



2023 Annual Town Meeting Warrant

Middleborough, Massachusetts

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the Auditorium of the Middleborough High School, on Monday, April 24, 2023, at 7:15 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, 2023, relating to all or any of its officers, boards or departments and for purposes authorized by law, or act anything thereon.

Finance Committee recommends approval

ARTICLE 3. To see if the Town will vote to transfer from the income from the sales of gas and electricity a sum of \$798,250.00 to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2024, or act anything thereon.

Finance Committee recommends approval

ARTICLE 4. To see if the Town will vote to set limits on the total amount that may be expended from each of the following revolving funds during Fiscal Year 2024, as follows:

	Name of Revolving Funds	Maximum Total Amount which may be Expended from Funds
1	Municipal Fire Alarm System	\$15,000.00
2	Hazardous Materials Incident Training	\$50,000.00
3	Recycling Program	\$5,000.00

4	Composting Bin Program	\$2,500.00
5	Herring Fisheries Program	\$10,000.00
6	Recreation and Sports Program	\$100,000.00
7	Zoning Map, Bylaws and Subdivision, Rules and Regulations	\$2,500.00
8	Oliver Estate Advisory Committee	\$100,000.00
9	Tourism Committee	\$100,000.00
10	Wetland Act/Bylaw	\$15,000.00

Finance Committee recommends approval

ARTICLE 5. To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund the sum of Four Hundred Fifty Three Thousand Two Hundred Thirty Two dollars and Ninety Two cents (\$453,232.92) to fund the Fiscal Year 2024 budget of the Middleborough Permanent Cable Committee, said sum 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 MCCAM

Finance Committee recommends approval

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer \$250,000.00 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 Town Manager's Office

Finance Committee recommends approval

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer \$3,000,000.00 from taxation, free cash, another specific available fund, an existing appropriation or account or other available source, to be placed into the Stabilization Fund, or act anything thereon.

Sponsored by the Town Manager's Office

Finance Committee recommends approval

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer \$1,000,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source, for the purposes of funding Accrued Benefits for Town employees, or act anything thereon.

Sponsored by the Town Manager's Office

Finance Committee recommends approval

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer \$59,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account for other available source, for the purpose of purchasing and equipping a

new Animal Control Officer vehicle and all related expenses for the Animal Control Department, or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer \$41,400.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account for other available source, for the purpose of funding HVAC design, engineering, installation and all related expenses for the Council on Aging, or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer \$10,500.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account for other available source, for the purpose of funding Election tallying/reporting software and all related expenses for the Elections and Registrations Department, or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 12. To see if the Town will vote to raise and appropriate, transfer \$554,000.00 from Water Department Retained Earnings for all related, relevant and necessary expenses associated with the design of the well replacement engineering on Tispaquin well 1 and 2, and to purchase and equip a new utility truck with plow and to purchase and equip a new 10 wheel dump truck with plow or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer \$456,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account for other available source, for the purpose of funding the purchase and installation of a new fire station alerting system and purchasing new personnel protective equipment and all related expenses for the Fire Department, or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 14. To see if the Town will vote to authorize the Town Manager to purchase and equip a new pumper truck for the Fire Department by entering into a lease-purchase agreement pursuant to M.G.L. c. 44, §21C for a term not to exceed the useful life of the truck, with the first year payment for said lease purchase agreement to be subject to appropriation in the first fiscal year the agreement becomes effective, and further, to authorize the Town Manger to take any and all action and enter into and execute any and all agreements and other documents as may be necessary or convenient to effectuate the purposes of this vote; or take any other action relative thereto.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer \$350,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account for other available source, for the purpose of funding pavement management and all related expenses for the Department of Public Works, or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer \$50,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account for other available source, for the purpose of funding HVAC design, engineering, installation and all related expenses for the Middleborough Public Library, or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer \$525,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account for other available source, for the purpose of funding a new chiller for the Nichols Middle School and complex network infrastructure for the Henry B. Burkland and Mary K. Goode Elementary Schools and all related expenses for the Middleborough Public Schools, or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer \$187,000.00 from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account for other available source, for the purpose of funding exterior painting at the Peirce Building, repairs to the Green School foundation and repointing at the Town Hall Annex and all related expenses for the Facilities Department, or act anything thereon.

Sponsored by the Capital Planning Committee
Finance Committee recommends approval

ARTICLE 19. To see if the Town will vote to authorize the Select Board to grant and convey a permanent historic preservation restriction on the Peirce Building, located on the Town-owned property at 99 North Main Street and identified by the Assessor's as Parcel 50Q-5574, on such terms and conditions as the Select Board deems appropriate, provided that the Town receives a donation of funds for costs associated therewith, or act anything thereon.

Sponsored by the Select Board
Finance Committee will make recommendation at Town Meeting

ARTICLE 20. To see if the Town will vote to appropriate the sum of \$1,000,000.00 to increase the amounts appropriated pursuant to the vote taken under article 16 of the April 23, 2018 Annual Town Meeting which appropriated the sum of \$2,000,000.00 for the interior and exterior painting of the Barden Hill Water Tower; and to meet the appropriation to authorize the Treasurer, with the approval of the Select Board, to borrow such additional \$1,000,000.00 under Chapter 44 of the General Laws or any other enabling authority, and to issue bonds and notes of the Town therefor. Although such bonds and notes shall be general obligations of the Town, it is anticipated that the annual debt service required as a result of such bonds or notes will be repaid from Water Department Retained Earnings; or act anything thereon.

Sponsored by the Water Department
Finance Committee recommends approval

ARTICLE 21. To see if the Town will vote to raise and appropriate, and/or transfer \$300,000.00 from Water Department Retained Earnings for all related, relevant and necessary expenses associated with the design and construction of the replacement of water lines on various roadways, said sum to be added to the amount appropriated under article 17 of the October 2, 2017 Special Town Meeting which appropriated the sum of \$510,000.00 for the replacement of water lines on Bishop Avenue and Myrtle Street; or act anything thereon.

Sponsored by the Water Department
Finance Committee recommends approval

ARTICLE 22. To see if the Town will vote to raise and appropriate, and/or transfer \$72,000.00 from Water Department Retained Earnings for the purpose of funding all related, relevant and necessary expenses associated with the design of the water main replacement project on Tiger Drive, Terrace Road, Margery Street and Lois Street, said sum to be added to the amount appropriated under article 20 of the October 3, 2022 Special Town Meeting which appropriated the sum of \$60,000.00 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
Finance Committee recommends approval

ARTICLE 23. To see if the Town will vote to transfer from the tax custodian for tax collection purposes to the Select Board for general municipal purposes and for the purpose of conveyance, the care, custody and control of the Town-owned parcels of land located at 15 Station Street, 2 Cambridge Street, and 10 Cambridge Street, Middleborough, shown on Assessors Map 50M as Parcels 5852, 5089, and 5058, acquired by the Town by instruments recorded with the Plymouth Registry of Deeds in Book 15235 Page 24, Book 15235 Page 23, and Book 15235 Page 22, respectively, and containing 2.4 acres, more or less, in the aggregate, and to authorize the Select Board to convey said parcels on such terms and conditions and for such consideration, which may be in consideration of other property, as the Select Board deems appropriate, and, further, to authorize the Select Board to acquire such other land by purchase or gift for general municipal purposes and/or for parking purposes, or act anything thereon.

Sponsored by the Town Manager's Office
Finance Committee will make recommendation at Town Meeting

ARTICLE 24. To see if the Town will vote to authorize the Select Board to acquire, by purchase or gift, the property located at 13 School Street, Middleborough, MA, shown on Assessor’s Map 50P as Parcels 5474 and 6134, described in a deed recorded with the Plymouth County Registry of Deeds in Book 57039, Page 197, and contains a total of 0.76 acres of land, more or less, for general municipal and/or public parking purposes and on such terms and conditions as the Select Board deems appropriate, which may include a restriction requiring the premises to be used for parking purposes, and, further, to appropriate and transfer from free cash the sum of \$750,000.00 to fund said acquisition and costs incidental or related thereto, or act anything thereon.

