

**BOARD OF SELECTMEN  
MEETING AGENDA**

**Fuller Meadow School  
Nathan Media Room  
143 South Main Street, Middleton, MA 01949  
Tuesday, March 27, 2018  
7:00 PM**  
*This meeting is being recorded*

1. 7:00 PM Warrant (including review of March 13, 2018 Warrant)  
Minutes:
  - February 27, 2018 regular meetingTown Administrator updates and reports
2. 7:10 PM Vote to appoint Hayato Tsurumaki of 2 Sheldon Circle as an Alternate Member of the Recreation Commission
3. 7:15 PM Discussion regarding Main Street Grill (245 South Main Street, licensee Mr. Spero J. N. Demakes) related to compliance with the terms of its Common Victualler License to Expose, Keep for Sale and Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises License, Common Victualler's License and Entertainment License
4. 7:25 PM Review of May 8, 2018 Annual Town Meeting warrant
5. 7:40 PM Vote to Appoint George Demeritt of 17 Mount Vernon Street as a Member of the Board of Health
6. 7:45 PM Request from Attorney Jill Mann, on behalf of Eric Cudmore, Sean Walsh and Susan Surette, to name roadway located at 49 North Liberty Street
7. 7:50 PM Vote to lay out the following road as public ways in accordance with Massachusetts General Laws, Chapter 82 §§ 21 through 23 and Chapter 383-3 of the Middleton Town Code: Name of Road: Ohlson Way, Location: Off of East Street, Owner: PC Development Trust, 2 Ross Lane, Middleton, MA 01949; The Board of Selectmen will review the Street Acceptance layout plan and consider laying out the road as a public Town way
8. 7:55 PM Vote to lay out the following road as public ways in accordance with Massachusetts General Laws, Chapter 82 §§ 21 through 23 and Chapter 383-3 of the Middleton Town Code: Name of Road: Zaloga Way, Location: Off of East Street, Owner: Ryebrook LLC, 403 Sutton Street, North Andover, MA 01845; The Board of Selectmen will review the Street Acceptance layout plan and consider laying out the road as a public Town way
9. 8:00 PM Status update on current litigation and other Town legal matters presented by Town Counsel, Jason Talerman of Mead, Talerman & Costa, LLC
10. 8:05 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
11. 8:10 PM Executive Session under Massachusetts General Laws Chapter 30A, Sections 21(a) 3, to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body

*The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

Minutes of the MIDDLETON BOARD OF SELECTMEN  
Fuller Meadow School  
Nathan Media Room  
143 South Main Street, Middleton, MA 01949  
February 27, 2018 7:00PM

Present: Chair Brian Cresta, Kosta Prentakis, Rick Kassiotis

Absent: Timothy Houten, Todd Moreschi

*Others Present: Town Administrator Andrew Sheehan, Assistant Town Administrator Ryan Ferrara, Town Accountant/Chief Financial Officer Sarah Wood, Jill Mann, and others*

**7:03 PM** Chairman Brian Cresta called the meeting to order at 7:03PM

- **Warrant:** After a brief review of the payroll (\$613,521) and bills payable (\$3,556,734) warrants by Town Administrator Andrew Sheehan, the Board took the following action:  
On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to approve warrant number 1818, as presented.
- **Minutes:** After a brief review of the Minutes of February 13, 2018, the Board took the following action:  
On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to accept the minutes as presented.
- **Town Administrator Updates and Reports:** Town Administrator Andrew Sheehan provided the Board with updates and information on the following:
  - **48 South Main Street Overview:** The Town Administrator advised the Board that the Finance Committee approved a FinCom Transfer of \$10,000 for Gienapp to complete the overview study to see what will fit in the 48 South Main Street building. Based on their study, he hopes to have a capital warrant article on the Town Meeting Warrant. He will have more information on the next step and what funding will be needed for it, after a meeting tomorrow.
  - **Veterans Agent Retiring:** The Town Administrator advised the Board that Ted Butler, the Town's Veterans Agent, is retiring. He will stay on through the end of the fiscal year and he will be on the agenda for a future Selectmen's meeting before he leaves.
  - **Essex County Regional Communications Center:** The Town Administrator advised the Board that there was an article in the paper, as well as an editorial, regarding the Essex County Regional Communications Center. Sheehan added that Sheriff Coppinger undertook a financial audit of the facility and, as a result, there over 100 recommendations for improvements. Sheehan provided the Board with a list of the recommendations to view, noting that it is the Sheriff's intention to get the facility back on track and working as expected.
  - **Chapter 90 Funding:** Sheehan advised the Town has received their apportionment notice this week, just shy of \$299,000. It's what was expected and is contingent on passage of the funding authorization legislation.
  - **Charter Amendment Signed:** Last week the Governor signed the Charter Amendment, changing the Moderator's term from one to three years and the annual election from Monday following Town Meeting to the third Tuesday.

- **Technology Improvements at Howe-Manning School:** The Town administrator advised that Valley Communications were at Howe-Manning last week to put in the conduit and wiring to provide an audio/video connection between the cafeteria and gym. The connection should be in good shape for the May Town Meeting.
- **Budget Meeting:** The Town Administrator reminded the Board that there will be another budget meeting this Saturday from 8:30am to sometime in the afternoon. They will deal mostly with the capital budget but will also include discussions on operating budget.
- **7:20 PM Presentation of Fiscal Year 2018 2<sup>nd</sup> Quarter Report:** Town Accountant/Chief Financial Officer Sarah Wood, met with the Board of Selectmen to present the Fiscal Year 2018 2<sup>nd</sup> Quarter Report. Wood provided spreadsheets and reports for the Board members to view as she made her presentation. Highlights of the presentation included:
  - **MIIA Liability Allocations:** Wood explained that she received the breakdown of the liability insurance (MELD, School & Town) and MIIA changed the way they allocate general liability insurance across all municipalities, which caused the Town to take on more of a burden for these expenditures that have been previously budgeted as MELD's share. This took place in FY18 so most likely a year-end transfer will need to take place to cover the costs.
  - **Increase in Life Insurance:** Life insurance had unexpected increases in costs due to a large number of employees signing up during open enrollment late last spring. These changes took effect in FY18 after the budget was set so there is also the potential that a year-end transfer will be needed.
  - **Ferncroft Tax Discrepancy:** Wood noted that the sale of the Ferncroft Hotel caused an error in the tax coding, resulting in a shortage in rooms excise taxes collected. She added that the issue has been resolved and the taxes will be collected in the next quarter. A brief discussion ensued on how to avoid the same issues if the property is sold again.
  - **Medicaid Reimbursements:** She's still working on getting the issues resolved and will keep the Board updated.

After Wood's presentation, the Board continued to discuss revenues and expenses, with questions for the Town Accountant/Chief Financial Officer. After the brief discussion, the Chair thanked Wood for the great job she's doing.

**7:37 PM Vote to Enter into A Tax Agreement for Personal Property with HG Solar Systems LLC:** Chair Cresta provided a brief history of the solar energy project located behind 230 South Main Street, with input from the Assistant Town Administrator. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to enter into a tax agreement for personal property with HG Solar Systems LLC with respect to a solar energy project located behind 230 South Main Street, Assessors Map 30, Lot 188C, per the affirmative vote on Article 6 at the November 7, 2017 Special Town Meeting.

**7:42 PM Update on a Proposed Citizen Petition Warrant Article for The May 8, 2018 Annual Town Meeting:** Attorney Jill Mann met with the Board of Selectman to provide an update on a proposed Citizen Petition warrant article to change the zoning for three parcels located on or adjacent to Rundlett Way from "B" Business to "M-1" Light Industry. Mann provided maps and drawings for the Board to

view as she made her brief presentation on the Citizen Petition. After Mann's presentation, the Board reviewed the process that will take place to put the Citizen Petition on the Annual Town Meeting Warrant.

