

**SPECIAL TOWN MEETING  
OCTOBER 6, 2014**

Special Town Meeting was called to order at 7:10 PM by Town Clerk Allison J. Ferreira due to the absence of Town Moderator Wayne Perkins. The Town Clerk declared a quorum present in the Middleborough High School Auditorium and certified that the warrant had been posted, served and returned in a proper fashion by Police Chief Joseph M. Perkins.

The Town Clerk stated the first order of business was to elect a Temporary Town Moderator. A motion was made and seconded to elect Robert M. Desrosiers as Temporary Town Moderator for the purposes of this Special Town Meeting of October 6, 2014. Motion passed unanimously. The Town Clerk administered the oath of office to Robert M. Desrosiers to act as Temporary Town Moderator.

The Moderator introduced Veterans' Agent Paul Provencher and the Veterans' Council. The Veterans' Council led the meeting in the Pledge of Allegiance.

The Moderator introduced the Chairman of the Board of Selectmen Allin Frawley for two very important recognitions. Mr. Frawley asked Town Meeting to observe a moment of silence in memory of Anders Martenson who passed away on Friday. Mr. Martenson was the Town Manager for the Town of Middleborough for approximately 20 years, a dedicated volunteer and a veteran. Mr. Frawley also acknowledged this would be the last town meeting for our Town Manager Charles J. Cristello and requested a round of applause for all his efforts in serving the Town.

Voted unanimously to allow as necessary the following non-resident individuals to address Town Meeting: Lance Benjamino, Fire Chief; John Braccio, Wright-Pierce Engineering; Fran Cass, Park Superintendent; Charles J. Cristello, Town Manager; Jeannine Delaney, MASS DEP; Steven Dooney, Town Accountant; Jon Hume, Wright-Pierce Engineering; Jane Kudcey, Office of Economic and Community Development; Paul Millett, Environmental Partners; Christopher Peck, Director of Public Works; Kathleen Piatelli, Business Manager, Middleborough Public Schools; Joseph Silva, Water Superintendent and Roseli Weiss, Superintendent of Schools.

The Moderator then acknowledged and thanked the members of the Middleborough High School Student Council for acting as tellers counting any votes requiring to be counted at this meeting. The Moderator announced the stage would be counted by the Town Clerk and those standing by the door would be counted by Police Chief Joseph Perkins.

The Moderator stated he will decide simple majority voice votes; any motion requiring more than a majority vote will be counted unless there is a unanimous outcry when first called for it. He reminded those in attendance if they wish to speak to approach a microphone and when called upon state your name and then proceed. The Moderator encouraged any questions about procedure or any technical matter.

The following action was taken:

**ARTICLE 1:** The following was voted unanimously:

- To transfer the sum of \$45,464 from Free Cash to department 710 Debt Service Maturing Principal, account number 591000;

- To transfer \$100,783 from the Water Enterprise Unreserved/Retained Earnings account to department 710, Debt Service Maturing Principal, account number 591000;
- To transfer \$160,562 from department 919, Employee Fringe Benefits Health and Life Insurance, account number 517400 to department 710, Debt Service Maturing Principal, account number 591000;
- To transfer \$45,000 from department 919, Employee Fringe Benefits Health and Life Insurance, account number 517400 to department 422 DPW Highway Snow Removal, account number 15293;
- To transfer \$150,000 from free cash to department 422 DPW Highway Snow Removal;
- To transfer \$60,000 from department 919, Employee Fringe Benefits Health and Life Insurance, account number 517400 to department 210 Police Department Dispatchers account number 511127.
- To transfer \$50,000 from department 919, Employee Fringe Benefits Health and Life Insurance, account number 517400 to department 220 Fire Department Regular Pay Lieutenants account number 511500.
- To raise and appropriate from taxation the sum of \$20,000 to department 950 Unclassified Reserve Fund, account number 5781.
- To transfer \$8,000 from free cash to department 950 Unclassified Town Manager Search Advisor, account number 45322.
- To transfer \$75,000 from the Trash Disposal Enterprise Unreserved/Retained Earnings account to department 433, Trash Disposal Trash/Recycling Program Expense, account number 550200.

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 2:** Voted unanimously to transfer the sum of \$4,977 from Free Cash to account number 555201 to pay unpaid bills from prior years to the following:

<b>Plymouth County Registry of Deeds</b>	<b>\$ 32.25</b>
<b>Middleborough Gas &amp; Electric</b>	<b>\$ 75.70</b>
<b>Earthlink Business</b>	<b>\$ 760.99</b>
<b>Kopelman &amp; Paige</b>	<b>\$ 1,857.12</b>
<b>Donald Meyer, MD</b>	<b>\$2,250.00</b>

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 3:** Voted unanimously to transfer the sum of \$60,837 from Free Cash to fund sick leave buy-backs in the following departments:

<b>Police Department #519700</b>	<b>\$33,850</b>
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*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 4:** Voted unanimously to transfer the sum of \$977,241 from Free Cash to the Stabilization Fund.

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 5:** Voted unanimously to transfer the sum of \$200,000 from Free Cash to the Other Post-Employment Benefits Liability Trust Fund.

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 6:** Voted unanimously to appropriate \$9,000 from free cash to the appropriate line items in FY 2015 budget as established by the Town Accountant to fund the following collective bargaining agreement:

**Middleborough Library Staff Association \$9,000**

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 7:** Voted unanimously to transfer \$304,434 from department 919, Employee Fringe Benefits Health and Life Insurance account number 517400 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.

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 8:** Voted unanimously to transfer the sum of \$5,000 from Free Cash to repair the roof at the Town Hall Annex.

*Capital Planning Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 9:** Voted unanimously to transfer the sum of \$120,000 from Free Cash to purchase two new mini-buses for the School Department.

*Capital Planning Committee Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 10:** Voted unanimously to transfer the sum of \$137,482 from Free Cash to purchase computers, servers, monitors, printers, and related hardware and software for various Town departments.

*Capital Planning Committee Recommended Favorable Action*

*Finance Committee Recommended Favorable Action*

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 11:** By a counted vote of yes, 122 and no, 54, it was voted to appropriate \$1,590,000 by borrowing for all relevant and necessary expenses associated with the purchase of four new mechanized trash collection/recycling vehicles and new trash/recycling carts for the Trash Disposal Department, including all costs incidental and related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$1,590,000 under General Laws, Chapter 44 or any other enabling authority, and to provide that the debt shall be paid in the first instance from the revenues of the Trash Disposal Enterprise System.

*Finance Committee Recommended Favorable Action*

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 12:** Voted unanimously to appropriate \$25,000,000 by borrowing to pay costs of rehabilitating and constructing additions to the Water Pollution Control Facility, including, but not limited to, the employment of professionals and the equipping and furnishing of 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 under General Laws Chapter 44 and/or Chapter 29C, or any other enabling authority, and issue bonds or notes of the Town, through the Massachusetts Clean Water Trust (the "Trust") or otherwise, upon such terms as the Treasurer and the Board of Selectmen shall determine, and to provide that the debt shall be paid in the first instance from the revenues of the Wastewater Enterprise System; and that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement, financing agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

*Finance Committee Recommended Favorable Action*

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 13:** Voted unanimously to 1) transfer \$1,500,000 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; 2) rescind \$1,500,000 of the borrowing authorized under Article 15 of the 2013 Annual Town Meeting; and 3) transfer \$400,000 from the Wastewater Enterprise Unreserved/Retained Earnings account to department 710, Debt Service Maturing Principal, account number 591000.

*Finance Committee Recommended Favorable Action*

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 14:** Voted unanimously 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.

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 15:** Voted unanimously to transfer \$10,000 from free cash to the Department of Public Works for all relevant and necessary expenses associated with new stormwater activities required by the EPA/DEP.

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

**ARTICLE 16:** Voted unanimously to appropriate \$9,000 from the Historic Resources Reserve of the Community Preservation Fund and \$21,000 from the Budgeted Reserve Fund Balance 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.

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*  
*Historical Commission Recommended Favorable Action*  
*Community Preservation Committee Recommended Favorable Action*

**ARTICLE 17:** Voted by majority 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.

*Board of Selectmen Recommended Favorable Action*  
*Finance Committee Recommended Favorable Action*  
*Historical Commission Recommended Favorable Action*  
*Community Preservation Committee Recommended Favorable Action*

**ARTICLE 18:** Voted by majority 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.

*Finance Committee Recommended Favorable Action*  
*Board of Selectmen Recommended Favorable Action*

*Prior to voting on Article 19, Michael LaBonte, Chairman of the Planning Board, announced on September 23, 2014 the Middleborough Planning Board voted to recommend favorable action on Article 19, Zoning By-Law Amendment.*

**ARTICLE 19:** Voted unanimously 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”.

*Planning Board Recommended Favorable Action  
Board of Selectmen Recommended Favorable Action*

**ARTICLE 20:** Voted unanimously to authorize the Board of Selectmen to enter into on behalf of the Town a tax agreement, as authorized by M.G.L. 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.

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 21:** Voted unanimously 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.

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 22:** Voted unanimously 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.

*Board of Selectmen Recommended Favorable Action*

*A point of order was called by Selectman John Knowlton to determine if quorum was present. The quorum count was withdrawn by Selectman Knowlton.*

**ARTICLE 23:** Voted by majority 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.

*Board of Selectmen Recommended Favorable Action*

**ARTICLE 24:** Voted by majority vote to postpone this article indefinitely.

Voted unanimously to dissolve the meeting at 9:21 PM.

A true copy, attest:

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ALLISON J. FERREIRA  
Town Clerk