDS

1. The Town should establish and maintain offset receipts and enterprise funds pursuant to MGL Chapter 40, Section 39 and Chapter 44, Section 53F 1/2, respectively, wherever possible in order to ensure annual operation and maintenance needs are met and such services are funded in an equitable manner.

2. The term of debt for offset receipts and enterprise funds generally should not exceed the useful life of the asset, and in no case should the term exceed twenty (20) years.

3. Short-term debt, including internal borrowing and tax-exempt commercial paper, should be used when authorized for interim financing of enterprise fund capital projects. The term of short-term debt may not exceed seven years. Total short-term debt should generally not exceed ten percent (10%) of outstanding long-term debt.

4. Ongoing routine, preventive maintenance should be funded on a pay-as-you go basis.

#### **GLOSSARY OF TERMS:**

**Bond Anticipation Note (BAN):** Short term debt instrument used to generate cash for initial project costs with the expectation that the debt will be replaced later by permanent borrowing. Typically issued for less than one-year, BANs may be reissued for up to seven years, provided that principal repayment begins after two years (MGL ch 44, s 17).

**Bond Rating:** A credit rating assigned to a municipality by a credit rating agency to help investors assess the future ability, legal obligation, and willingness of the municipality to make timely debt service payments. The rating helps prospective investors to determine the level of risk associated with a given fixed income investment.

**Capital Outlay Expenditure Exclusion (MGL ch 59 s 21c ss 1 ½):** A temporary increase in the tax rate, approved via referendum vote to fund a capital project or make a capital acquisition. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling for that year only.

**Debt Exclusion** (MGL ch 59 s21C ss K): An action taken by a community through a referendum vote to raise the funds necessary to pay for debt service costs for a particular project from the property tax levy, but outside the limits of Proposition 2 ½. The amount is raised above the tax levy for the life of the debt only.

**Department of Revenue (DOR):** State department responsible for collecting a wide variety of taxes, providing taxpayer support, and administering programs related to municipal finance through the Division of Local Services.

**Excise Tax:** (MGL ch 60A, s 1 et seq.) A locally imposed annual tax to owners of motor vehicles registered to an address within the community. The excise tax is based on a valuation of \$25.00 per \$1,000 of car valuation, and is considered to be a local receipt.

**Enterprise Fund** (MGL ch 44, s53 ½): A separate accounting and financial reporting mechanism for municipal service for which a fee is charged in exchange for goods and services. It allows a community to demonstrate to the public the portion of total costs of a service that is recovered by user charges and the portion that is

**Debt Exclusion** (MGL ch 59 s21C ss K): An action taken by a community through a referendum vote to raise the funds necessary to pay for debt service costs for a particular project from the property tax levy, but outside the limits of Proposition 2 ½. The amount is raised above the tax levy for the life of the debt only.

**Department of Revenue (DOR):** State department responsible for collecting a wide variety of taxes, providing taxpayer support, and administering programs related to municipal finance through the Division of Local Services.

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**Enterprise Fund** (MGL ch 44, s53 ½): A separate accounting and financial reporting mechanism for municipal service for which a fee is charged in exchange for goods and services. It allows a community to demonstrate to the public the portion of total costs of a service that is recovered by user charges and the portion that is subsidized by the tax levy, if any.

**Fees:** Costs charged for services provided as allowed per MGL.

**Free Cash:** Remaining, unrestricted funds from operations, including unexpended free cash from the previous fiscal year, actual receipts in excess of revenue estimates on the tax recapitulation sheet, and unspent amounts in budget line items. Free cash is certified annually by the Division of Local Services, usually in advance of the Fall Annual Town Meeting. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash.

**Gift:** A sum of money or item donated to the Town or the public schools to be used either freely or toward a particular purpose.

**Generally Accepted Accounting Principles (GAAP):** Uniform minimum standards and guidelines for financial reporting that serve to achieve a level of standardization.

**Government Accounting Standards Board (GASB):** The ultimate authoritative accounting and financial reporting standard-setting body for state and local governments.

**Grant:** A sum of money awarded by the state or federal government and occasionally by private individuals or companies to be spent for a particular purpose.

**Inter-fund Borrowing:** An advance between funds in order to fund debt that will either be repaid or externalized through BANs or permanent debt by the close of the fiscal year.

**Inter-fund transfer:** An amount that is transferred to general fund revenue from special revenue and enterprise funds to offset costs associated with those funds that are paid for by the general fund.