Sponsored by the Town Manager’s Office
Finance Committee will make recommendation at Town Meeting

ARTICLE 25. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2024, with each item to be considered a separate appropriation:

Appropriations:

FY 2024 estimated revenues for Committee Administrative expenses \$27,000.00

Reserves:

FY 2024 estimated revenues for Historic Resources Reserve \$ 54,000.00

FY 2024 estimated revenues for Community Housing Reserve \$ 54,000.00

FY 2024 estimated revenues for Open Space Reserve \$ 54,000.00

FY 2024 estimated revenues for Budgeted Reserve \$ 351,000.00

Or take any action thereon.

Sponsored by the Community Preservation Committee
Finance Committee will make recommendation at Town Meeting

ARTICLE 26. To see if the Town will vote to appropriate \$20,000.00 from the Historic Resources Reserve of the Community Preservation Fund to fund the Reed/Peirce Cemetery Restoration Project for the purpose of repairing stone markers at the Reed/Peirce Cemetery, said funds to be expended under the direction of the Friends of Middleborough Cemeteries and the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee
Finance Committee will make recommendation at Town Meeting

ARTICLE 27. To see if the Town will vote to appropriate \$25,000.00 from the Historic Resources Reserve of the Community Preservation Fund to fund the Soule Homestead Phase 3 Preservation Project for the purpose of siding and paint renovations, said funds to be expended under the direction of the Soule Homestead and the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee
Finance Committee will make recommendation at Town Meeting

ARTICLE 28. To see if the Town will vote to appropriate \$100,000.00 from the Budgeted Reserve of the Community Preservation Funds to fund continuation of the Oliver Mill Park Restoration Project for the purpose of historic stonework and bridge repairs, said funds to be expended under the direction of the Town Manager and the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee
Finance Committee will make recommendation at Town Meeting

ARTICLE 29. To see if the Town will vote to appropriate \$25,000.00 from the Open Space Resources Reserve of the Community Preservation Fund to fund the West Side Fields Improvement Project for the purpose of creating lacrosse fields at the West Side Playground, said funds to be expended under the direction of the Town Manager, Park Department and the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee
Finance Committee will make recommendation at Town Meeting

ARTICLE 30. To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, §5, Clause 56 which would allow members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year in which they are serving in a foreign country, or act anything thereon.

Sponsored by the Veterans Department
Finance Committee recommends approval

ARTICLE 31. To see if the Town will vote to Amend Section 67-5 of the Town's General Bylaws, Authorized Revolving Funds, to add a requirement that the Town Manager be required to authorize expenditures from the Herring Fisheries Program and Tourism Committee revolving funds by adding the words "with the approval of the Town Manager" after the words "Middleborough-Lakeville Herring Fisheries Commission" and "Tourism Committee" in the second column of the table.

Citizen Petition
Finance Committee will make recommendation at Town Meeting

ARTICLE 32. To see if the Town will vote to raise and appropriate and/or transfer the sum of \$80,950.00 from taxation, free cash, another specific available fund, an existing appropriation or account or other available source to reimburse the resident(s) of four hundred forty-five (445) manufactured home units in the Oak Point Community who signed rental agreements between January 1999 and December 2010; who have continuously resided in that manufactured home unit since then without interruption of residency, who continue to reside in the Oak Point community through date when funds are paid and who paid in excess of the allotted cost for a monthly license fee as outlined by Massachusetts General Law, Chapter 140 Section 32, the amount collected and not thereafter refunded at present value not to exceed \$450.00 per manufactured home unit, whereas such overage was due to the insufficient monitoring and enforcement of the Town of Middleborough Rules and Regulations for Mobile Home Parks Accommodations, Rents, and Evictions.

Finance Committee will make recommendation at Town Meeting

Given under our hands at Middleborough, this day of April, 2023.

Mark Germain, Chairman

Nathan Demers, Vice Chairman

Arthur Battistini

Brian Giovanoni

Neil Rosenthal

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 NemasketWeek the 6th day of April 2023, that date being more than seven days before the time specified for said meeting.

Joseph Perkins
Police Chief