**8:00 PM Update on Fiscal Year 2019 Operating and Capital Budgets:** The Town Administrator provided the Board with updated information on the Masconomet Regional School District and Essex Technical High School budgets, noting that Middleton's assessment increased by about \$428,000 for Masconomet, which includes an increase in transportation costs, and a \$208,000 increase for Essex Tech, which was not unexpected. A brief discussion ensued, and more information will be forthcoming at Saturday's budget meeting.

**8:15 PM Preliminary Review of May 8, 2018 Annual Town Meeting Warrant:** Town Administrator Sheehan provided the Board members with a draft Town Meeting Warrant to view as he reviewed it with them, explaining how the articles were split up. Sheehan noted how the Capital article was composed as one article, consolidating all the capital items into the one article. He added that there are currently 27 articles and he expects it grow by at least one. The warrant will be discussed at the budget meeting on Saturday and changes may be made at that time.

**8:27 PM New Business:**

- **Citizen Feedback Session Scheduled:** Selectman Prentakis announced there is a Citizen Feedback session scheduled for Thursday, March 1, 6:30PM-7:30PM, at the Flint Library. He will be present to meet with any resident interested in providing feedback.

**8:28 PM ADJOURN**

With no further business, on a **MOTION** made by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to adjourn in memory of Lola Anderson at 8:28 PM.

Transcribed from the video posted at:

<https://civplus.tikiliveapi.com/embed?scheme=embedVod&videoid=129739&autoplay=no&frameborder=0&scrolling=no>

Respectfully submitted,



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Judith A. Stickney, Minutes Secretary

Kosta Prentakis, Clerk

Documents either distributed to the Board of Selectmen before the meeting in a packet or at the meeting:

1. Agenda: February 27, 2018
2. Town of Middleton Summary of Weekly Bills Payable and Payroll Warrants, 3/1/18, #1818
3. Minutes: 2/13/18
4. Memo from Town Accountant/Chief Financial Officer to Board of Selectmen, Re: FY 2018, 2nd Quarter Highlights, 2/6/18, Including:
  - Fiscal Year 2018 Expenditures (unaudited)

- Fiscal Year 2018 Warrant Articles Expenditures (unaudited)
- Fiscal Year 2018 Encumbrance Expenditures (unaudited)
- Fiscal Year 2018 Revenues (unaudited)
- Revolving Funds (unaudited)
- Appropriation Funds (unaudited)

5. TAX AGREEMENT FOR PERSONAL PROPERTY between HG Solar Development, LLC and THE TOWN OF MIDDLETON
6. Masconomet Regional School District Proposed Budget Fiscal Year 2019
7. E-Mail from Marie Znamierowski (Essex Tech) to Assistant Town Administrator, et al, Re: FY 2019 Preliminary Budget information, 2/23/18
8. Essex North Shore Agricultural & Technical School District's FY 19 Preliminary Budget
9. TOWN OF MIDDLETON ANNUAL TOWN MEETING MAY 8, 2018, Draft 2/22/18

**Ryan Ferrara**

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**From:** Kevin Noyes [kbnoyes@gmail.com]  
**Sent:** Wednesday, March 07, 2018 8:16 PM  
**To:** Ryan Ferrara  
**Cc:** sojonb566; Michelle Creasi; Steve Semenza; Natasha Murphy; Srdjan Perisic; Leland Boutilier  
**Subject:** Recreation Commission alternate position

I wanted to inform you the Recreation Commission reviewed the candidates for the alternate position on the commission.

The commission voted to appoint Hayato Tsurumaki to the alternate position.

Thank you

Kevin Noyes, Recreation Commission Chairperson



## Town of Middleton

Memorial Hall  
48 South Main Street  
Middleton, Massachusetts  
01949-2253  
978-774-3589  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

### TOWN OF MIDDLETON - TALENT BANK APPLICATION

The Board of Selectmen maintains a Talent Bank of names of citizens of Middleton willing to serve on boards, commissions and committees. Names in this file are available for use by all Town Departments.

Names: HAYATO TSURUMAKI

Telephone: [REDACTED]

Bus. Telephone: [REDACTED]

Occupation: ASSISTANT PHYS ED DIRECTOR

Background Experience: WORKING AT HAUDEN RECREATION CENTRE  
FOR OVER THE PAST 10+ YEARS

I am interested in serving on Town Boards and Committees involved in the following areas:  
(Please check all that apply. The Board encourages you to attach a recent resume if available.)

<input type="checkbox"/> Board of Health	<input checked="" type="checkbox"/> Recreation Commission
<input type="checkbox"/> Council on Aging	<input type="checkbox"/> Historical Commission
<input type="checkbox"/> Finance Committee	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Board of Appeals	<input type="checkbox"/> Scholarship Committee
<input type="checkbox"/> Master Plan Committee	<input type="checkbox"/> Library Services
<input type="checkbox"/> Conservation Commission	<input type="checkbox"/> Town Recycling Committee
<input type="checkbox"/> Industrial Commercial Development Review Committee	<input type="checkbox"/> Cultural Council

Amount of Time Available: \_\_\_\_\_

Are you available year round for committee meetings? Yes  No   
If not, when are you available?

\_\_\_\_\_ Winter \_\_\_\_\_ Spring \_\_\_\_\_ Summer \_\_\_\_\_ Autumn

Are there any Boards or Committees in which you are particularly interested?

RECREATION COMMISSION

Email Address: \_\_\_\_\_

  
Signature

2/2/18  
Date

Please submit all responses to the Town Administrator's Office via the mailing address above or via email to:  
[michelle.creasi@middletonma.gov](mailto:michelle.creasi@middletonma.gov)

# Hayato Tsurumaki

Middleton, MA 01949

## Work Experience:

**J.W. Hayden Recreation Centre, Inc.**

*Hayden Assistant Physical Education Director*

*Lexington, MA*

*September 2012-Present*

- Plan and implement recreational programming for children age six months to 8th grade
- Supervise, support and train a staff of 20+ employees
- Organize special holiday and vacation week programming for multiple age groups
- Schedule and market all programming within Physical Education department
- Create and maintain positive relationships with children, parents and community
- Inventory and order supplies as necessary to effectively operate classes
- Maintain physical education spaces and equipment
- Promote activities that build on the foundations of healthy life choices, teamwork and self-confidence

*Hayden Tricon Camp Director*

*September 2012-Present*

- Oversight of a day camp for Pre-Kindergarten aged children
- Design, schedule and implement multi camp-wide staff training
  - Attend a yearly camp conference and workshops organized by the American Camp Association
- Create weekly and daily schedules based around bi-weekly themes
- Coordinate special events for all Hayden camps
- Order supplies for all camp activities and directors
- Contact and communicate with parents and caregivers in person, through phone calls and by notices
- Ensure the safety of both the campers and staff at camp
- Maintain current rosters of all campers that include allergies and special needs of the campers
- Administration of medication and/or first aid when needed

*Hayden Helper Program Coordinator*

*September 2012-Present*

- Facilitate teen volunteer/outreach program
- Collaborate with program directors to determine the need for support in each program area
- Interview and meet with all interested teens to explain responsibilities and expectations
- Manage all required paperwork from volunteers including CORI/SORI background checks
- Coordinate scheduling and all communication with volunteers and program directors
- Promote responsibility, independence and accountability within the Hayden teen community

*Hayden Day Camp Recreation Director*

*June 2012-August 2012*

- Planned and executed a variety of sports and team building games for day campers grades K-5
- Managed and trained Assistant Recreation Director and counselors-in-training
- Adjusted programming to maintain appropriateness for all age groups and abilities
- Engaged counselors and campers in theme-based recreation activities

*Hayden After School Group Leader*

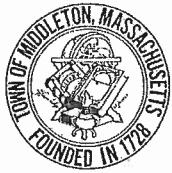
*September 2010-June 2012*

- Supervised children enrolled in program
- Ensured safety and well-being of children in program
- Helped with activity design and implementation
- Maintained open communication with parents and guardians in program

**Education:** Bachelor of Arts Degree in Economics, Isenberg School of Management, May 2010

University of Massachusetts, Amherst, Massachusetts

**Skills and Certifications:** American Red Cross CPR, First Aid, AED certification, American Red Cross Lifeguard certification, American Camp Association Director Certification, Certified Park and Recreation Professional (pending), Certified in Project Adventure Ropes Course Programming, proficient in Microsoft Office, Google Apps Suite, RecTrac.



## OFFICE OF THE TOWN ADMINISTRATOR

Town of Middleton  
Memorial Hall  
48 South Main Street  
Middleton, MA 01949-2253  
978-777-3617  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

March 19, 2018

Mr. Spero J. N. Demakes, Manager  
245 Middleton Pub Corporation  
245 South Main Street  
Middleton, MA 01949

Re: 245 Middleton Pub Corporation d/b/a Main Street Grill

- 1) Common Victualler License to Expose, Keep for Sale and Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises License #00008-RS-0704
- 2) Common Victualler's License
- 3) Entertainment License

Dear Mr. Demakes:

The Middleton Board of Selectmen, as the local licensing authority for the above licenses held by your business, requests your presence at its next meeting to be held on March 27, 2018 at 7:00 PM. Per the attached letter to you dated December 20, 2017 and after repeated requests from this office, you have neglected to provide the Town with a copy of your Certificate of Good Standing from the Commonwealth of Massachusetts. Additionally, you are currently in arrears for the Fiscal Year 2018 Third Quarter property taxes and personal property taxes. Other fees which you owe include water fees and electric service fees. Your continued failure to pay your taxes and fees to the Town in a timely manner is of concern to the Board of Selectmen.

If the Licensing Authority determines that you are in violation of a condition of your liquor license, the Board may choose to schedule a hearing at which it may decide, upon the provision of satisfactory proof, that your liquor license issued by the Town could be suspended, modified, revoked or cancelled under the provisions of Massachusetts General Laws Chapter 138, Section 64. All other licenses issued by the Town could also be revoked.

Please confirm your intention to appear before the Licensing Authority on March 27<sup>th</sup> by calling this office at 978-777-3617 no later than noon on Monday, March 26, 2017.

Sincerely,



Andrew J. Sheehan  
Town Administrator  
For the Middleton Licensing Authority

CC: Middleton Board of Selectmen  
Town Counsel



## OFFICE OF THE TOWN ADMINISTRATOR

Town of Middleton  
Memorial Hall  
48 South Main Street  
Middleton, MA 01949-2253  
978-777-3617  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

December 20, 2017

Mr. Spero Demakes  
245 Middleton Pub Corporation d/b/a Main Street Grill  
245 South Main Street  
Middleton, MA 01949

Dear Mr. Demakes:

The Middleton Board of Selectmen voted at their meeting on December 19, 2017 to extend the following licenses for the 245 Middleton Pub Corporation d/b/a Main Street Grill through December 31, 2018 contingent upon you providing the Town Administrator's Office with a Certificate of Good Standing from the Commonwealth of Massachusetts by 12 PM on Thursday, December 28, 2017:

- 1) Common Victualler License to Expose, Keep for sale and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises
- 2) Common Victualler's License
- 3) Entertainment License

Failure to provide the Certificate of Good Standing by the December 28<sup>th</sup> deadline will require you to close the Main Street Grill as of 12:00 am on December 31, 2017 since the current Common Victualler and liquor license will have expired. If you are able to obtain a Certificate of Good Standing after the December 28<sup>th</sup> deadline, all licenses will need to be applied for as new applications through the Town and the Alcoholic Beverages Control Commission.

Sincerely,



Andrew Sheehan  
Town Administrator

CC: Middleton Board of Selectmen  
Donald Carter, Collector/Treasurer  
James DiGianvittorio, Chief of Police

## Ryan Ferrara

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**From:** Michelle Creasi  
**Sent:** Thursday, March 22, 2018 12:16 PM  
**To:** Ryan Ferrara  
**Subject:** RE: Main Street Pub - 245 South Main Street

Hello Ryan,

I spoke with the Middleton Electric and Light Department and as of today they owe \$9,553.22. They are consistently late with their bill and pay frequently in small amounts, but still have an outstanding amount due.

I also spoke with Danvers Water Department and the restaurant currently owes \$3,630.66. They have not received payment since November 2017.

This is in addition to the outstanding taxes owed to the Town of Middleton in the amount of \$6,810.38 for real estate taxes and \$63.13 for personal property taxes.

They are current with The Police Department and The Fire Department.

I have reached out to the restaurant requesting the certificate of good standing from the Mass DOR since January and after 8-10 calls I was only able to reach the manager once. After making four calls every day in a seven day period in March, I still have yet to have a response as to when the information will be provided. It was originally promised by the manager in the beginning of January.

Please let me know if you need any further information.

*Michelle Creasi*

Michelle Creasi  
Administrative Secretary  
Board of Selectmen/Town Administrator  
Town of Middleton  
Ph: 978-777-3617  
[michelle.creasi@middlettonma.gov](mailto:michelle.creasi@middlettonma.gov)

 Please consider the environment before printing this email.

# Town of Middleton

# Massachusetts

4



## Annual Town Meeting

Tuesday, May 8, 2018, 7:00 P.M.

Annual Town Meeting Warrant for  
Fiscal Year 2019

Meeting to be held at Howe Manning School Gymnasium  
26 Central Street, Middleton, MA

**TOWN OF MIDDLETON  
ANNUAL TOWN MEETING  
THE COMMONWEALTH OF MASSACHUSETTS  
MAY 8, 2018**

ESSEX s.s.

To the Constable of the Town of Middleton in the County of Essex:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs, to meet at the Howe Manning School Gymnasium, 26 Central Street in said Middleton on Tuesday, May 8<sup>th</sup>, 2018 next, at 7:00 p.m., then and there to act on the following articles:

To transact any other business that may lawfully come before this meeting.

**CURRENT AND PRIOR YEAR FINANCIAL ARTICLES**

**ARTICLE 1.** To hear and act on Committee Reports:

School Committee  
Finance Committee  
Master Plan Committee  
Other Committees

**ARTICLE 2.** On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to be used to fund the deficit incurred in the Department of Public Works (snow removal and winter road maintenance) budget; or take any other action relative thereto.

**Purpose:** This article will transfer funds to close the deficit in winter operations.

**ARTICLE 3.** On petition of the Board of Selectmen, to see if the Town will vote to raise and appropriate, transfer between and among various accounts, or transfer from available funds to supplement the Fiscal Year 2018 operating budget; or take any other action relative thereto.

**Purpose:** This article is to transfer funds and supplement monies, if necessary, to meet departmental expenses in the current fiscal year.

**ARTICLE 4.** On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$7,500 to be used to restore funds received from the Commonwealth of Massachusetts under the Community Compact grant program; or take any other action relative thereto.

**Purpose:** This article will restore grant funds received from the State that were closed out at the end of FY2017.

**ARTICLE 5.** On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund Phase 1 Design Services for a municipal complex and/or to fund the acquisition, by purchase, gift, or eminent domain, of a certain parcel of land located at \_\_\_\_\_; or take any other action relative thereto.

**Purpose:** This article will fund the development of Phase 1 design of a municipal complex consisting of a Fire Station, Police Station, Town Offices, and/or Council on Aging and authorize the acquisition of land for said complex at \_\_\_\_\_.

## FY2019 FINANCIAL ARTICLES

**ARTICLE 6.\*** On petition of the Treasurer, to see if the Town will vote to authorize the Town Treasurer with the approval of the Selectmen to borrow money from time-to-time in anticipation of the revenue of the financial year beginning July 1, 2018 in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 17; or take any other action relative thereto.

**ARTICLE 7.** On petition of the Board of Selectmen acting in the capacity of the Personnel Board, to see if the Town will vote to set the salaries of elected officials pursuant to Massachusetts General Law Chapter 41, Section 108 and the Town Consolidated Personnel Plan, Section 9-5 as follows; or take any other action relative thereto:

**Insert personnel plan**

**ARTICLE 8.** On petition of the Finance Committee and Board of Selectmen, see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Omnibus Budget for Fiscal Year 2019; or take any other action relative thereto.

**Purpose:** This article requests approval of the Town operating budget for the coming fiscal year.

**ARTICLE 9.** On petition of the Board of Selectmen and Community Preservation Committee, to see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues or available funds the amounts recommended by the Community Preservation Committee for debt service, and community preservation projects and other expenses in Fiscal Year 2019 with each item to be considered a separate appropriation; or take any other action relative thereto.

**Proposed Fiscal Year 2019 Community Preservation Budget**

The Community Preservation Committee recommends that the following amounts be appropriated or reserved from Fiscal Year 2019 Community Preservation Fund Revenues, unless otherwise specified for Fiscal Year 2019 Community Preservation Purposes with each item considered to be a separate appropriation:

<u>Purpose</u>	<u>Recommended</u>	<u>Funding Source</u>
	<u>Amount</u>	
A) Reserves: Open Space	\$24,465	FY 2019 Estimated CPA Receipts
Reserves: Historic Resources	\$24,465	FY 2019 Estimated CPA Receipts
Reserves: Community Housing	\$24,465	FY 2019 Estimated CPA Receipts
B) Flint Library Debt Service	\$53,360	\$24,796 from Historic Resources Reserve and \$28,564 from Fund Balance
C) 11 South Main St. Debt Service	\$42,425	\$24,796 from Open Space Reserve and \$17,629 from Fund Balance
D) CPA Committee Admin. Expenses	\$1,100	From Fund Balance
<b>Community Preservation Total</b>	<b>\$170,280</b>	

**Purpose:** Each year the Town Meeting must appropriate or reserve for future appropriation at least 10% of the estimated annual fund revenues for acquisitions and initiatives in each of the following three categories of allowable community preservation purposes:

- Open space (excluding recreational uses)
- Historic resources
- Community housing

The term “annual fund revenues” in Fiscal Year 2019 are estimated at \$213,440 and is composed of the estimated receipts from the local surcharge of \$191,360 and monies from the State Trust Fund, which will make its thirteenth payment in October of 2018 providing an additional estimated \$22,080 in matching funds based upon the local share raised in FY 2018.

**ARTICLE 10.\*** On petition of the Board of Selectmen to see if the Town will vote to authorize the spending limits of the following revolving funds established under the Town Bylaw and General Laws Chapter 44, Section 53E ½:

Revolving Fund	Spending Limit
Firearms License and Permits	\$15,000
Council on Aging	\$35,000
Recreation	\$55,000
Recreation Field Use	\$25,000
Stormwater Management	\$25,000

Or take any other action relative thereto.

**ARTICLE 11.** On petition of the Town Accountant, to see if the Town will vote to appropriate a certain sum from Sewer Enterprise receipts to pay expenses and contractual services required to operate the Sewer Enterprise Fund for Fiscal Year 2019; or take any other action relative thereto.

**ARTICLE 12.** On petition of the Town Accountant/Chief Financial Officer, to see if the Town will accept the provisions of Massachusetts General Laws Chapter 44, Section 53F1/2 establishing Water as an enterprise fund effective Fiscal Year 2020 (July 1, 2019) and to transfer any balance from the existing Water Department account to this new enterprise fund as of June 30, 2019; or take any other action relative thereto.

**ARTICLE 13.** On petition of the Council on Aging and the Board of Assessors, to see if the Town will vote to increase the maximum amount of the Senior Tax Work Off Program under Massachusetts General Laws chapter 59, section 5K, as amended, from \$1,000 to \$1,500 per calendar year, effective calendar Year 2018; or take any other action relative thereto.

**ARTICLE 14.** On petition of the Electric Light Commissioners, to see if the Town will vote to accept a sum of money from the earnings of the Electric Light Department, said sum to be used for the reduction of taxes; or take any other action relative thereto.

**ARTICLE 15.** On petition of the Electric Light Commissioners, to see if the Town will vote to authorize the appropriation of all income of the Municipal Light Department, the whole to be expended by the Manager thereof under the direction and control of the Commissioners, for the expenses of the Department for the Fiscal Year as defined in Section 57 of Chapter 164 of the General Laws of the Commonwealth, and the excess to be transferred to the Depreciation Fund of said Department to be used as the Commissioners may direct hereto; or take any other action relative thereto.

**ARTICLE 16.\*** On petition of the Superintendent of Public Works, to see if the Town will vote to raise and appropriate such sums of monies as may be received from the Commonwealth of Massachusetts for the fiscal year commencing July 1, 2018 to install drainage, widen, pave, and otherwise improve any public way in accordance with the provisions of Section 34 of Chapter 90 of the Massachusetts General Laws; or take any other action relative thereto.

**ARTICLE 17.** On petition of the Finance Committee and Board of Selectmen, see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Capital expenditures for Fiscal Year 2019; and to authorize the Town Administrator to sell or trade items rendered surplus by such purchases; or take any other action relative thereto.

Department/Location	Project	Expenditure
<u>Dept. of Public Works</u>		
	Emily Maher Park improvements	100,000
	Trager Common improvements	4,200
	Oakdale Cemetery improvements	15,000
	Transfer Station	24,300
	Roll-off container	7,700
	Highway Div. power washer	5,500
	Highway Div. sander/plow	46,000
	Highway Div. tree cutting	30,000
	Paving to supplement c. 90	85,000
	Water Div. truck replacement	118,000
	<b><i>Public Works subtotal</i></b>	<b><i>435,700</i></b>
<u>Police Department</u>		
	Taser replacement	12,700
	Patrol vehicles	88,000
	<b><i>Police subtotal</i></b>	<b><i>100,700</i></b>
<u>Fire Department</u>		
	Multi-Gas meters	8,000
	Toughbook computers	10,750
	Replace cardiac monitors	80,000

	Portable radios	51,000
	Communications equipment	55,000
	Ladder 1 repairs	16,000
		<b>Fire subtotal</b>
		<b>220,750</b>
<u>Information Technology</u>	Information technology plan	37,280
		<b>Information Technology subtotal</b>
		<b>37,280</b>
<u>Facilities</u>	COA security, intercom, door release	1,100
	COA "My Senior Center" software	7,500
	COA replace kitchen equipment	8,000
		<b>Facilities subtotal</b>
		<b>16,600</b>
<u>Town Clerk/Elections</u>	Voting booths	9,367
	Electronic polling books	12,720
		<b>Town Clerk/Elections subtotal</b>
		<b>22,087</b>
<u>Town Admin./Bd. of Selectmen</u>	Dep't head recruitment & replacement	20,000
		<b>TA/BOS subtotal</b>
		<b>20,000</b>
<u>Middleton Public Schools</u>	Fuller Meadow end-user technology	37,592
	Fuller Meadow technology infrastructure	20,516
	Howe Manning end-user technology	107,016
	Howe Manning technology infrastructure	27,733
		<b>Middleton schools subtotal</b>
		<b>192,857</b>
<u>Essex No. Shore Tech</u>	Capital contribution	13,869
		<b>Essex Tech subtotal</b>
		<b>13,869</b>
<b>Capital Projects Total</b>		<b>1,252,608</b>

MOTION: I move and the Finance Committee recommends that the Town appropriate \$\_\_\_\_\_ and to meet this appropriation, transfer the following amounts from the following sources:

- \$141,750 from the Ambulance Fund
- \$1,047,238 from Free Cash
- \$15,000 from Cemetery Receipts
- \$118,000 from Water Special Revenue Fund

**Purpose:** This article requests approval of the capital budget for the coming fiscal year. Capital items are assets that have a useful life of five (5) or more years and a cost of more than \$5,000. Regular capital investment is critical to maintaining the Town's infrastructure, including vehicle fleet, buildings, equipment, and acquisition of land. Annually, a five year capital

improvement plan (CIP) is developed for the five years. Year one of the CIP is the ensuing year's capital budget.

**ARTICLE 18.** On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to appropriate \$50,000 to fund the acquisition of self-contained breathing apparatus (SCBA) for the Fire Department and that to meet the appropriation the following amounts from following warrant articles be repurposed:

- \$13,000 from Article 21 of the FY15 Annual Town Meeting
- \$12,000 from Article 24 of the FY15 Annual Town Meeting
- \$15,000 from Article 28 of the May 9, 2017 Annual Town Meeting
- \$10,000 from Article 28 of the May 9, 2017 Annual Town Meeting

Or take any other action relative thereto.

**ARTICLE 19.** On petition of the Masconomet School Committee and Superintendent, to see if the Town will vote to transfer \$192,765 from Overlay Reserve to fund Middleton's share of the following repairs, replacements, and upgrades to school safety and security systems for the Masconomet Regional School District; or take any other action relative thereto.

Department/Location	Project	Expenditure
<u>Masconomet</u>	A/C for data closets	92,000
	AED: replacements, additional units, & maint.	16,000
	Central Office generator connection	30,000
	Electrical alterations	35,000
	Increase gas piping size	98,000
	Auditorium speakers	10,000
	Roof repairs	140,000
	Security cameras	38,000
	Skid steer loader	55,000
	Wood shop safety enhancements	35,000
	<b><i>Masconomet subtotal</i></b>	
	Middleton's share at 35.08%	<b>\$ 192,765</b>

**ARTICLE 20.** On petition of the Masconomet School Committee and Superintendent, to see if the Town will vote to reallocate \$30,000 remaining from the "fire suppression system upgrade" from Article 31 of the May 9, 2017 Annual Town Meeting to fund the replacement of all locksets to re-key all doors at Masconomet using current best practices for safety and security; or take any other action relative thereto.

**ARTICLE 21.** On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds a certain sums of money to the following reserve accounts:

- Stabilization Fund
- Capital Stabilization Fund
- Special Education Stabilization Fund
- Other Post-Employment Benefits Liability Irrevocable Trust Fund

Or take any other action relative thereto.

**ARTICLE 22.** On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to accept the provisions of Chapter 40, Section 5B of the Massachusetts General Laws and establish a Retirement Stabilization Fund and to raise and appropriate, borrow or transfer from available funds a certain sum to said fund; or taken any action relative thereto.

**Purpose:** The Retirement Stabilization Fund will be established as a reserve fund to hold funds to make county retirement assessments that are higher than projected. The Retirement Stabilization Fund will be separate and distinct from other stabilization funds. From time to time, the Administration will ask Town Meeting to transfer funds to the Retirement Stabilization Fund from Free Cash or other sources.

## **CITIZEN PETITIONS, BYLAW ADOPTIONS AND STREET ACCEPTANCES**

**ARTICLE 23.** On petition of Paul Richardson, Christopher Richardson and Peter Richardson (on behalf of Richardson Green Inc. the owner of Lot 33), James Fortin (on behalf of 50 Rundlett Way LLC the owner of Lot 32A), Warren Kelly (on behalf of 7 River Street LLC the owner of Lot 32), Mark S. Frisch (as Trustee of the A.B.M. Realty Trust the owner of Lot 2) and more than ten registered voters from the Town of Middleton hereby petition the Town of Middleton to amend the official Zone Map of Middleton, Massachusetts prepared in 1965 by JA-BY Engineering, revised and reprinted by CAI Technologies on May 18, 2016 (with property lines current to January 1, 2016) in the following manner:

In connection with various parcels of real property located within the Business District on the west side of South Main Street (Route 114), north of River Street and south of Forms Way all as shown on the attached map printed from the Middleton GIS map (the "MAP") as cross hatched areas:

1. To rezone from "B" Business to "M-1" Light Industry a portion of the real property shown as Lot 32 on Middleton Assessor's Map Number 33, containing in all fifty-five thousand, five-hundred forty-two (55,542) square feet of land, plus or minus, which

area begins at a point that is approximately three hundred nineteen (319') feet from South Main Street and extends to its boundary with Lot 32A, as shown on the MAP. (Owned by 7 River Street LLC)

2. To rezone from "B" Business to "M-1" Light Industry all of the real property shown as Lot 32A on Middleton Assessor's Map Number 33, containing in all eighty-eighty thousands, four hundred twenty-seven (88,427) square feet of the land, plus or minus, as shown on the MAP. (Owned by 50 Rundlett Way LLC)
3. To rezone from "B" Business to "M-1" Light Industry all of the real property shown as Lot 33 on Middleton Assessor's Map Number 33, containing in all two hundred twenty-seven thousand, eight hundred nineteen (227,819) square feet of land, plus or minus, as shown on the MAP. (Owned by Richardson Green Inc.)
4. To rezone from "B" Business to "M-1" Light Industry all of the real property shown as Lot 2 on Middleton Assessor's Map Number 29, containing in all eighty thousand, seven hundred thirty-five (80,735) square feet of land, plus or minus, as shown on the MAP. (Owned by Frank S. Frisch, Trustee of A.B.M. Realty Trust.)

NOTE: The MAP is on file in the Office of the Town Clerk

**ARTICLE 24.** On petition of 10 or more registered voters, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$50,000 to pay for the hiring of a consulting firm to conduct a review of current zoning bylaws to ensure clarity, consistency, compliance to M.G.L. Chapter 40A and current case law.

The Planning Board, or another appropriate town committee designated by the Planning Board, will administer the zoning bylaw review process. The bylaw review will be conducted with the following goals and priorities in mind:

- Create a broad citizen engagement process, including input from other Town boards, commissions and committees;
- Rewrite and consolidate the Zoning Bylaw;
- Improve the Zoning Bylaw's readability and usability—online forms, access to information, creation of an index and a User Guide;
- Improve Special Permit and Amendment of Special Permit processes;
- Ensure Zoning Bylaw consistency with Middleton's other regulations and policies;
- Ensure that Zoning Bylaw provides clarity on roles of Zoning Board of Appeals, Planning Board, and the Town Planner; and,
- Communicate recodification to Town Meeting and general public.

Purpose: At the Special Town Meeting on February 28, 2017, it was stated that the Town had contracted with an engineering firm to conduct a review of the zoning bylaws. Upon inquiry to the Town for a copy of the contract, it was discovered that, in fact, the Town had never hired such engineering firm and never expended taxpayer money in the hiring of such firm. Changes to zoning bylaws have been implemented on a piecemeal basis over the past 8 years. With the

continued development of residential neighborhoods and commercial properties, it is imperative that current zoning bylaws are reviewed and comprehensive zoning bylaws be established.

**ARTICLE 25.** Upon petition of 10 or more registered voters, to see if the Town will vote to re-establish and reconstitute the Zoning Bylaw Review Committee. The Committee will consist of 7 voting members appointed by Town Moderator. Composition of the Zoning Bylaw Review Committee will be as follows:

- one (1) representative from the Planning Board,
- one (1) representative from the Zoning Board of Appeals,
- one (1) representative from the Board of Assessors,
- one (1) representative from the Master Plan Committee,
- one (1) representative from the Board of Selectmen,
- and (2) two citizens-at-large.

Under no circumstance will a member of any other Town Board or Committee serve in the capacity of citizen-at-large. Each member will serve a 2-year term. Each member of the Committee shall serve for the entire term, or, where applicable, until the person can no longer serve in the position as set forth above, whichever is earlier. Any vacancy in the Committee may be filled by appointment by the Town Moderator, and the successor appointee shall serve the remainder of the term.

Purpose: At the Special Town Meeting on February 28, 2017, it was stated that the Town had contracted with an engineering firm to conduct a review of the zoning bylaws. Upon inquiry to the Town for a copy of the contract, it was discovered that, in fact, the Town had never hired such engineering firm and never expended taxpayer money in the hiring of such firm. Changes to zoning bylaws have been implemented on a piecemeal basis over the past 8 years. With the continued development of residential neighborhoods and commercial properties, it is imperative that current zoning bylaws are reviewed and comprehensive zoning bylaws be established.

**ARTICLE 26.** On petition of David Bean and ten or more registered voters, to see if the Town will vote as follows: Article 323-2 A shall be removed and replaced with the following:

- A. Transfer Station stickers will be sold at the Treasurer-Collector's office at Memorial Hall, South Main Street and may be available at the Transfer Station at the Town's discretion. Stickers will also be available by mail. For Transfer Station operational hours where stickers are not sold at Transfer Station, proof of residency by driver's license shall allow access for full use of the Transfer Station.

**ARTICLE 27.** On petition of David Bean and ten or more registered voters, to see if the Town will vote as follows: Article 323-2 B, C, D, E and F shall be removed and replaced with the following:

- B. In order to purchase a sticker, a resident must show a valid Massachusetts registration for a noncommercial vehicle registered in Middleton or valid Massachusetts driver's license showing Middleton residence. Exceptions to this rule may be made by the Treasurer-Collector's discretion.
- C. Sharing of a sticker among multiple households is prohibited. If a landlord has agreed to collect the trash from his building as part of the rental agreement, he will be charged an amount which reflects the number of units he is servicing.
- D. Stickers must be permanently attached to the passenger-side window in such a way as to be easily visible to the attendant.
- E. The price of the sticker will be set by the Board of Selectmen and will be subject to change as the costs of trash disposal increase. Stickers will be valid for one year or whatever length of time is determined appropriate by the Board of Selectmen.

**ARTICLE 28.** On petition of David Bean and ten or more registered voters, to see if the Town will vote as follows: Article 323-3 Section P shall be added as follows:

- P. To reduce congestion and improve safety, access to recycle bins shall have stair access from both the incoming and outgoing paved drives.

**ARTICLE 29.** On petition of the Board of Selectmen, to see if the Town will vote to amend the Personnel Bylaw, Chapter 68, by adding a new Section 68-38.1 establishing a sick bank for Town employees, said section to read as follows:

#### **S. 68-38.1 Sick Leave Bank**

A sick leave bank shall be established and maintained for the purpose of protecting benefitted employees against loss of income due to long term illness, injury, disability, or quarantine.

- 1. All benefitted employees covered by Chapter 68 or covered by a collective bargaining agreement may participate in the sick leave bank if he/she has worked for the Town for at least twelve (12) months and worked at least 1,250 hours in the twelve (12) months before using sick leave bank benefits. Employees may enroll in the sick leave bank during the annual open enrollment period.
- 2. The sick leave bank is administered by the Town Administrator.
- 3. Employees desiring to withdraw sick leave from the sick leave bank must make application to the Town Administrator's Office.
- 4. On July 1 of every fiscal year every employee participating in the sick leave bank will have 24 hours of accrued sick leave transferred from his/her accrued sick leave to the sick leave bank. A member may cease participating and contributing to the sick leave bank by providing written notice to the Treasurer-Collector's Office by June 30.

5. In order to be eligible to make application to the sick leave bank, an employee shall have exhausted all of his/her sick leave, personal leave, and vacation leave, be a participant in the sick leave bank, and be approved for leave under the Family Medical Leave Act (FMLA).
6. In order to be eligible to make application to the sick leave bank, an employee must have suffered an illness, injury, disability, or quarantine resulting in thirty (30) consecutive days of work missed or resulting in five (5) days without pay, whichever comes first.
7. An employee eligible for workers compensation during the period of disability is not eligible to apply to the sick leave bank.
8. An employee shall become ineligible to receive leave from the sick leave bank upon resignation or termination of employment, retirement, voluntary withdrawal from the sick leave bank, or going on an approved leave of absence for reasons other than an unplanned personal illness, injury, disability, or quarantine.
9. Every request for leave from the sick leave bank shall be accompanied by a written statement signed by a physician confirming the existence and cause of the employee's illness, injury, disability, or quarantine and the expected recovery period. The Town Administrator may order an independent medical evaluation by a physician of its choosing.
10. The maximum amount of benefit from the sick leave bank granted to any one employee shall not exceed 160 hours per incident.
11. No leave benefits will be granted if the sick leave bank is depleted of hours.

; Or take any other action relative thereto.

**ARTICLE 30.** On petition of the Board of Selectmen, to see if the Town will vote to accept as a public way Zaloga Way, as shown on a plan entitled "Street Acceptance Plan of Zaloga Way, Middleton, Mass. 01949, dated July 20, 2017, consisting of two sheets, prepared by Williams & Sparages and to authorize the Selectmen to accept the fee or an easement in such way, or take the same by eminent domain, and to accept or take easements in any drainage or other easements associated with such way; or taken any action relative thereto.

**ARTICLE 31.** On petition of the Board of Selectmen, to see if the Town will vote to accept Ohlson Way as a town street as laid out by the Board of Selectmen under Massachusetts General Laws, Chapter 82, Sections 21 and 22, and in compliance with the Planning Board's Subdivision Rules and Regulations for new streets and to authorize the Selectmen to accept the fee or an easement in such way, or take the same by eminent domain, and to accept or take easements in any drainage or other easements associated with such way; or taken any action relative thereto.

**To the Town Constable:**

You are hereby ordered to notify and warn said qualified voters to meet at the Fuller Meadow School on Tuesday, May 15, 2018, next for the following purposes, VIZ: To choose by ballot the following Town Officers for the ensuing year:

One Town Moderator for three years  
Two Board of Selectmen members for three years  
One Board of Assessors member for three years  
Two Elementary School Committee members for three years  
One Regional School Committee member for three years  
One Planning Board member for five years  
Two Electric Light Commissioners for three years  
Two Library Trustees for three years  
One Housing Authority member for 1 year

**The Polls open at 7:00 a.m. and close at 8:00 p.m.**

And you are directed to service this Warrant by posting up attested copies thereof at Memorial Hall, Post Office, Flint Public Library, Store at Howe Station Market, Ferncroft Towers, and Fuller Pond Village in said Town fourteen days, at least, before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereof, to the Town Clerk at time and place of meeting aforesaid.

Given under our hands this eleventh day of April in the year of our Lord Two Thousand and Seventeen.

**MIDDLETON BOARD OF SELECTMEN**

S. \_\_\_\_\_

S. \_\_\_\_\_

S. \_\_\_\_\_

S. \_\_\_\_\_

S. \_\_\_\_\_

A true copy Attest:

S. \_\_\_\_\_

Constable of the Town of Middleton

\_\_\_\_\_ Date Posted

March 22, 2018

**Mr. Brian Cresta, Chairman  
Board of Selectman  
Middleton, Ma. 01949**

**Dear Mr. Chairman:**

**Please consider this a letter of interest in serving on the Board of Health again. I resigned last fall because of some issues that needed my immediate attention; however, I still have a sincere interest in serving the town, especially on the Board of Health. I feel that my past 11 years on that Board will be a benefit to the town.**

**A favorable appointment by the Board of Selectmen would be appreciated.**

**Sincerely,**



**George Demeritt  
17 Mt. Vernon Street  
Home: 978-774-8182  
Mobile: 781-710-0819**

## Ryan Ferrara

---

**From:** Derek Fullerton  
**Sent:** Tuesday, March 20, 2018 2:50 PM  
**To:** Andrew Sheehan; Ryan Ferrara  
**Cc:** George Demeritt (gademeritt@gmail.com)  
**Subject:** BOH Candidate

Andrew and Ryan,

George Demeritt has confirmed that he would like to rejoin the Board of Health as a member. Can you add him to the next Selectmen's mtg for approval.

George is on this email to be in communication.

Andrew, since he was on BOH for almost 20 years, not sure if you want him to attend the BOS meeting or not. He has been off the BOH for less than a year.

Thanks,  
Derek

Derek Fullerton, RS/REHS, CHO, CEHT  
Director of Public Health  
Middleton Board of Health  
195 North Main Street  
Middleton, MA 01949-1696  
P#: 978-777-1869  
[www.townofmiddleton.org](http://www.townofmiddleton.org)



Please consider the environment before printing this email.  
Note: This email is subject to MGL c66s10, Public Records Law.

## Ryan Ferrara

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**From:** Jill Mann [jill@mannpc.com]  
**Sent:** Tuesday, March 20, 2018 5:22 PM  
**To:** Ryan Ferrara; Andrew Sheehan  
**Cc:** Scott Fitzpatrick; Brad Swanson  
**Subject:** RE: Street Naming - North Liberty

I will be there on the 27<sup>th</sup>. Eric would like to name it "Cuddy's Way"

Thank you for responding, Jill

*Jill Elmstrom Mann*

MANN & MANN, P.C.  
 COUNSELLORS AT LAW  
 191 SOUTH MAIN STREET  
 MIDDLETON, MA 01949  
 TEL: 978-762-6238  
 FAX: 978-762-6434

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**From:** Ryan Ferrara [mailto:[ryan.ferrara@middletonma.gov](mailto:ryan.ferrara@middletonma.gov)]  
**Sent:** Tuesday, March 20, 2018 5:00 PM  
**To:** Jill Mann; Andrew Sheehan  
**Cc:** Scott Fitzpatrick; Brad Swanson  
**Subject:** RE: Street Naming - North Liberty

Jill, we heard back from Brad and Scott regarding the naming of the street. Since the proposed driveway is being used as the frontage for the newly created lot, it needs to be named. We can add this item to the March 27<sup>th</sup> BOS meeting agenda. If you don't have any strong preferences for a street name, we have a few requests for street names we could offer. Are you available on the 27<sup>th</sup>?

**Ryan Ferrara**  
**Assistant Town Administrator**  
**Town of Middleton**  
**Office: 978-777-3617**  
**Cell: 617-212-3199**  
**EMail: [ryan.ferrara@middletonma.gov](mailto:ryan.ferrara@middletonma.gov)**

September 2, 2014

Dear Board of Selectmen,

As my home town continues to develop, I would like to suggest a street named Powell in memory of my brother Elliott B. Powell Jr., born in 1930 raised in Middleton on Forest street.

He enlisted in the service at the age of seventeen as a Navy Seabee, serving over twenty years before retiring. He was an active duty veteran of both the Korean and the Vietnam wars.

Additionally my brother Herbert P. Powell born 1931 and also raised in Middleton was drafted into the Army in 1953 and served two years in the Korean war.

I would appreciate if you would consider naming a street in recognition of the service of my two brothers.

Sincerely,

Martha Powell, Ogden, Fessville



I CERTIFY THAT I HAVE CONFORMED  
WITH THE RULES AND REGULATIONS  
OF THE REGISTERS OF DEEDS IN  
PREPARING THIS PLAN.

WILLIAMS & SPARAGES LLC

MIDDLETON  
PLANNING BOARD

DATE: \_\_\_\_\_

## NOTE

1. WETLAND RESOURCE AREA DELINEATED BY WILLIAMS & SPARAGES, LLC ON MAY 4, 2017.
2. WETLAND RESOURCE AREA FLAGGED LOCATED AT AN ACTUAL FIELD LOCATION BY WILLIAMS & SPARAGES, LLC ON MAY 22, 2017. FLAGGING HAS BEEN REFERRED BY THE MIDDLETON CONSERVATION COMMISSION AGENT.
3. TOPOGRAPHY WAS DIGESTED FROM A PLAN ENTITLED, AS BUILT PLAN OF LAND IN MIDDLETON, MA DATED NOVEMBER 6, 2006 AND PLAN TO ACCOMMODATE THE CONSTRUCTION OF THE PROJECT, AS BUILT PLAN DATED NOVEMBER 12, 2003, ON FILE WITH THE MIDDLETON BOARD OF HEALTH AND CONSERVATION COMMISSION
4. DATUM FOR ELEVATION SHOWN IS NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29).
5. APPROXIMATE LOCATION OF FLOOD HAZARD AREA ZONE A TAKEN FROM FLOOD INSURANCE RATE MAP (FIRM) NUMBER 2500G00244F, EFFECTIVE DATE JULY 3, 2012.
6. NO BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT IN THE FLOOD HAZARD AREA, LOWER COURSE OF THE BIRMINGHAM CONCRETE ROADWAY SURFACE HAS BEEN INSPECTED BY THE SUPERINTENDENT OF PUBLIC WORKS OR AUTHORIZED AGENT, AND HIS RECOMMENDATION TO THE BUILDING COMMISSIONER IS APPROVED AND ACCEPTED BY THE PLANNING BOARD.
7. SEE ALSO PLANNING BOARD COVENANT RECORDED HEREIN.
8. LOTS 2A AND 2B ARE NOT TO BE CONSIDERED SEPARATE BUILDING LOTS, BUT ARE TO BE HELD IN COMMON OWNERSHIP TO FORM ONE BUILDING LOT. (TOTAL LOT AREA = 1132.11 S.F. OR 2.80 ACRES)
9. PARCEL A IS NOT TO BE CONSIDERED A SEPARATE BUILDING LOT.

PI 374 Pt. 73

CLERKS CERTIFICATION ON THE PLAN

CLERK OF THE TOWN OF MIDDLETON, D  
HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY  
THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS  
OFFICE AND THAT NO APPEAL WAS RECEIVED DURING THE TWENTY  
DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLE

LOCUS MAP

SCALE: 1"=1000'

LOCUS

N LIBERTY ST

AVENUE RD

1/4 MILE

LIST OF REQUESTED WAIVERS

- APPENDIX IX, WHICH REQUIRES THAT TREES BE PLANTED NOT MORE THAN 30 FEET APART ALONG THE WAY, AND, IN PLACE THEREOF, ALLOW FOR NO STREET TREES.
- SECTION 250-10.0(B)(1)(e) WHICH REQUIRES CUL-DE-SAC STREETS NOT EXCEED 500 FEET IN LENGTH, AND, IN PLACE THEREOF, ALLOW A 533.22 FOOT DEAD END STREET WITH A T-TYPE TURN AROUND.
- SECTION 250-10.0(c) WHICH SHOWS SIDEWALKS ON BOTH SIDES OF THE TRAVELED WAY, AND, IN PLACE THEREOF, ALLOW NO SIDEWALKS.
- SECTION 250-10.0(B)(1)(f) WHICH REQUIRES A MINIMUM CENTERLINE RADIUS OF 100'-FEET, AND, IN PLACE THEREOF, ALLOW A MINIMUM CENTERLINE PLAN RADIUS OF 80'-FEET.
- SECTION 250-10.0(C)(2)(g) WHICH REQUIRES CATCH BASINS AT ALL LOW PROFILES, AND, IN PLACE THEREOF, PERMIT NO CATCH BASINS.
- SECTION 250-9.0(A)(1)(c) WHICH REQUIRES SUITABLE SPACE TO RECORD THE ACTS OF THE BOARD OF HEALTH, AND, IN PLACE THEREOF, NOT REQUIRE THE ACTION OF THE BOARD TO BE PLACED ON THE PLAN.
- APPENDIX 1(A) WHICH REQUIRES PAVEMENT WIDTH OF 26 FEET, AND, IN PLACE THEREOF, PERMIT PAVEMENT WIDTH OF 16 FEET.
- APPENDIX 1(A) WHICH REQUIRES CURBING, AND, IN PLACE THEREOF, PERMIT NO CURBING.
- APPENDIX 1(A) WHICH REQUIRES CURB STRIPS WITHIN THE RIGHT OF WAY, AND, IN PLACE THEREOF, ALLOW SEVEN STRIP CURB INfiltration TRENCHES WITHIN THE RIGHT OF WAY AS SHOWN ON THE PLAN.

