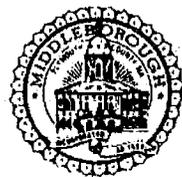


NEW BUSINESS

9-8-14



DRAFT

WARRANT FOR SPECIAL TOWN MEETING

Middleborough, Massachusetts

To _____, Police Chief or any of the
Police Officers of the Town of Middleborough

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School**, on **Monday, October 6, 2014 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 2015, 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, 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 of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account, or other available source to fund sick leave buy-backs, or act anything thereon.

ARTICLE 4. 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 be placed into the Stabilization Fund, or act anything thereon.

ARTICLE 5. 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 be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon.

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 non-Medicare health insurance plans for some of the increases in health insurance HMO and PPO co-payments paid by said employees and retirees and other persons in excess of the amounts of such co-payments applicable during Fiscal Year 2012, and to pay any related costs, or act anything thereon.

ARTICLE 8. 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 roof at the Town Hall Annex, or act anything thereon.

ARTICLE 9. 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 of account or other available source or by borrowing to replace intercom systems and to purchase two mini-buses for the School Department, or act anything thereon.

ARTICLE 10. 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 purchase computers, servers, monitors, printers, and related hardware and software for various Town departments, or act anything thereon.

ARTICLE 11. 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 purchase four new mechanized trash collection/recycling vehicles and new trash/recycling carts for the Trash Disposal Department, or act anything thereon.

ARTICLE 12. To see if the Town will vote to appropriate \$25,000,000 to pay costs of rehabilitating and constructing additions to the Water Pollution Control Facility, including, but not limited to, the employment of professionals and equipping and furnishing said building and all other costs incidental and related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$25,000,000 of said sum under General Laws Chapter 44, or any other enabling authority and issue bonds or notes of the Town upon such terms as the Treasurer and the Board of Selectmen shall determine, or act anything thereon.

ARTICLE 13. To see if the Town will vote to transfer \$1,900,000 from the Wastewater Enterprise Unreserved/Retained Earnings account for all relevant and necessary expenses associated with the design and financing of the upgrade to the Water Pollution Control Facility for the Wastewater Department, and rescind \$1,500,000 of the the borrowing authorized under Article 15 of the 2013 Annual Town Meeting, or act anything thereon.

ARTICLE 14. To see if the Town will vote to transfer \$1,750,000 from the Water Enterprise Unreserved/Retained Earnings account for all relevant and necessary expenses associated with the design and construction of a well, well pumping station and associated improvements at the Mizaras Well Site for the Water Department, and rescind the borrowing authorized under Article 18 of the 2014 Annual Town Meeting, or act anything thereon.

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, or by borrowing for the Department of Public Works for all relevant and necessary expenses associated with new stormwater activities required by the EPA/DEP, or act anything thereon.

ARTICLE 16. To see if the Town will vote to appropriate a sum of money from the Historic Resources Reserve of the Community Preservation Fund to fund a portion of the Massachusetts Archaeological Society's rehabilitation and preservation project at the Robbins Museum of Archaeology; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 17. To see if the Town will vote to appropriate \$75,000 from the Open Space Resources Reserve of the Community Preservation Fund and \$150,000 from the Budgeted Reserve Fund Balance of the Community Preservation Fund to assist in the purchase of the Oliver estate; said funds to be expended under the direction of the Community Preservation Committee; or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 18. To see if the Town will vote to use some of the funds, received by the Town from the trust fund established under Clause Nineteenth C – VII of the will of Frederick S. Weston in connection with the Frederick Weston Memorial property, for the purchase of additional park or forest areas, to appropriate from said funds \$40,000 for such purposes and to authorize the Board of Selectmen to purchase that part of the Oliver Estate property, so-called, located on and off the westerly side of Plymouth Street in Middleborough and shown as Lot 2867 and Lot 2098 on Middleborough Assessors Map 041 which is designated by the Board of Selectmen as park and/or forest area using the sum so appropriated to pay part of the purchase price, or act anything thereon.

ARTICLE 19. To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 8.2.7 (3) (j.) WRPD Z2 – Special Permit Uses – by deleting “Any use that will render impervious more than 15% but not more than 25% of any lot is prohibited, but” from the first sentence and replacing it with “Any use that will render any lot more than 25% impervious is prohibited. Alterations resulting in more than 15% but less than 25% impervious area” or act anything thereon.

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen to enter into and execute on behalf of the Town a tax agreement, as authorized by MGL Chapter 59, section 38H, with NextSun Energy LLC with respect to annual payments in lieu of real and personal property taxes for a term of up to twenty years relative to a solar energy system with an AC-rated capacity of up to two and one half (2.5) megawatts, to be installed on different parcels of land owned by David Fisher, Gid Fisher and Lorraine Truelson, and located at 154 Purchase Street, Gid Circle and River Street respectively, or act anything thereon.

ARTICLE 21. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Southeastern Massachusetts Law Enforcement Council to increase the capability of the Middleborough Police Department to protect the lives, safety and property of people within the cities and towns that are signatories to the agreement, or act anything thereon.

