

**BOARD OF SELECTMEN
MEETING AGENDA**

Fuller Meadow School

Nathan Media Center

143 South Main Street, Middleton, MA 01949

Tuesday, August 14, 2018

7:00 PM

This meeting is being recorded

1. 7:00 PM Warrants
Minutes: July 17, 2018 open session; July 17, 2018 executive session
Town Administrator updates and reports
2. 7:10 PM Eagle Scout candidate John Russo to discuss his Eagle Scout Project to renovate a playground behind Fuller Meadow School.
3. 7:20 PM Review and discuss Main Street Grill's compliance with terms of its license; schedule a public hearing if non-compliant
4. 7:25 PM Review and vote to accept deeds for Lot B East Meadow Lane and Lot C Clinch Circle (Ridgewood Estates) to be held for conservation purposes in accordance with the subdivision approvals issued by the Planning Board.
5. 7:30 PM Vote to appoint James Desrochers to the Recreation Commission for a term expiring June 30, 2021
6. 7:35 PM Vote to act on the recommendation of the Town Administrator and appoint a Superintendent of Public Works through June 30, 2021
7. 7:40 PM Vote to reappoint Eileen Bakopian as an Election Clerk with a term expiring June 30, 2021.
8. 7:45 PM Review and vote to adopt sick leave bank policy implementing chapter 68-38.1 of the Middleton Code as adopted under Article 30 at the May 8, 2018 Annual Town Meeting.
9. 7:50 PM Review and vote to adopt Policy for Disposal of Surplus Supplies & Equipment.
10. 7:55 PM Vote to declare surplus a 1932 Buffalo Pumper Fire Truck with an appraised value of \$3,500-4,000
11. 8:00 PM Vote to accept a donation to the Middleton Food Pantry in the amount of \$800 from the Fidelity Donor Advised Fund for the Jim Tully/Ellen Casey Giving Fund.
12. 8:05 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
13. 8:10 PM Executive session under GL c. 30A, s. 21(a)(6), to consider the purchase, acquisition, or value of real property off South Main Street and Boston Street where the Chairman declares discussion in open session would have a detrimental effect on the position of the Town.

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.

Town of Middleton
Summary of Weekly Bills Payable and Payroll Warrants
Office of the Town Accountant

Warrant Date: 8/02/18

Warrant Number: #1903

Payroll Warrant Total:

\$ 452,918

<u>Department</u>	<u>Amount</u>	<u>Detail of Expenses</u>
Board of Health	\$7,697	
COA	\$10,889	
Election	\$0	
Electric Light	\$58,911	\$5,589 Overtime; \$1,676 Call Out
Fire	\$42,188	\$11,447 Overtime; \$0 Part time
Inspections	\$8,863	
Library	\$16,507	
Memorial Hall	\$31,827	
Planning	\$3,546	
Police	\$56,414	\$4,926 Overtime; \$3,524 Reserves
Police Details	\$5,871	
Public Works	\$35,976	\$0 Snow; \$232 Overtime
Recreation	\$5,917	
Senior Work Off	\$0	
School	\$168,313	
Teacher Balloon Pay	\$0	
Town Officers	\$0	
	\$452,918	

Bills Payable Warrant Total:

\$ 1,793,581

<u>Department/Expense Category</u>	<u>Amount</u>	<u>Detail of Expenses</u>
All Payroll Deductions	\$52,328	
Administrator	\$18,668	\$14,078 Howe Manning Projector
Accounting	\$1,107	Various Expenses
Assessor	\$830	Various Expenses
Clerk	\$1,325	Various Expenses
Cultural Council	\$0	
COA	\$3,959	\$1,324 Building Maintenance
DPW	\$78,356	\$48,084 Paving & Patching
Fire	\$8,854	\$4,906 Ambulance Related
Health Director / IT	\$22,703	21,260 IT Related
Inspections	\$393	Various Expenses
Library	\$0	
MELD	\$669,154	\$609,764 Purchase Power
Planning	\$0	
Police	\$26,201	\$12,670 Taser Replacement; \$5,500 NEMLEC Membership Dues FY19
Recreation	\$2,605	Various Expenses
School	\$62,663	\$26,627 SPED Related; \$10,285 Cafeteria Expenses; \$9,504 IT Related
Treasurer	\$844,435	\$806,828 Debt Service
Veterans Agent	\$0	

Minutes of the MIDDLETON BOARD OF SELECTMEN
Fuller Meadow School
Nathan Media Room
143 South Main Street, Middleton, MA 01949
July 17, 2018 7:00PM

Present: Kosta Prentakis, Rick Kassiotis, Timothy Houten

Absent: Brian Cresta, Todd Moreschi

Others Present: Town Administrator Andrew Sheehan, Minutes Secretary Judi Stickney

Chairman Kosta Prentakis called the meeting to order at 7:00PM

7:00 PM

- **Warrants:** Town Administrator Andrew Sheehan provided a brief review of Warrants #1827 (6/28/18), #1901 (7/5/18), and #1902 (7/19/18: Payroll: \$454,011; Bills Payable: \$839,270), and the Board took the following action:
On a **MOTION** made by **Houten**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to approve all warrants, as presented.

- **Minutes:**

- **June 19, 2018**
 - **June 19, 2018 Executive Session**

After a brief review of available minutes, the Board took the following action:

On a **MOTION** made by **Houten**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to accept the minutes of June 19, 2018 and June 19, 2018 Executive Session, as submitted.

- **Town Administrator Updates and Reports:** Town Administrator Andrew Sheehan provided the Board with updates and information on the following:
 - **Changes at the DPW:** Sheehan provided updates to the Board on the following DPW changes:
 - **Tony Bertone Started at DPW:** Sheehan advised the Board that Tony Bertone has started working at the DPW, shadowing Rick Gould and learning water operations.
 - **Ken Gibbons Interim Superintendent:** Sheehan advised the Board that Ken Gibbons has been named Interim Superintendent and has been doing a good job. Sheehan added a shout out to Scott Saulnier who has taken on a leadership role in the past couple of weeks and coordinated the daily work assignments. Sheehan noted that Saulnier was in on Sunday for a water main break.
 - **Infrastructure Projects in the Area:**
 - **Middleton Road, Boxford:** Sheehan announced that Middleton Road in Boxford will be closed to through traffic from 7/23-7/27 for a culvert installation.
 - **Maple Street Paving:** Sheehan announced that paving on Maple Street in Danvers is starting today. While the work is going on, the road will be reduced to one lane.

- **Ironwood Condominium Tax Foreclosure:** Sheehan advised the Town has taken possession of an Ironwood Condo for non-payment of taxes. The Town is currently in the process of cleaning it out and will be bringing it to auction as soon as possible. Sheehan commented on the good work by Tax Collector/Treasurer and Assessor for getting everything in order.
- **Essex Sports Center:** Sheehan advised that the Essex Tech School Committee has requested that an audit be done for the Essex Sports Center, noting that they are in arrears on taxes and payments to MELD. Sheehan added that they've been in touch with Rep. Speliotis' office to request assistance. Sheehan reported that they've heard nothing directly from Essex Sports Center.
- **Complete Streets Funding Grant:** Sheehan reported that Middleton has received \$171,925 in Complete Streets Funding from the Commonwealth. Complete Streets Funding will be used for improvements at the Liberty/Maple Street intersection. Sheehan publicly thanked Rich Benevento of WorldTech Engineering for coordinating the application process. Sheehan added that the Lt. Governor is going to schedule and awards ceremony here for the grant award. He will keep the board updated.
- **Transportation Bond Bill:** Sheehan reported that Sen. Tarr's office advised him that \$250,000 has been earmarked in the transportation bond bill for improvements to Maple Street, from the square to the Danvers line. Sheehan added that it will go to the Conference Committee. He'll keep the board updated.
- **State Operating Budget for FY2019:** Sheehan advised the Board that the State is getting close to wrapping up the budget process. It is in conference and he is hopeful that they will wrap up soon. Sheehan added that we don't expect any bad news and we may see a little more money in certain accounts. He'll keep the board updated.

7:11 PM Discuss Status of Essex Regional Emergency Communications Center (ECRECC): Sheehan advised the Board that there was a meeting last week of the three committees that work to oversee the dispatch operation at the ECRECC: the Finance Advisory Committee, Fire Advisory Committee, and the Police Advisory Committee, and that the three committees met with the sheriff and people from State 911. State 911 has proposed to take over the operations of the regional dispatch center and offered that they would roll the entire cost of that operation into the 911 budget. It would take the Sheriff out of the mix, and he would be the landlord. The State 911 would oversee the entire operation. The interim director and current director would remain in their positions. Sheehan added that it's a financial positive. The State is committed to us retaining an advisory role and the only change is that the sheriff would be taking a back seat and State 911 would be taking a more prominent role. They propose to take it over on July 1 of next year. After a brief discussion, Sheehan asked the Board to take a vote of support for transitioning oversight to State 911/Executive Office of Public Safety & Security:

On a **MOTION** made by **Kassiotis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to support transitioning oversight to State 911/Executive Office of Public Safety & Security.

7:19 PM Review Request of Michaela Giragosian for a Waiver of Cemetery Rules: After a brief review of the request from Michaela Giragosian for a waiver of cemetery rules to allow for a larger headstone/monument than is allowed under the Cemetery rules, the Board took the following action:

On a **MOTION** made by **Houten**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to approve the waiver to the cemetery rules to allow the headstone/monument, as proposed in the letter and accompanying literature from Michaela Giragosian.

7:20 PM Vote to Appoint Gary Bent as Interim Veterans Services Officer: Town Administrator Sheehan advised the Board that they have had many conversations with Danvers over the year to combine Veterans Services, but it hasn't all come together yet and he is recommending that Gary Bent be appointed as an interim Veterans Services Officer for a term ending December 31, 2018. Gary Bent was present and provided the Board with his interest and experience to serve as a Veterans Services Officer, noting that he is an Army/Air Force veteran, has worked closely with the former VSO, Ted Butler, and is currently in a Master's program for Leadership, through the Veterans Administration. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Houten**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to appoint Gary Bent, as Interim Veterans Services Officer for a term ending December 31, 2018.

7:24 PM Vote to Appoint Ken Gibbons as Interim Superintendent of Public Works: After a very brief discussion, the Board took the following action:

On a **MOTION** made by **Kassiotis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to appoint Ken Gibbons as Interim Superintendent of Public Works.

7:24 PM Vote to Amend Traffic Rules to Install a Heavy Commercial Vehicle Exclusion on River Street: Chairman Prentakis provided the Board with a brief history and update on the process the town has taken to exclude heavy commercial vehicle traffic on River Street. Town Administrator Andrew Sheehan provided additional details on the process, thanking the area's residents on their tenacity to get this done. Sheehan added that delivery vehicles will continue to be allowed and additional signs will be posted notifying regular traffic of the upcoming traffic change. Heavy commercial vehicles, with a carrying capacity exceeding 2 ½ tons, will be excluded from travel on River Street, from Natsue Way to Boston Street. Sheehan asked the Board to vote on the amendment to the town's traffic regulations.

On a **MOTION** made by **Houten**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to amend the Traffic Regulations of the Town of Middleton by adding a 24-hour heavy commercial vehicle exclusion for vehicles exceeding 2 ½ ton carrying capacity on the portion of River Street from Natsue Way to Boston Street.

7:29 PM Vote to Accept Donation to the Middleton Food Pantry: After a very brief discussion, the Board took the following action:

On a **MOTION** made by **Kassiotis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to accept the donation to the Middleton Food Pantry, in the amount of \$1,600 from the unit owners of the Ferncroft Tower.

7:50 PM Discuss Transfer Station Fees and Vote to Adopt New Fees: Town Administrator Sheehan provided an update and history of the discussions on transfer station fees to the Board, noting that an average of \$160,000 has been taken in annually from transfer station fees. After several discussions and meetings, he is recommending that the fees be increased to \$125, at a minimum, or \$150 maximum, \$25 for a sticker for a second car, and adding a \$25 fee for recycling. A brief discussion ensued with Board members in agreement of not assessing an additional fee for recycling, as that may discourage residents from recycling. After discussion, the Board took the following action:

On a **MOTION** made by **Houten**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to assess a transfer station usage fee sticker of \$125 for the first car, and \$25 for a second car.

7:47 PM Discuss Town Administrator/Board of Selectmen Draft Goals for FY2019: Town Administrator Sheehan provided the Board with a document outlining new goals and carryover goals for the Board to view as he explained that he has had meetings with department heads for their input. Selectman Chair Prentakis suggested they discuss this topic in depth when there is a full Board present.

7:50 PM Update on the Recruitment of an Assistant Town Administrator/Human Resources Coordinator:

The Town Administrator provided the Board with updates on the efforts to recruit an Assistant Town Administrator/Human Resources Coordinator. The position was advertised last week with resumes due August 3rd. He noted there have been about 12-18 resumes received so far. He asked the Board to designate a board member to serve on the screening panel. Selectman Kassiotis offered to serve on the screening panel. Sheehan advised they are hoping to set aside the first full week in August for interviews.

7:53 PM New Business:

- **Water Usage:** Selectman Chair Prentakis asked the Town Administrator if there was a sense on how water usage has been. Sheehan advised they went to a level 4 on water use restriction that went into effect late last week. He did not have a number for the gallon-limit per capita restriction. He will look at it and try to get an average. Prentakis asked him to also check to see if posted signs have been updated to level 4.
- **Tree Company to Evaluate Trees for Removal:** Selectman Chair Prentakis asked Town Administrator Sheehan to have the tree company evaluate any hazardous trees in town and earmark them for removal. Sheehan provided a brief update on the efforts to keep trees maintained. Prentakis asked that the Town Administrator's office contact the residents on Fuller Road to update them on the progress.
- **Pumps on Lakeview Avenue:** Selectman Kassiotis asked the Town Administrator if there was an update on the pump installations on Lakeview Avenue. The Town Administrator advised that the installations started today and that the first three houses have had pumps installed. Sheehan advised that Ken Gibbons has received permissions from 6-7 residents. There are 14 total and one refusal so far. They are continuing to go to each residence for signed permission. The plumber thinks he can install three each day. Sheehan added that the hydrant is on hand and he is coordinating with the contractor for the installation.

7:58 PM Executive Session

On a **MOTION** made by **Prentakis**, the Board of Selectmen **VOTED** unanimously by roll call vote to enter into Executive Session, under GL c. 30A, s. 21(a)(6), to consider the purchase, acquisition, or value of real property off South Main Street and Boston Street where the Chairman declares discussion in open session would have a detrimental effect on the position of the Town.

Selectman Clerk Kassiotis called the roll call:

Houten: Yes

Prentakis: Yes

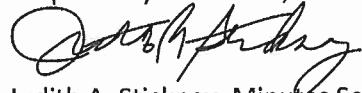
Kassiotis: Yes

MOTION carried unanimously.

8:29 PM Adjourn:

With no further business, the July 17, 2018 meeting of the Board of Selectmen adjourned at 8:29 PM.

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

Richard Kassiotis, BOS Clerk

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

- 1) Agenda: July 17, 2018
- 2) Warrants:
 - #1827, dated 6/28/18: Payroll: \$645,984, Bills Payable: \$963,216
 - #1901, dated 7/5/18: Payroll: \$46,029, Bills Payable: \$1,848,137
 - #1902, dated 7/19/18: Payroll: \$454,011, Bills Payable: \$839,270
- 3) Minutes:
 - June 19, 2018
 - June 19, 2018 Executive Session
- 4) Town Administrator Priorities, Goals, and Objectives FY19
- 5) River Street Heavy Commercial Vehicle Exclusion, July 17, 2018
- 6) E-Mail from Ferncroft Unit Owners Association to Board of Selectmen, Re: Food Bank Donation, 7/12/18
- 7) Memo from Town Administrator to Board of Selectmen, Re: Transfer Station Fees, 7/13/18
- 8) Help Wanted Ad: Assistant Town Administrator/Human Resources Coordinator
- 9) E-Mail from Interim Director Essex County Sheriffs Department to Town Administrator, Re: ECRECC, 6/27/18
- 10) Memo from Town Administrator to Gary Bent, Re: Interim Veterans Services Officer, 7/10/18
- 11) Public Hearing Notice: Town of Middleton Zoning Board of Appeals, Re: property located at 58 South Main Street, Hearing Date: 7/26/18
- 12) Announcement from Verizon, Re: Fios TV Rate Notification
- 13) Letter from Xfinity to Board of Selectmen, Re: Important Information on Video Services, 6/27/18
- 14) Copy of Letter from Gia Antonellis to Middleton Fire Department, re: Thank you for fire fighters scholarship, 6/20/18
- 15) Letter from Masconomet to Board of Selectmen, Re: Stabilization Fund Appropriation, 6/27/18

MANN & MANN, P.C.
COUNSELLORS AT LAW

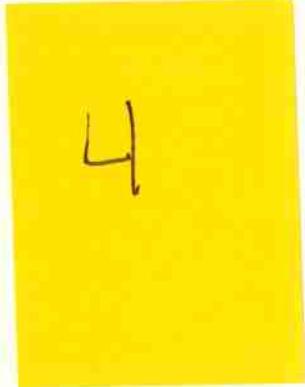
JILL ELMSTROM MANN†*
KURT P. MANN†*
MELISSA GNOZA OGDEN†

†Admitted to practice in Massachusetts
*Admitted to practice in New York

July 18, 2018

Town of Middleton
195 North Main Street
Middleton, MA 01949

Attention: Board of Selectmen



RE: Lot B, East Meadow Lane, Middleton, MA/Conservation Restriction

Dear Members of the Board:

In connection with the above-referenced property, enclosed please find a deed in connection with East Meadow LLC's conveyance of Lot B, East Meadow Lane, to the Town of Middleton through the Conservation Commission to be held for conservation purposes in accordance with the subdivision approvals issued by the Town. In that regard, I have prepared a recordable deed conveying Lot B, East Meadow Lane, to the Town of Middleton. We request this matter be placed on the next regularly scheduled Board of Selectmen's meeting and that the Town's legal counsel review this Deed.

Thank you for your kind attention to this matter.

Sincerely,



Melissa Gnoza Ogden

Enclosure

cc: Kristin Kent, Conservation Agent
Katrina O'Leary, Town Planner
Andrew Sheehan, Town Administrator
Jill Elmstrom Mann, Esquire

191 South Main Street, Suite 104
Middleton, Massachusetts 01949
Telephone: 978-762-6238
Facsimile: 978-762-6434

Direct Email: jill@mannpc.com
kurt@mannpc.com
melissa@mannpc.com

Space above line reserved for recording information

QUITCLAIM DEED

EAST MEADOW LLC, a Massachusetts limited liability company having a mailing address of 189 North Main Street, Middleton, Massachusetts 01949

for consideration paid of One and 00/100 (1.00) Dollar and for other good and valuable consideration

grants to the INHABITANTS OF THE TOWN OF MIDDLETON, a municipality incorporated in the Commonwealth of Massachusetts, with a mailing address of 48 South Main Street, Middleton, MA 01949, for conservation purposes in accordance with Massachusetts General Law, Chapter 40, §8C

with Quitclaim Covenants

all right, title, and interest in and to that certain parcel of land, described as LOT B (the “Premises”) on a plan entitled “East Meadow Farm, Middleton, Mass.” prepared by Hayes Engineering, Inc., dated November 18, 2011, as revised through August 6, 2012, which plan is recorded with the Essex South District Registry of Deeds in Plan Book 436, Plan 70 (the “Plan”), including with respect to the Premises, all improvements thereon and appurtenances thereto, including without implied limitation, all utilities that are located under, on or above the Premises.

Said Lot B contains 238,900 square feet, more or less, according to said Plan.

Said Lot B shall be forever used only for conservation purposes, including but not limited to the protection and development of the natural resources and watershed resources of the Town of Middleton authorized by M.G.L.A ch. 40, §8C, as may be amended from time to time, and such other Massachusetts statutes governing the use of land for conservation purposes.

No building, outdoor advertising display, mobile home, tennis court, septic system, road, fence, utilities, conduits poles, antennas, windmills, solar panels or other temporary or permanent structure will be constructed, placed or permitted to remain on said Lot B.

No soil, loam, peat, gravel, sand, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other unsightly or offensive material will be placed, stored or dumped on said Lot B.

No loam, peat, gravel, sand, rock, other mineral resource, or natural deposit shall be excavated or removed from said Lot B in such a manner as to affect the surface thereof. Unsightly or offensive material deposited by man or erosion may be removed if a majority of Conservation Commission vote to authorize the removal.

No trees, shrubs, grasses, or other vegetation shall be cut or otherwise destroyed from said Lot B without the permission of the majority of the Conservation Commission and then only to increase the land value as wildlife habitat to eradicate undesirable species, or to control plant diseases when appropriate.

No motorized vehicles of any nature or kind, including but not limited to cars, trucks, motorcycles, all-terrain vehicles, and snowmobiles, except as may be required by police firemen or other governmental agents in carrying out their lawful duties, shall be allowed on said Lot B.

No activities detrimental to drainage, flood control, water or soil conservation, water quality, or erosion control shall be allowed on said Lot B.

The Grantor is not classified as a corporation for federal tax purposes for the current taxable year.

No deed stamps are due pursuant to Massachusetts G.L. c. 64d, §1.

For Grantor's title see deeds into Grantor recorded with the said Registry of Deeds in Book 30375, Page 208; Book 31772, Page 255; Book 31758, Page 517; Book 31758, Page 439; and Book 32145, Page 182.

[Signatures appear on the following page]

Executed under seal this _____ day of _____, 2018.

EAST MEADOW, LLC

By: _____
Brent McKenelley, Manager

**COMMONWEALTH OF MASSACHUSETTS
ESSEX COUNTY**

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared BRENT MCKENELLEY, proved to me through satisfactory evidence of identification, which was their driver's license, to be the person whose name is signed on the foregoing instrument, and acknowledged to me that he signed it voluntarily as the Manager of EAST MEADOW, LLC for its stated purpose.

_____, Notary Public
My Commission Expires

ACCEPTANCE

We the undersigned, being a majority of the Board of Selectmen of the Town of Middleton, Massachusetts, at a public meeting duly held on _____ pursuant to the authority granted by the Vote under Article ___ of the Town of Middleton, _____, 201___, and Massachusetts General Law, Chapter 40, §8C, voted to accept the foregoing conveyance of land to the Town of Middleton subject to the management, care and custody of the Conservation Commission.

Middleton Board of Selectmen

By: _____
Kosta E. Prentakis, Chairman

By: _____
Brian M. Cresta

By: _____
Timothy P. Houten

By: _____
Rick Kassiotis

By: _____
Todd Moreschi

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this ___ day of ____, 2018, before me, the undersigned notary public, personally appeared the above members of the Board of Selectmen for the Town of Middleton, who are personally known to me to be the individuals whose name is signed above, acknowledged to me that each signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

ACCEPTANCE

We the undersigned, being a majority of the Conservation Commission of the Town of Middleton, Massachusetts, hereby certify that at a public meeting duly held on _____, voted to accept the foregoing conveyance of land to the Inhabitants of the Town of Middleton which land shall be placed under the management, care and custody of the Conservation Commission pursuant to Massachusetts General Laws, Chapter 40, §8C and Chapter 184, §32.

Middleton Conservation Commission

By: _____
Anthony Pesce, Chairman

By: _____
Andrea Nelson

By: _____
Thomas Skinner

By: _____
Michael Sliney

By: _____
Laurie York

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this _____ day of _____, 201____ before me, the undersigned notary public, personally appeared the above members of the Conservation Commission for the Town of Middleton, who are personally known to me to be the individuals whose name is signed above, acknowledged to me that each signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

MANN & MANN, P.C.
COUNSELLORS AT LAW

JILL ELMSTROM MANN†*
KURT P. MANN†*
MELISSA GNOZA OGDEN†

†Admitted to practice in Massachusetts
*Admitted to practice in New York

July 18, 2018

Town of Middleton
195 North Main Street
Middleton, MA 01949

Attention: Board of Selectmen

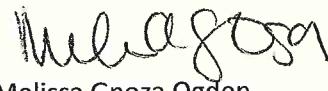
RE: Lot C, Clinch Circle, Ridgewood Estates Subdivision, Middleton, MA/Conservation Restriction

Dear Members of the Board:

Enclosed please find a Deed and Trustee's Certificate in connection with the conveyance of Lot C, Clinch Circle, to the Town of Middleton, through its Conservation Commission for conservation purposes, in accordance with the subdivision approvals issued by the Town. We appeared before the Conservation Commission on Tuesday, July 17, 2018 to discuss the same. In that regard, I have prepared a recordable Deed conveying Lot C, Clinch Circle, to the Town of Middleton. We would respectfully request that this matter be placed on the next regularly scheduled Board of Selectmen's meeting and that the Town's legal counsel review the enclosed Deed and Trustee's Certificate.

Thank you for your kind attention to this matter.

Sincerely,



Melissa Gnoza Ogden

Enclosure

cc: Kristin Kent, Conservation Agent
Katrina O'Leary, Town Planner
Andrew Sheehan, Town Administrator
Jill Elmstrom Mann, Esquire

191 South Main Street, Suite 104
Middleton, Massachusetts 01949
Telephone: 978-762-6238
Facsimile: 978-762-6434

Direct Email: jill@mannpc.com
kurt@mannpc.com
melissa@mannpc.com

Space above line reserved for recording information

QUITCLAIM DEED

LOUIE ROBERTO and RITA M. ROBERTO, Trustees of the EAST STREET REALTY TRUST u/d/t dated July 18, 2012 and recorded with the Essex South Registry of Deeds in Book 32083, Page 75

for consideration paid of One and 00/100 (1.00) Dollar and for other good and valuable consideration

grants to the INHABITANTS OF THE TOWN OF MIDDLETON, a municipality incorporated in the Commonwealth of Massachusetts, with a mailing address of 48 South Main Street, Middleton, MA 01949, for conservation purposes in accordance with Massachusetts General Law, Chapter 40, §8C

with Quitclaim Covenants

all right, title, and interest in and to that certain parcel of land, described as LOT C (the “Premises”) on a plan entitled “Definitive Plan – Phase 1, Ridgewood Estates, Middleton, MA 01949.” prepared by Williams & Sparages, LLC dated August 7, 2012, as revised June 1, 2013, which plan is recorded with the Essex South District Registry of Deeds in Plan Book 440, Plan 81 (the “Plan”), including with respect to the Premises, all improvements thereon and appurtenances thereto, including without implied limitation, all utilities that are located under, on or above the Premises.

Said Lot C contains 656,400 square feet, more or less, according to said Plan.

Said Lot C shall be forever used only for conservation purposes, including but not limited to the protection and development of the natural resources and watershed resources of the Town of Middleton authorized by M.G.L.A ch. 40, §8C, as may be amended from time to time, and such other Massachusetts statutes governing the use of land for conservation purposes.

No building, outdoor advertising display, mobile home, tennis court, septic system, road, fence, utilities, conduits poles, antennas, windmills, solar panels or other temporary or permanent structure will be constructed, placed or permitted to remain on said Lot C.

No soil, loam, peat, gravel, sand, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other unsightly or offensive material will be placed, stored or dumped on said Lot C.

No loam, peat, gravel, sand, rock, other mineral resource, or natural deposit shall be excavated or removed from said Lot C in such a manner as to affect the surface thereof. Unsightly or offensive material deposited by man or erosion may be removed if a majority of Conservation Commission vote to authorize the removal.

No trees, shrubs, grasses, or other vegetation shall be cut or otherwise destroyed from said Lot C without the permission of the majority of the Conservation Commission and then only to increase the land value as wildlife habitat to eradicate undesirable species, or to control plant diseases when appropriate.

No motorized vehicles of any nature or kind, including but not limited to cars, trucks, motorcycles, all-terrain vehicles, and snowmobiles, except as may be required by police firemen or other governmental agents in carrying out their lawful duties, shall be allowed on said Lot C.

No activities detrimental to drainage, flood control, water or soil conservation, water quality, or erosion control shall be allowed on said Lot C.

The Grantor is not classified as a corporation for federal tax purposes for the current taxable year.

No deed stamps are due pursuant to Massachusetts G.L. c. 64d, §1.

For Grantor's title see Deed recorded with said Registry of Deeds in Book 32038, Page 86.

[Signatures appear on the following page]

Executed under seal this _____ day of _____, 2018.

Louie Roberto, as Trustee
of the EAST STREET REALTY TRUST

Rita M. Roberto, as Trustee
of the EAST STREET REALTY TRUST

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this ____ of _____, ____ before me, the undersigned notary public, personally appeared Louie Roberto and Rita M. Roberto, Trustees as aforesaid, proved to me through satisfactory evidence of identification, a driver's license, to be the persons whose names are signed on the foregoing instrument and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

ACCEPTANCE

We the undersigned, being a majority of the Board of Selectmen of the Town of Middleton, Massachusetts, at a public meeting duly held on _____ pursuant to Massachusetts General Law, Chapter 40, §8C, voted to accept the foregoing conveyance of land to the Town of Middleton subject to the management, care and custody of the Conservation Commission.

Middleton Board of Selectmen

By: _____
Kosta E. Prentakis, Chairman

By: _____
Brian M. Cresta

By: _____
Timothy P. Houten

By: _____
Rick Kassiotis

By: _____
Todd Moreschi

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared the above members of the Board of Selectmen for the Town of Middleton, who are personally known to me to be the individuals whose name is signed above, acknowledged to me that each signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

ACCEPTANCE

We the undersigned, being a majority of the Conservation Commission of the Town of Middleton, Massachusetts, hereby certify that at a public meeting duly held on _____, voted to accept the foregoing conveyance of land to the Inhabitants of the Town of Middleton which land shall be placed under the management, care and custody of the Conservation Commission pursuant to Massachusetts General Laws, Chapter 40, §8C.

Middleton Conservation Commission

By: _____
Anthony Pesce, Chairman

By: _____
Andrea Nelson

By: _____
Thomas Skinner

By: _____
Michael Sliney

By: _____
Laurie York

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this _____ day of _____, 201____ before me, the undersigned notary public, personally appeared the above members of the Conservation Commission for the Town of Middleton, who are personally known to me to be the individuals whose name is signed above, acknowledged to me that each signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

Space above the line reserved for recording information

TRUSTEES' CERTIFICATE
EAST STREET REALTY TRUST

We, LOUIE ROBERTO and RITA ROBERTO, being all of the present Trustees of the East Street Realty Trust under a Declaration of Trust dated July 18, 2012 and recorded with the Essex South Registry of Deeds in Book 32038, Page 75, hereby certify as follows:

1. The undersigned are the sole Trustees of the Trust.
2. The Trust has not been altered, revoked or terminated and all amendments hereto, if any, have been recorded with said Deeds.
3. No beneficiary is a minor, a corporation selling all or substantially all its Massachusetts assets, or personal representative of an estate subject to estate tax liens, or is now deceased or under any legal disability.
4. The Trust is the sole owner of that certain real property more commonly known and numbered as Lot C, on that certain plan entitled "Definitive Plan – Phase 1, Ridgewood Estates, Middleton, MA 01949." prepared by Williams & Sparages, LLC dated August 7, 2012, as revised June 1, 2013, which plan is recorded with the Essex South District Registry of Deeds in Plan Book 440, Plan 81.
5. Pursuant to the terms of the Trust, when specifically authorized and directed by the beneficiaries of the Trust, the Trustees have full right, power and authority to buy, sell, convey, assign, mortgage or otherwise dispose of any property owned or held by the Trust with the same force and effect as though such property were individually owned.
6. Pursuant to the Article Fourth of the Trust, all of the holders of beneficial interests under the Trust directed the Trustees of the Trust to undertake the following:

- a. To convey Lot C to the Town of Middleton, acting by and through its Conservation Commission (the "Commission"), for conservation purposes in accordance with the requirements set forth in that certain Order of Conditions issued by the Commission, D.E.P. File No. 222-0701, on August 2, 2013 and recorded with the Essex South Registry of Deeds in Book 32745, Page 437, and extended by an extension recorded with said Registry in Book 35366, Page 537 (together, the "Order"); and
- b. to take such other actions and execute and deliver such other documents as the Trustees deem or may deem appropriate in connection with said conveyance, including all actions necessary to complete its obligations under the Order, all as evidenced by the Trustees' performance and delivery thereof, as the case may be.

7. This Certificate is rendered pursuant to the Declaration of Trust and is conclusive of the facts stated herein, and may be relied upon by persons dealing with the Trust.

[Signature Page to Follow]

Executed as a sealed instrument this _____ day of _____, 2018.

Louie Roberto, Trustee of the East Street Realty Trust

Rita M. Roberto, Trustee of the East Street Realty Trust

COMMONWEALTH OF MASSACHUSETTS
Essex, ss

On this _____ day of _____ 2018, before me, the undersigned notary public, personally appeared Louie Roberto and Rita M. Roberto, Trustees as aforesaid. , proved to me through satisfactory evidence of identification, which were _____, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My commission expires:



Town of Middleton

Memorial Hall

48 South Main Street

Middleton, Massachusetts

01949-2253

978-774-3589

www.townofmiddleton.org

5

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: Jim Des Rocher Telephone: 860 965 1927

Address: 15 Liberty Street, Middleton Bus. Telephone: 978-972-5114

Occupation: Financial Planner

Background Experience: Finance

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.)

- Board of Health
- Council on Aging
- Finance Committee
- Board of Appeals
- Master Plan Committee
- Conservation Commission
- Industrial Commercial Development
- Review Committee

- Recreation Commission
- Historical Commission
- Planning Board
- Scholarship Committee
- Library Services
- Town Recycling Committee
- Cultural Council

Amount of Time Available: _____

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

_____ Winter _____ Spring _____ Summer _____ Autumn

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

Email Address: Jimdesrocher@MyTrueViews.com

JD
Signature

5/18/18

Date

Please submit all responses to the Town Administrator's Office via the mailing address above or via email to:
michelle.creasi@middlettonma.gov



OFFICE OF THE TOWN ADMINISTRATOR

Town of Middleton
Memorial Hall
48 South Main Street
Middleton, MA 01949-2253
978-777-3617
www.middletonma.gov



MEMORANDUM

TO: Board of Selectmen

FROM: Andrew J. Sheehan, Town Administrator 

SUBJ.: Public Works Superintendent
Recommendation for Appointment

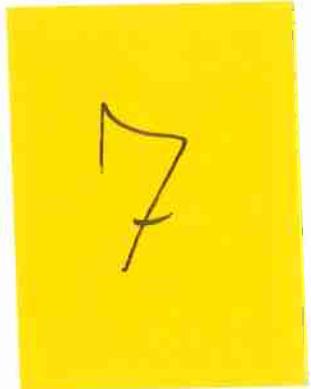
DATE: August 8, 2018

On July 3, 2018, we advertised on the Massachusetts Municipal Association website for a Public Works Superintendent. A total of 11 resumes were received. I solicited the input of Town Planner Katrina O'Leary, Building Commissioner Scott Fitzpatrick, Police Chief James DiGianvittorio, and Selectmen Tim Houten.

Based on this input, I recommend the appointment of current Deputy Superintendent Ken Gibbons for the position Public Works Superintendent with an appointment through June 30, 2021.



Town of Middleton
Memorial Hall
48 South Main Street
Middleton, Massachusetts
01949-2253
978-774-3589
www.middletonma.gov



July 12, 2018

Eileen Bakolian
29 Liberty Street
Middleton, MA 01949

Dear Ms. Bakolian,

The Board of Selectmen wishes to thank you for your service to the Town as Election Clerk for the Town of Middleton during your term of office that expires June 30, 2018.

In accordance with the General Laws and Town Charter, the Board of Selectmen is the appointing authority and as such requires an application before appointment.

This notice is to inform you that your term expires on June 30, 2018 and that you may apply for reappointment. This notice should not be interpreted to constitute an offer of employment.

To facilitate your application, please indicate in the space below if you desire to be reappointed. Please return this form no later than June 11, 2018.

Note: Appointments cannot be made unless this form is returned.

I would like to be re-appointed YES NO

Committee/Board: **Election Clerk**

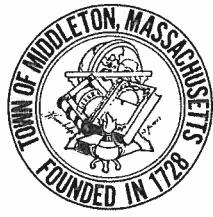
Name: Eileen Bakolian Address: 29 Liberty St.
Phone: 978-774-8328 Email: eileen.bakolian@gmail.com
Eileen Bakolian Date: 7-28-18
Signature of Applicant Date

PLEASE RETURN FORM TO:

**THE BOARD OF SELECTMEN
MEMORIAL HALL
48 SOUTH MAIN STREET
MIDDLETON, MA 01949**

Or

**Email a scan of your response to
michelle.creasi@middletonma.gov**



BOARD OF SELECTMEN

Town of Middleton
48 South Main Street
Middleton, Massachusetts
01949-2253
978-777-3617
www.middletonma.gov

8

SICK LEAVE BANK POLICY ADOPTED AUGUST 14, 2018

Whereas, the May 8, 2018 Annual Town Meeting adopted Article 30 which reads:

I move that the Town amend the Personnel Bylaw, Chapter 68, by adding a new Section 68-38.1 establishing a sick bank for Town employees, 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. All benefitted employees covered by Chapter 68 or covered by a collective bargaining agreement may participate in the sick leave bank. Requirements and procedures shall be adopted by policy by the Board of Selectmen in its capacity as the Personnel Board.

Therefore, the Middleton Board of Selectmen hereby adopts this Sick Leave Bank Policy establishing the requirements and procedures of the Sick Leave Bank.

A sick leave bank is hereby 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.
2. During the initial period, employees may enroll in the sick leave bank during the thirty (30) days following adoption of this policy by the Board of Selectmen. In subsequent years, employees may enroll in the sick leave bank during the annual open enrollment period.
3. The sick leave bank is administered by the Town Administrator's Office.
4. Employees desiring to withdraw sick leave from the sick leave bank must make application to the Town Administrator's Office.
5. On July 1 of every fiscal year every, employees 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; however, sick leave hours previously contributed by said employee shall not be returned to his/her accrued sick leave account but shall remain available for use in the sick leave bank.
6. In order to be eligible to withdraw sick leave from 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 or eligible for leave under the Family Medical Leave Act (FMLA).

7. In order to be eligible to withdraw sick leave from 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, or otherwise be deemed eligible for FMLA as stipulated under item 6 above.
8. An employee eligible for workers compensation during the period of disability is not eligible to apply to withdraw sick leave from the sick leave bank.
9. An employee shall become ineligible to receive leave from the sick leave bank, and said leave shall immediately discontinue, upon resignation or termination of employment, retirement, or voluntary withdrawal from the sick leave bank. An employee shall not be eligible to receive leave from the sick leave bank for an approved leave of absence for reasons other than an unplanned personal illness, injury, disability, or quarantine.
10. 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 or family member's illness, injury, disability, or quarantine and the expected recovery period. The Town Administrator, in his sole discretion, may order an independent medical evaluation by a physician of its choosing.
11. No employee shall receive more than 160 hours of sick bank leave per incident.
12. No leave benefits will be granted if the sick leave bank is depleted of hours.
13. Prior to returning to work following use of sick leave bank leave, an employee shall be required to submit a copy of his/her job description and a work capacity form to his/her treating physician, who must complete the Work Capacity Form and indicate that he/she has reviewed the job description by checking the appropriate box.

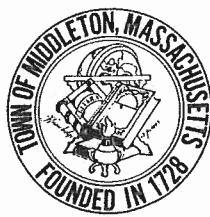
MIDDLETON BOARD OF SELECTMEN

Kosta E. Prentakis, Chairman

Richard Kassiotis

Timothy P. Houten

Brian M. Cresta



BOARD OF SELECTMEN

Town of Middleton
48 South Main Street
Middleton, Massachusetts
01949-2253
978-777-3617
www.middletonma.gov

9

POLICY FOR DISPOSAL OF SURPLUS SUPPLIES AND EQUIPMENT ADOPTED AUGUST 14, 2018

This policy complies with Massachusetts General Law, chapter 30B, section 15 which requires that municipalities adopt written procedures to dispose of supplies and equipment valued at less than \$10,000.

Procedures for disposing of supplies and equipment valued at less than \$10,000

1. The department head shall recommend in writing to the Town Administrator as Chief Procurement Officer (CPO) the surplus item(s) to be disposed of and the estimated value. Estimates of value may be arrived at using all available and relevant sources, which sources shall be identified.
2. Surplus items having an estimated value of less than \$1,000 or having only scrap value may be disposed of as the CPO deems appropriate.
3. Items having an estimated value between \$1,000 and \$9,999 shall be designated as surplus by the Board of Selectmen.
4. The CPO shall publicize the surplus item(s) in the manner he/she deems in the Town's best interest.
5. The Town may sell at less than fair market value or donate surplus supplies and equipment to another governmental entity or a charitable tax exempt organization.
6. All funds generated by the sale of surplus supplies and equipment shall be deposited into the general fund.
7. Surplus supplies and equipment may be traded towards the purchase of supplies and equipment as allowed by MGL c. 30B.
8. All items are disposed of in "as is" condition.
9. The Town reserves the right to reject any and all bids/offers.

Supplies and Equipment valued at more than \$10,000

Supplies and equipment valued at more than \$10,000 shall be disposed of by sealed bids or public auction, including online auction. The chief procurement officer shall determine the method.

Police Department property

Unclaimed property taken into possession by the Police Department shall be auctioned in accordance with MGL c. 135, s. 8.

Items taken into custody by the Police Department shall be disposed of in accordance with the relevant state or federal statute.

MIDDLETON BOARD OF SELECTMEN

Kosta E. Prentakis, Chairman

Richard Kassiotis

Timothy P. Houten

Brian M. Cresta

Todd Moreschi

CAPITOL CONSTRUCTION EQUIPMENT SALES



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June 25, 2018

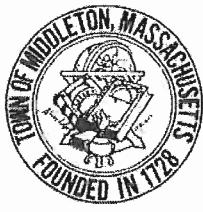
10

FIRE TRUCK APPRAISAL

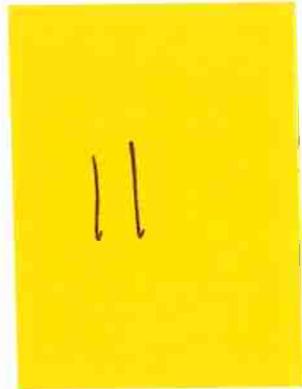
**Attn: Tom Martinuk
Fire Chief
Middleton Fire Department
4 Lake Street
Middleton, MA 01949
Tel. 978-479-8154**

**Re: (1) 1932 Buffalo Pumper Fire Truck
VIN 1256
Mileage: 4,400 +/-
Condition: Fair to Good Shape**

Appraised Value: \$3,500.00 - \$4,000.00USD



Council on Aging
Old Town Hall
38 Maple Street
Middleton, MA. 01949
978-777-4067
www.townofmiddleton.org



July 31, 2018

Board of Selectmen
48 South Main Street
Middleton, MA. 01949

Re: Middleton Food Bank Donation/ Bostik.

Please add the following donation to your agenda for acceptance by the Board of Selectmen for the Middleton Council on Aging, and notify me when the check has been accepted so that it can then be deposited.

Thank you,

Susan Gannon
COA Director

A donation has been made payable to the Town of Middleton Food Bank:

Date: 7/17/18

Name: Fidelity Charitable for Jim Tully/Ellen Casey Giving Fund

Donation: \$800.00 Check Number 7520742

This donor would like to remain anonymous Yes X No

Donation is in memory of or to honor:



P.O. Box 770001
Cincinnati, OH 45277-0053

000045 FIEF9X01 000000 AT 01

BFVQDCBBBBKNQ

FRANK LEARY
TOWN OF MIDDLETON
48 S MAIN ST
MIDDLETON, MA 01949-2253



July 17, 2018

Dear Sir or Madam:

We are delighted to provide you with the attached check for \$800.00. This Fidelity Charitable Donor-Advised FundSM grant was made at the recommendation of the Jim Tully/Ellen Casey Giving Fund, a donor-advised fund.¹

The donor has stated an intention that this grant be used as follows: **Middleton Food Pantry 38 Maple Street Middleton, MA 01949 Where it's needed most.** This grant is to be used exclusively for charitable purposes, and is not made for the purpose of influencing legislation. This grant is also subject to the "Grant Terms" on the next page. If you are unable or unwilling to meet these grant conditions, you must return these funds to Fidelity Charitable.

Should you choose to send a thank-you letter, the donor has requested it be sent to the following address. You should not, however, issue a tax acknowledgement to either the recommending donor(s) or to Fidelity Charitable.

Jim Tully, 1208 Ferncroft Tower, Danvers, MA 01923

000045 FIEF9X01 000045
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S

¹ Fidelity Charitable is an independent public charity that sponsors a donor-advised fund program. In a donor-advised fund, Donors make irrevocable charitable contributions to Fidelity Charitable, and have the privilege of recommending grants to qualified public charities.

DCC _CEBFVQDCBBBBKNQ_BBBBB 20180717 5700

P

OP=DCCK

Page 1 of 2

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PLEASE FOLD AND DETACH AT PERFORATION BEFORE PRESENTING CHECK FOR PAYMENT

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT

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Cincinnati, OH 45277-0053
800-952-4438

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EVERETT, MA 02149
53-292/113

7520742

July 17, 2018

\$800.00

PAY TO
THE
ORDER
OF

*****Eight Hundred & 0/100 DOLLARS

VOID AFTER 60 DAYS

TRANSCAPTURE ANTI-FRAUD PROTECTION

7520742 10113029201 00493611