ZONING DISTRICT: RA

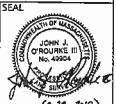
MINIMUM LOT AREA = 2 ACRES  
 MINIMUM LOT FRONTAGE = 50 FEET  
 MINIMUM LOT WIDTH AT BUILDING = 200 FEET  
 MINIMUM LOT WIDTH TO BUILDING = 112.5 FEET  
 (75% OF LOT FRONTAGE)  
 MIN. FRONT YARD SETBACK = 25 FEET  
 (OR 50 FROM STREET CENTER LINE IF GREATER)  
 MIN. SIDE YARD SETBACK = 30 FEET  
 MIN. REAR YARD SETBACK = 30 FEET  
 LOT COVERAGE FOR BUILDING = 45%  
 MINIMUM OPEN SPACE = 1/4 ACRE  
 MAXIMUM HEIGHT = 35 FEET  
 MAXIMUM STOREYS = 3

**OWNERS:**  
ERIK R. CUDMORE  
49R NORTH LIBERTY STREET  
MIDDLETON, MA 01949  
DEED REF: BOOK 23606 PAGE 514  
PLAN REF: PLAN BOOK 374 PLAN 7  
ASSESSORS REF: MAP 5 LOT 131  
  
**SEAN M. WALSH &**  
**SUSAN C. SURETTE**  
49 NORTH LIBERTY STREET  
MIDDLETON, MA 01949  
DEED REF: BOOK 32544 PAGE 506  
PLAN REF: PLAN BOOK 374 PLAN 7  
ASSESSORS REF: MAP 5 LOT 131

## PLAN SET INDEX

SHEET 1: EXISTING CONDITION PLAN  
SHEET 2: DEFINITIVE PLAN  
SHEET 3: TOPOGRAPHIC PLAN  
SHEET 4: DETAILS

4			(8-18-2018)								
3											
2											
1											
NO.	REVISION	DATE									
<b>DEFINITIVE PLAN</b>											
<b>49R NORTH LIBERTY STREET</b>											
<b>MIDDLETON, MA</b>											
OWNER/APP. LICEN:											
49R N. LIBERTY STREET											
MIDDLETON, MA 01949											
DEED REF: BOOK 23508 PAGE 514											
PLAN REF: B001 374 000 73											
ASSESSORS REF: M15 5 107 130											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 25%;">0'</td> <td style="text-align: center; width: 25%;">25'</td> <td style="text-align: center; width: 25%;">50'</td> <td style="text-align: center; width: 25%;">100'</td> </tr> <tr> <td colspan="4" style="text-align: center;">SCALE: 1"=50'</td> </tr> </table>				0'	25'	50'	100'	SCALE: 1"=50'			
0'	25'	50'	100'								
SCALE: 1"=50'											
FEBRUARY 27, 2018											
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S											
DEFINITIVE SHEET 1 OF 1											
SHEET 2 OF 4											



DEFINITIVE PLAN  
49R NORTH LIBERTY STREET  
MIDDLETON, MA

OWNER/APPLICANT:  
ERIC R. CUDMORE  
49R NORTH LIBERTY STREET

300,000

DEFINITIVE SHEET 1 OF 1  
SHEET 3 OF 4

SHEET 2 OF 4





Town of Middleton  
Planning Board  
195 North Main Street  
Middleton, Massachusetts  
01949

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March 1, 2018

Brian Cresta, Chairman  
Middleton Board of Selectmen  
Memorial Hall  
48 So. Main Street  
Middleton, MA 01949

RE: ROADWAY ACCEPTANCE: OHLSON WAY

Dear Chairman Cresta:

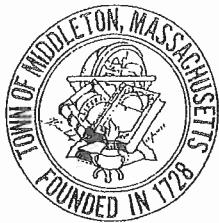
At the Middleton Planning Board's February 28, 2018 meeting, members unanimously voted to approve the As-Built plans for Ohlson Way and to recommend that the Town accept Ohlson Way as a public way.

Sincerely,



Anthony Tierno, Acting Chairperson  
Planning Board

-- File



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March 1, 2018

Brian Cresta, Chairman  
Middleton Board of Selectmen  
Memorial Hall  
48 So. Main Street  
Middleton, MA 01949

RE: ROADWAY ACCEPTANCE: ZALOGA WAY

Dear Chairman Cresta:

At the Middleton Planning Board's February 28, 2018 meeting, members unanimously voted to approve the As-Built plans for the Ryebrooke Estates IV (Zaloga Way) and to recommend that the Town accept Zaloga Way as a public way conditional on the required sidewalk contribution of \$23,800 being submitted to the Town by the developer of Zaloga Way.

Sincerely,

Anthony Tierno, Acting Chairperson  
Planning Board

File

PUBLIC NOTICE  
BOARD OF SELECTMEN  
MIDDLETON, MASSACHUSETTS  
ROADWAY LAYOUT

In accordance with Massachusetts General Laws, Chapter 82 §§ 21 through 23, Chapter 41, § 81I and Chapters 250 and 383-3 of the Middleton Town Code, the Board of Selectmen will hold a public meeting on Tuesday, March 27, 2018, in the Fuller Meadow School, 143 S. Main St., Middleton, MA, to discuss the layout of the following roads:

NAME OF ROAD	LOCATION	OWNER
1. Ohlson Way	Off East Street	PC Development Trust 2 Ross Lane Middleton, MA 01949
2. Zaloga Way	Off East Street	Ryebrook LLC 403 Sutton St. North Andover, MA 01845

The Board of Selectmen will review the Street Acceptance layout plans and consider laying out the road as a public Town way. The owner of the layout and abutters are invited to provide input. Copies of the petitions for roadway acceptance are available at the Town Administrator's office, 48 South Main Street, Middleton, MA, 01949.

*2/5/18 Mailed via Certified Letter*

*PC Development 7016 2070 0001 1229 5984*  
*Ryebrook LLC 7016 2070 0001 1229 5021*



**Town of Middleton**  
Planning Board  
195 North Main Street  
Middleton, Massachusetts  
01949

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*www.townofmiddleton.org*

**PUBLIC NOTICE**

**PLANNING BOARD ROADWAY LAYOUT**

In accordance with Massachusetts General Laws, Chapter 41,§81I and Chapter 383-3 of the Middleton Town Code, the Planning Board will hold a public meeting on Wednesday, February 14, 2018 at 7:00 PM, in the Fuller Meadow School, 143 S. Main St., Middleton, MA, to discuss the layout of the following roads:

NAME OF ROAD	LOCATION	OWNER
1. Ohlson Way	Off East Street	PC Development Trust 2 Ross Lane Middleton, MA 01949
2. Zaloga Way	Off East Street	Ryebrook LLC 403 Sutton St. North Andover, MA 01845

The Planning Board will review the As-Built plans and make a recommendation to the Board of Selectmen on accepting this road as a public Town way. Copies of the petitions for roadway acceptance are available at the Planning Office, 195 North Main Street, Middleton, MA, 01949.