**Levy Ceiling:** One of two levy restrictions imposed by Proposition 2 ½. Real and personal property taxes imposed in any year may not exceed 2 ½ percent of the full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital outlay expenditure exclusion, or a debt or special exclusion.

**Levy Limit:** The other of two levy restrictions imposed by Proposition 2 ½. Real and personal property taxes imposed by a city or town may only grow by 2 ½ percent over the prior year's tax levy, plus new growth plus any overrides or exclusions.

**Local receipts:** Locally generated revenues, other than real and personal property taxes. Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals and charges. Annual estimates of local receipts appear on the Tax Recapitulation Sheet.

**New Growth:** The additional tax revenue generated by new construction, renovations, and other increases to the property tax base during the calendar year.

**Non-Recurring Revenue Sources:** One-time local receipts that are not assigned a specific category on page 3 of the Tax Recapitulation Sheet. Examples of non-recurring revenue sources are certain general purpose grants, and one-time state aid payments.

**Non-Renewal Program (Mark & clear – RMV (MGL Ch 60 Sec 2)):** Upon request, the Registry of Motor Vehicles marks the license of delinquent excise payers or parking ticket scofflaws for non-renewal until outstanding balances are paid.

**Override:** (MGL Ch 59 s 21C ss G): Process established by Proposition 2 ½ which allows the taxpayers of a community to increase tax revenue by permanently increasing the levy limit through a referendum. The override question on the election ballot must state a purpose for the override and the dollar amount

**Personal Property Tax:** The tax on movable items not permanently affixed to, or part of the real estate. It is assessed separately from real estate to certain businesses and public utilities.

**Proposition 2 ½:** (MGL Ch 59, s 21C): Statute which limits property tax increases by municipalities to an annual limit of 2.5% of the total levy over the previous year plus new growth. It was passed by initiative petition in 1980, and went into effect in 1982.

**Rating Agency:** A company that assigns credit ratings for issuers of certain types of debt obligations as well as the debt instruments themselves. The two agencies used by municipalities are Standard and Poor's (S&P) & Moody's.

**Recurring Revenue Sources:** Local receipts which are collected annually that are not assigned a specific category on page 3 of the Tax Recapitulation Sheet. Examples of recurring revenue sources are tax title payments, annual agreements with other towns, and Medicare/Medicaid payments.

**Reserve Fund (MGL Ch 40, S 6):** An amount set aside within the budget of a town to provide a funding source for extraordinary or unforeseen expenditures. Funds are released based on recommendation of the Town Manager, approved by the Finance Committee.

**Revenue Anticipation Note (RAN):** A short term loan issued to be paid off by revenues, such as tax collections and state aid.

**Stabilization Fund:** A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch 40, Sec 5B).

**State Aid:** Revenue allocated by the Commonwealth to cities, towns, and regional school districts. Most aid programs are considered to be general fund revenues and may be spent for any purpose, subject to appropriation. Aid programs that are not considered general fund revenues include Chapter 90 funds, school choice in, and sewer rate relief.

**Tax Anticipation Note (TAN):** A short term note issued to provide cash to cover for operating expenses in anticipation of tax proceeds.

**Tax Levy:** The amount that a community raises through real and personal property taxation. The tax levy can be any amount up to the levy limit, which is re-established every year through Proposition 2 ½. The annual budget is based on the tax levy, coupled with projected state aid, local receipts and transfers in/out.

**Tax Recapitulation Sheet:** A worksheet submitted by a city or town to the Department of Revenue to calculate and set the tax rate. It consists of four pages (With numerous supporting documents); the tax rate summary (page 1), the total amounts to be raised (page 2), local receipts (page 3), and certifications and appropriations of funding (page 4). The compilation of data on this worksheet calculates the tax rate, and determines if the rate is under or over the levy limit. The tax rate cannot be set if the city or town exceeds the levy limit.

**Tax Title:** A collection procedure that secures a community's lien on real property and protects the Town's right to payment of overdue taxes. Otherwise, the lien expires five years after the January 1 assessment date if the property has been transferred to another owner. If the amounts remain outstanding on a property after issuing a demand for overdue property taxes and publishing a notice of tax taking, the treasurer/collector may take the property for the city or town. The Treasurer/Collector may initiate foreclosure proceedings six months after the instrument of taking is recorded.

**Trust Fund:** A sum of money donated or transferred to a municipality with specific instructions on its use.

**Unreserved Fund Balance:** The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to "stockholder's equity" on a corporate balance sheet. It is not, however, available for appropriation in full, because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected.