



ANNUAL MEETING WARRANT

Middleborough, Massachusetts

To Gary J. Russell, 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 Tuesday, May 26, 2009, 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, 2009, 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 a sum of money to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2010, or act anything thereon.

ARTICLE 4. To see if the Town will vote to transfer \$66,972.60 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 to raise and appropriate the sum of \$300,000.00 by borrowing under General Laws, Chapter 44, by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to General Laws Chapter 29C or by raising and appropriating said sum from some other source for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems, or act anything thereon.

ARTICLE 6. 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 2010, 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	Not to exceed \$2,500.00
Subdivision Rules & Regulations	

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 increases in health insurance HMO and PPO deductibles and co-payments paid by said employees and other persons during Fiscal Years 2010 and in excess of the amounts of such deductibles and co-payments applicable during Fiscal Year 2009, and to pay any related costs, or act anything thereon.

ARTICLE 8. To see if the Town will vote to borrow the sum of three hundred fifty thousand dollars (\$350,000.00) for the purposes of replacing older water mains and curb to main connections throughout the water system and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$350,000.00 under General Laws, Chapter 44, Section 8 and to provide that the debt shall be paid from the revenues of the Water Enterprise System, or act anything thereon.

ARTICLE 9. To see if the Town will vote to raise and appropriate from available funds or borrow a sum of money to refurbish the two (2) universal power supply units (1-18Kv 1-15Kv) and replacement equipment for the Bank building and the Town Hall through the Information Technology department and to meet this appropriation to authorize the Treasurer with the approval of the Board of Selectmen to borrow under General Laws Chapter 44, Section 7, 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 pay for all relevant and necessary expenses associated with the clean-up of an oil leak at the Green School site, 251 East Main Street, 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 pay for all relevant and necessary expenses associated with alterations to the Lincoln D. Lynch School site, 49 Union Street, or act anything thereon.

ARTICLE 12. Local Adoption of Chapter 43D Expedited Permitting – Middleborough Park at 495

To see if the Town will approve the provisions of chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at Middleborough Park @495 (113.342 acres, Assessors Map 039, generally bounded by Bedford, Clay, Ash, and Old Center Streets and Route 44) as a Priority Development Site, or take any other action in relation thereto. Assessors Map 039 and lot numbers: 1938, 2987, 2868, 2895, 2886, 4436, 2754, 2769, 3539, 4316, 3438, 4223, 3457, 3492, 4381, 5157, 5151, and 4392, or act anything thereon.

ARTICLE 13. To see if the Town will vote to amend Section IV of the Zoning By-laws by revoking Section E in its entirety and adopt the following in its place:

E. INDUSTRIAL DISTRICT

1. PERMITTED USES:

- a. Religious, education, municipal or government uses.
- b. Commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture.
- c Child care facilities.
- d. Any use permitted in a Residence District, except those prohibited in Section 3. below.

2. SPECIAL PERMIT USES:

- a. Manufacturing or industrial use.
- b. The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) under Section VII, provided that no special permit shall be granted unless the Board makes the findings set forth in Section VII.C.2.a.

3. PROHIBITED USES:

- a. Dwellings, multiple dwellings, house trailers, and mobile homes, or act anything thereon.

ARTICLE 14. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide that all withdrawal penalty taxes paid to the Town pursuant to General Laws, Chapter 61, Section 7, all conveyance taxes and roll-back taxes paid to the Town pursuant to General Laws, Chapter 61A, Sections 12 and 13 respectively, and all conveyance taxes and roll-back taxes paid to the Town pursuant to General Laws, Chapter 61B, Sections 7 and 8 respectively, shall be deposited in a special account to be known as the

Land Acquisition Fund with any money in the Fund to be expended by the Board of Selectmen duly authorized by vote of the Town Meeting to purchase the fee or other rights in land for purposes of recreation, conservation, agricultural, open space, or other municipal uses with the income derived from the land Acquisition Fund to be credited to the Fund, or act anything thereon.

ARTICLE 15. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for legislation to authorize the use of certain property owned by the Town of Middleborough located on and off Fuller Street and on and off Plympton Street in Middleborough and bounded and described in a deed of Annamarie Barnhart dated September 30, 2002 recorded in the Plymouth County Registry of Deeds in Book 23007, Page 244 and in an Order of Taking dated October 7, 2002 and recorded in said registry in Book 23193, Page 343 and property bounded and described in a deed of Jonathan D. White, Trustee of Preserve Realty Trust dated October 1, 2002 recorded in said registry in Book 23007, Page 258 for purposes other than public water supply protection/aquifer protection and public water supply storage, or act anything thereon.

ARTICLE 16. To see if the Town will vote to authorize the Board of Selectmen to convey the rear portion of the South Middleborough Fire Station property containing 1.7 acres to White McGill Realty, LLC or some other party in exchange for a 1.3 acre parcel to be conveyed to the Town and located on the southerly side of Wareham Street (Route 28) abutting the easterly side of the Fire Station property, such exchange to be on such terms and conditions as the Board determines, and to transfer the management and control of said 1.7 acre parcel to the Board of Selectmen for the purpose of making conveyance of said parcel as part of such exchange, or act anything thereon.

ARTICLE 17. To see if the Town will vote to adopt the following by-law

PUBLIC USE OF MARIHUANA (MARIJUANA)

1. No person shall smoke, ingest, or otherwise use or consume marihuana (marijuana) or tetrahydrocannabinol as defined in Massachusetts General Laws, Chapter 94C, Section 1, as amended, while in or upon any street, sidewalk, public way, footpath, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Middleborough or any of its boards or officers, or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

2. The term “place accessible to the public” as used herein shall mean and be construed to include any way or place to which members of the public have access as invitees or licensees.

3. Whoever violates Section 1 of this by-law shall be punished by a fine of Three Hundred (\$300.00) Dollars for each violation,

or act anything thereon.

Given, under our hands at Middleborough, this 27th day of April, 2009.

PATRICK E. ROGERS

MURIEL C. DUPHILY

MARSHA L. BRUNELLE

STEPHEN J. MCKINNON

ALFRED P. RULLO, JR
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 **7th day of May, 2009**, that date being more than seven days before the time specified for said meeting.

GARY J. RUSSELL
Police Chief