



Special Town Meeting Warrant

Middleborough Massachusetts

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

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 3rd, 2022, at 7:00 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 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 2023, or act anything thereon.

ARTICLE 3. To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund the following sums to supplement the Fiscal Year 2023 budget of the Middleborough Permanent Cable Committee, said sums to be available to be expended to operate the Middleborough PEG Access Channels/MCCAM for necessary and expedient cable-related purposes consistent with the license agreements with Comcast and Verizon, or act anything thereon.

Sponsored by the Permanent Cable Committee

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or transfer \$395.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay prior year mileage and course reimbursement for a health inspector in the Health Department, or act anything thereon.

Sponsored by the Health Department

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer \$2,817.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay prior year bills for the School Department, or act anything thereon.

Sponsored by the School Department

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$300,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to be placed into the Other Post-Employment Benefits Liability Trust Fund, or act anything thereon

Sponsored by the Select Board

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$25,110.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for sick leave buyback for two employees in the Police Department, or act anything thereon.

Sponsored by the Police Department

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$18,862.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for sick leave buyback for an employee in the Building Department, or act anything thereon.

Sponsored by the Building Department

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$38,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the Building Department, for the purpose of purchasing and equipping a new vehicle for the Wiring Inspector, or act anything thereon.

Sponsored by the Building Department

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$58,511.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for sick leave buyback for two firefighters in the Fire Department, or act anything thereon.

Sponsored by the Fire Department

ARTICLE 11. To see if the Town will vote to raise and appropriate \$35,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for all related, relevant and necessary expenses associated with engineering services for the Oliver Mill Restoration Project Phase III, or act anything thereon.

Sponsored by the Town Manager's Office

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer \$20,547.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for all related, relevant and necessary expenses associated with Information Technology hardware upgrades for town departments, or act anything thereon.

Sponsored by the Information Technology Department

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$14,047.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, to pay for the purchase of a Multi-Function Device or all related, relevant and necessary expenses for the Council on Aging, or act anything thereon.

Sponsored by the Information Technology Department

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer \$81,638.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for all related, relevant and necessary expenses associated with the WiFi infrastructure implementation and expansion at the Town Hall and Town Hall Annex building locations for town departments, or act anything thereon.

Sponsored by the Information Technology Department

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer \$64,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for all related, relevant and necessary expenses associated with replacing failed heating and air conditioning units, duct cleaning, and air quality improvements, construction of attic access, relocating of sprinkler piping, repair of failed insulation, repair of ceiling grid at the Central Fire Station, or act anything thereon.

Sponsored by the Facilities Department

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer \$145,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the Department of Public Works for all related, relevant and necessary expenses associated with storm water activities required by the EPA/DEP, or act anything thereon.

Sponsored by the Department of Public Works

ARTICLE 17. To see if the Town will vote to appropriate \$405,000.00 to purchase and equip a sanitation truck, and to meet this appropriation to authorize the Treasurer with the approval of the Select Board to borrow \$405,000.00 under General Laws, Chapter 44, or act anything thereon

Sponsored by the Sanitation Department

ARTICLE 18. To see if the Town will vote to raise and appropriate, transfer \$230,000.00 from Water Department Retained Earnings for all related, relevant and necessary expenses associated with the design of the water main replacement project on Anderson Ave, Center Street, North Main Street and South Main Street or act anything there on.

Sponsored by the Water Department

ARTICLE 19. To see if the Town will vote to raise and appropriate and/or transfer \$1,000,000.00 from Water Department Retained Earnings for all related, relevant and necessary expenses associated with the engineering design services to upgrade the East Grove Street Pumping Station, or act anything thereon.

Sponsored by the Water Department

ARTICLE 20. To see if the Town will vote to raise and appropriate and/or transfer \$60,000.00 from Water Department Retained Earnings for all related, relevant and necessary expenses associated with the design of the water main replacement project on Wareham Street, or act anything thereon

Sponsored by the Water Department

ARTICLE 21. To see if the Town will vote to raise and appropriate, transfer an additional \$345,000.00 for the Mizaras Well Project for which \$1,935,000 was appropriated and authorized to be borrowed pursuant to vote under article 16 of the October 4, 2021 Special Town Meeting and for which \$1,750,000 was appropriated and authorized to be borrowed pursuant to vote under article 14 of the October 6, 2014 Special Town Meeting; and to meet the appropriation to authorize the treasurer, with the approval of the Select Board, to borrow such additional \$345,000.00 under Chapter 44 of the General Laws, or act anything thereon.

Sponsored by the Water Department

ARTICLE 22. To see if the Town will vote to raise and appropriate and/or transfer \$208,765.00 from Water Department Retained Earnings for all related, relevant and necessary expenses associated with the Water Department Asset Management Program or act anything there on.

Sponsored by the Water Department

ARTICLE 23. To see if the Town will vote to raise and appropriate and/or transfer up to \$36,250.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the Conservation Commission for funding the required 25% match to the Massachusetts Executive Office of Energy & Environmental Affairs FY 2023 Dam & Seawall Grant of the \$145,750.00 total Grant Award for all related, relevant, and necessary expenses associated with the redesign of the Stony Brook Dam at Pratt Farm, or act anything thereon.

Sponsored by Conservation Commission

ARTICLE 24. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$586,032.00 to serve as the Town's 50% local match to purchase and acquire an agricultural preservation restriction on the portions of the farm property located at 415 Plymouth Street, consisting of the parcels of land identified by the Assessors' as Parcels: 31-2622 and 31-4347, containing 92.13 acres more or less, and, further, to authorize the Conservation Commission to hold or co-hold said agricultural preservation restriction on said parcels, or act anything thereon.

Sponsored by the Conversation Commission

ARTICLE 25. To see if the Town will vote to supplement the vote taken under Article 23 of the October 4, 2021 Special Town Meeting, which authorized the Select Board to acquire the parcels described herein, to raise and appropriate and/or transfer from available funds the sum of \$181,984.00 to fund a portion of the purchase price for the property located at 415 Plymouth Street, consisting of the parcels of land identified by the Assessors' as Parcels: 041-466, 031-6082, 031-5272, 031-4447, and 031-3687, and/or costs incidental or related thereto, or act anything thereon.

Sponsored by the Conservation Commission

ARTICLE 26. To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds, including the Community Preservation Fund, sum of \$736,984.00, or any other sum, to supplement the amount appropriated and authorized to be borrowed pursuant to the vote taken under Article 23 of the October 4, 2021 Special Town Meeting, which vote appropriated and authorized a borrowing of \$1,000,000.00 for the purpose of acquiring, for open space purposes, those portions of the property located at 415 Plymouth Street that are shown on Assessor's Map 41 as Lot 466 and on Map 31 as Lots 6082, 4447, 5272, and 3687, containing a total of 94 acres, more or less, and for the cost of appraisals, surveys, legal fees and any and all other costs incidental or related thereto and,

to meet said appropriation, to see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow said sum under the provisions of G.L. c.44B, G.L. c.44 and/or any other enabling authority and to issue bonds or notes of the Town therefor, said funds to be expended under the direction of the Town Manager and the Community Preservation Committee, or act anything thereon.

Sponsored by the Community Preservation Committee

ARTICLE 27. To see if the Town will vote to transfer the care, custody, management and control of the parcel of land located off Plymouth Street, identified on Assessor's Map 19 as Parcel 2168, and described in Final Judgment in Tax Lien Case recorded with the Plymouth County Registry of Deeds in Book 15437, Page 152 from the tax custodian for tax title purposes to the Conservation Commission for the conservation and passive recreation purposes in perpetuity under the provisions of G.L. Ch. 40 §8C and subject to the protections of Article 97 of the Massachusetts Constitution, or act anything thereon.

Sponsored by the Conversation Commission

ARTICLE 28. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$78,000.00 from taxation, free cash, another specific available fund, an existing appropriation or account or other available source to reimburse various landowners for betterments paid which were assessed by the Select Board in connection with Brookside Drive and Fidelity Lane and which the Board partially abated, or act anything thereon.

Sponsored by the Select Board

ARTICLE 29. To see if the Town will vote to accept General Laws Chapter 32B, Section 9D1/2 which provides that, in addition to the payment of 50% of the premium costs payable by the surviving spouse of an employee or retired employee for group, general or blanket hospital, surgical, medical and other health insurance pay, the Town shall pay an additional, or subsidiary, rate as determined by the Select Board, or act anything thereon.

Sponsored by the Select Board

ARTICLE 30. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain, the fee simple title to, a long-term lease in (for up to 99 years), and/or any other interest in the property located off and at 13 School Street, consisting of the parcels of land identified by the Assessors as Parcels 50P-5474 and 50P-6134, for public parking purposes, on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town, and to raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund said acquisition and costs incidental or related thereto, or act anything thereon.

Sponsored by the Select Board

ARTICLE 31. To see if the Town will vote to accept an amendment and re-statement of the Bristol-Plymouth Regional Technical School District Agreement to add the Town of Freetown as a member community, as approved by the Bristol-Plymouth Regional School District Committee on May 4, 2022, a copy of the Agreement with the proposed amendments is on file at the office of the Town Clerk, or act anything thereon.

Sponsored by the Bristol Plymouth Regional School Committee

ARTICLE 32. To see if the Town will vote to release all right, title and interest in the land identified and described in the Order of Taking ("Taking") as Parcel 15 and Parcel 16, a copy of the Taking is recorded with the Plymouth County Registry of Deeds in Book 2230, Page 14 and shown on a plan of land entitled "Town of Middleboro Gas and Electric

Light Dept. Middleboro-Taunton Transmission Line”, Scale : 1”=100’, Dated July 14, 1952 and revised through October 15, 1952, Plan No. 71452C, Prepared By: Gonzals & Deane Engineers recorded with Plymouth County Registry of Deeds as Plan No. 708 of 1952 in Plan Book 9, Page 211, which property is described in Exhibit B attached hereto and incorporated herein by reference. The utility easement on the former Chace Chevrolet property is no longer required, or act anything thereon.

Sponsored by the Gas and Electric Commission

ARTICLE 33. To see if the Town will vote to authorize the Select Board to convey the parcel of land with the building thereon known as Rock Village School, located at 63 Miller Street, containing 1 acre, more or less, and described in a deed recorded with the Plymouth Registry of Deeds in Book 745, Page 68, on such terms and conditions and for such consideration as the Select Board deems appropriate, subject to a historic preservation restriction reserved by or granted to the Town, or act anything thereon.

Sponsored by the Select Board

ARTICLE 34. To see if the Town will vote to accept, for the following boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met. Boards & Committees Affected: Board of Appeals, or act anything thereon.

Sponsored by the Board of Appeals

ARTICLE 35. To see if the Town will vote to approve an extension of the Town’s public sewer system outside the current sewer service district to serve a new 40R residential development at or around West Clarke and Oak Avenue and to approve a sewer allocation of 22,000 gpd, or such other amount as may be recommended by the Water and Sewer Commissioners at Town Meeting, or act anything thereon.

Citizen Petition

Given, under our hands at Middleborough, this day of September 2022.

Mark Germain, Chairman

Nathan Demers, Vice Chairman

Neil Rosenthal

Arthur Battistini

Brian Giovanoni

SELECT BOARD

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 Enterprise on the 15th day of September, 2022, that date being more than fourteen days before the time specified for said meeting.

JOSEPH PERKINS
Police Chief