ARTICLE 22. To see if the Town will vote to transfer the care, custody, management and control of property on the westerly side of Thompson Street (Route 105) shown as Lot 4933 on Assessors Map 24 and as Lot #2 on a plan recorded in the Plymouth County Registry of Deeds in Plan Book 54, Page 492 containing 12.54 acres more or less to the Conservation Commission for the purpose of leasing the property, and to authorize the Conservation Commission to lease the property for agricultural, horticultural, farming and/or forestry use(s) consistent with a conservation restriction to which the property is subject, or act anything thereon.

ARTICLE 23. To see if the Town will vote to amend the Litter by-law adopted under Article 8 of the Town Meeting held on March 7, 1927 by adding the following section –

Section 2:

Whoever violates Section 1 of this by-law shall be punished by a fine of Two Hundred Dollars (\$200.00) for each violation.

or act anything thereon.

ARTICLE 24. To see if the Town will vote to accept Fernway Estates as a unfinished subdivision in the town of Middleborough, which includes Fernway and Look Out Circle as a Town way as laid out and to authorize the Selectmen to acquire by eminent domain, or by gift, the fee in the way and related easements as shown on the road layout plan entitled “Roadway As-Built in Middleborough, MA, Fernway Estates Subdivision, Fernway and Look Out Circle” prepared by Outback Engineering, and any related easements, or act anything thereon.

By Petition

Given, under our hands at Middleborough, this th day of September, 2014.

ALLIN FRAWLEY

LEILANI DALPE

DIANE C. STEWART

JOHN M. KNOWLTON

STEPHEN J. MCKINNON

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all Inhabitants of said Town of Middleborough, qualified to vote as expressed in said Warrant, to meet at the time and place for the purpose specified by causing an attested Copy of the same to be published in the Middleboro Gazette on the **18th day of September, 2014**, that date being more than fourteen days before the time specified for said meeting.

, Police Chief



Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

August 28, 2014

Allin Frawley, Chairman
Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

Re: Special Town Meeting, October 6, 2014, Planning Board Warrant Article

Dear Chairman Frawley,

Attached please find a proposed zoning article designed to clarify the WRPD Z2 25% Impervious provision for the October Town Meeting.

This article change pertains to Section 8.2.7.3 WRPD Z2 – Special Permit Uses of the Zoning By Laws. The Planning Board at their regularly scheduled meeting on August 26, 2014 voted to send the proposed article to the Board of Selectmen for placement on the warrant.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Ruth McCawley Geoffroy, Planning Director

Enclosure

Proposed Change to Section 8.2.7.3 WRPD Z2 – Special Permit Uses:

To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 8.2.7 (3) (j.) WRPD Z2 – Special Permit Uses – by deleting “Any use that will render impervious more than 15% but not more than 25% of any lot is prohibited, but” from the first sentence and replacing it with “Any use that will render any lot more than 25% impervious is prohibited. Alterations resulting in more than 15% but less than 25% impervious area”

TO: Board of Selectmen

FROM: Jackie Shanley, Executive Assistant

DATE: 9/5/14

RE: MDA Boot Drive

Please vote subject to requirements of/no issues by Police and Fire Chiefs.

Thank you.

Fire Fighter Carl H Reed III
Middleborough Fire Department Local 3653
125 North Main St.
Middleborough, MA 02346

September 3, 2014

Middleborough Board of Selectmen
10 Nickerson Avenue
Middleborough, MA 02346

Dear Board of Selectman:

I am requesting to be added to the agenda for the Selectmen's meeting on the 8th of September 2014. As most of you probably already know our local union, like thousands of others around the country, partners up with the Muscular Dystrophy Association annually for what has been come to be know as a "Boot Drive". It has come to be that time of year again and with the permission of the board we would like to set up volunteers at the four corners in the center of town to collect donations. We would like to do this on Saturday September 27th and Sunday September 28th, 2014 from 9 to approximately 5 p.m. (enough volunteers allowing). Hopefully this will be acceptable to the board members and the town's people and I hope to see you out there!

Sincerely,
Carl H Reed III
Middleborough Fire Fighter

TO: Board of Selectmen

FROM: Jackie Shanley, Executive Assistant

DATE: 9/5/14

**RE: Central Congregational Church Block Party-
Request to Cordon Off Portion of Webster Street**

Please vote subject to requirements of/no issues by Police and Fire Chiefs.

Thank you.



CENTRAL
CONGREGATIONAL
CHURCH

September 4, 2014

Board of Selectmen
Town of Middleboro
10 Nickerson Ave.
Middleboro, MA 02346

Dear Selectmen:

Central Congregational Church would like to hold a "block party" on Saturday, September 20, 2014 and would like to request permission to cordon off a portion of Webster Street from South Main Street to the driveway of Middleboro Gas & Electric from 11am-4pm.

We have spoken with Police Chief Gates and he has no objections to our request.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Rev. Bruce Smith". The signature is written in a cursive, flowing style.

Pastor Bruce Smith

DECAS, MURRAY & DECAS

ATTORNEYS AT LAW

132 NORTH MAIN STREET • MIDDLEBORO • MASSACHUSETTS 02346 • (508) 947-4433

GEORGE C. DECAS (RETIRED)
DANIEL F. MURRAY, ESQUIRE
WILLIAM C. DECAS, ESQUIRE

PHONE: (508) 947-4433
FAX: (508) 947-7147

REPLY TO POST OFFICE BOX 201
MIDDLEBORO, MA 02346-0201
DECASMURRAYDECAS@YAHOO.COM

HAND DELIVER

September ____, 2014

Charles J. Cristello, Town Manager

RE: Cross Street well site agreements – Extensions (DeBoyes; Lucas; Lucas/Craver)

Dear Charlie:

I enclose Extension agreements, each in duplicate original as follows:

1. DeBoyes
2. Lucas
3. Lucas/Craver

Please ask the Board to sign both of the duplicates for each of the three and return all to me. Thank you.

Very truly yours,



Daniel F. Murray
Town Counsel

DFM/k
Encls.
T-1782

EXTENSION

The undersigned Seller(s) and Buyer under a purchase and sale agreement ("agreement") relating to premises off Cross Street in Middleboro, Massachusetts hereby agree to extend the time for performance of the agreement to 11:00 a.m. on the 29th day of September, 2014, time still being of the essence of the agreement.

Witness our hands and seals this 29th day of ~~June~~ ^{August} 2014.

SELLER(S):

BUYER:

Brett D. DeBoyes
Brett D. DeBoyes

Lynn K. DeBoyes
Lynn K. DeBoyes

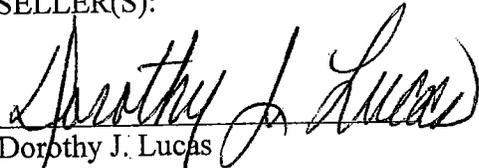
Board of Selectmen
Town of Middleborough

EXTENSION

The undersigned Seller(s) and Buyer under a purchase and sale agreement ("agreement") relating to premises off Cross Street in Middleboro, Massachusetts hereby agree to extend the time for performance of the agreement to 1:00 p.m. on the 29th day of September, 2014, time still being of the essence of the agreement.

Witness our hands and seals this 30 day of June 2014.

SELLER(S):


Dorothy J. Lucas

BUYER:

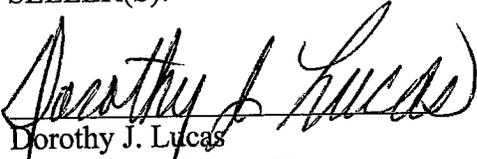
Board of Selectmen
Town of Middleborough

EXTENSION

The undersigned Seller(s) and Buyer under a purchase and sale agreement ("agreement") relating to premises off Cross Street in Middleboro, Massachusetts hereby agree to extend the time for performance of the agreement to 1:00 p.m. on the 29th day of September, 2014, time still being of the essence of the agreement.

Witness our hands and seals this 30th day of June 2014.

SELLER(S):


Dorothy J. Lucas


Robin L. Craver

BUYER:

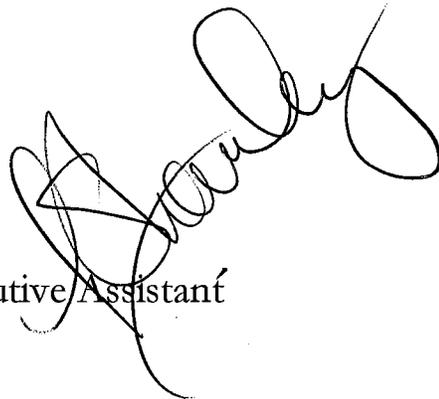
Board of Selectmen
Town of Middleborough

TO: Board of Selectmen

FROM: Jackie Shanley, Executive Assistant

DATE: 9/5/14

RE: Grant's Auction House – 2nd Hand Junk Dealer License

A handwritten signature in black ink, appearing to read 'Jackie Shanley', is positioned to the right of the 'FROM:' field. The signature is fluid and cursive.

Please vote this subject to:

- Acceptable CORI report
- Confirmation Workers' Compensation need not be provided for Auctioner services being utilized.
- No outstanding taxes owed to Town

LICENSE APPLICATION

Date... 8/28/2014

Name of Business... GRANTS AUCTION HOUSE

Name of Applicant/Petitioner... PETER L. BERSHAD

Address/Location for Permit Use... 40 N. MAIN ST. MIDDLEBOROUGH, MA

Assessor's Map and Lot# for Permit Use... 50P LOT 6223

Address of Applicant/Petitioner... 11 SOUTH FURNESS REVERE, MA

F.I.D. # of Applicant/Petitioner... 11

Email Address...

Hours of Operation... MONDAY - SUNDAY 10am - 6pm

Please provide description of merchandise for sale... SECOND HAND GOODS

[Handwritten Signature]
Signature of Applicant

TO: TREASURER/COLLECTOR
FROM: SELECTMEN'S OFFICE

Please inform this department, as well as the Board of Selectmen, as to whether or not the above property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does this Property Owner/Petitioner/Applicant owe taxes/municipal charges: (Yes or No)

Signed: (Treasurer/Collector)