

**BOARD OF SELECTMEN
MEETING AGENDA**

Fuller Meadow School

Nathan Media Center

143 South Main Street, Middleton, MA 01949

Tuesday, November 6, 2018

7:00 PM

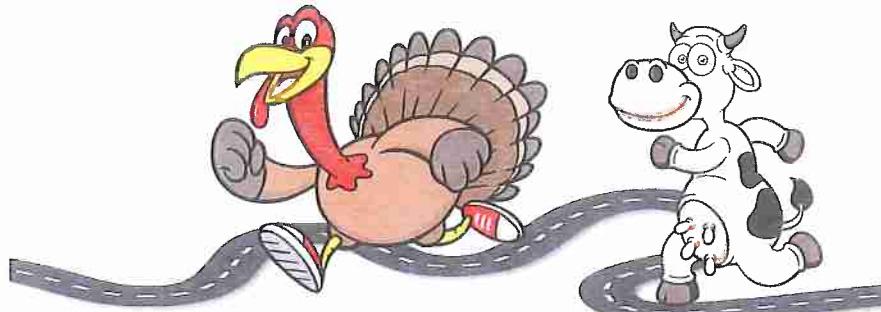
This meeting is being recorded

1. 7:00 PM Warrant: 1910
Minutes: October 23, 2018 open session and October 23, 2018 executive session
Town Administrator updates and reports
2. 7:10 PM FY20 preliminary budget discussions: Building, Planning, Health, Conservation
3. 7:15 PM Turkey Trot 11/22/18: permission to modify traffic routes on Pleasant Street, Lake Street, Old Forest Street, and Forest Street
4. 7:30 PM Review and approve request by Cathy Lindquist to be appointed to the Cultural Council with a term through June 30, 2021
5. 7:35 PM Review and approve request by Gerald Gove to be appointed to the Conservation Commission Council with a term through June 30, 2021
6. 7:40 PM Vote to accept a donation of \$550 to the Middleton Food Bank from Christine Lindberg of 9 Lake Street on behalf of a group of donors
7. 7:45 PM Application for a Transfer of a Common Victualler License for Panni Pizza Co., 15 North Main Street: Transfer from Scott Bartosik, owner, Salvosik LLC., to Mayra Aguilar Chacon, owner, and, Change of Manager, from Scott Bartoski and Marco Avila to Mayra Aguilar Chacon, by new owner Mayra Aguilar Chacon.
8. 7:50 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
9. 8:00 PM Executive session under GL c. 30A, s. 21(a)(6), to discuss strategy with respect to collective bargaining with the Police Union 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.

3.

1st Annual



Turkey Trot 5K Middleton, MA

What: 5K (3.1 mile) Road Race
When: Thursday, November 22, 2018
Time: 8:00AM
Where: Lollipop Course starts/finishes behind Flint Public Library, Middleton MA
Email: middletonturkeytrot@gmail.com
Register: www.middletonturkeytrot.racewire.com
Promo Code: **gobble** (Save \$5 on Adult Reg before Oct 31st)



us on Facebook @middletonturkeytrot

Presenting sponsors:



Chip timing, performance t-shirts, medals, awards, & door prizes



Michelle Creasi

From: Meghan Walter <meghancwalter@gmail.com>
Sent: Wednesday, October 31, 2018 1:58 PM
To: Michelle Creasi
Subject: Cathy Lindquist

A.

Hi Michelle,

I would like to have Cathy Lindquist appointed to the Middleton Cultural Council for the three year term.

Thank you!
Meghan Walter
Chair
Cultural Council

Michelle Creasi

From: Cathy <cplindquist@verizon.net>
Sent: Sunday, September 23, 2018 3:15 PM
To: Michelle Creasi
Subject: Middleton Cultural Council vacancy

To the Middleton Board of Selectman,

I am writing this letter to apply for the current vacancy on the Middleton Cultural Council. I have been a lifelong resident of Middleton and have a long family history of service both to local and state government.

I am very much interested in supporting community based programs in the arts, humanities and sciences and in helping to promote these programs in Middleton, both on a child and adult level.

As a council member, I understand the importance of community outreach to solicit input in the areas where a need for funding programs, on our local level, is needed. Not enough can be said about the importance of bringing the arts to Middleton and my interest in this area, I feel, would be an asset to the Council. Sincerely, Catherine Lindquist 11 Lakeview Ave. Middleton, Ma. cplindquist@verizon.net



MEMORIAL
TOWN CL
MIDDLETON
2018 OCT 1
5.
Town of Middleton
Memorial Hall
48 South Main Street
Middleton, Massachusetts
01949-2253
978-774-3589
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: Gerald A Gove Telephone: 978 777 9983

Address: 9 Francis Drive Bus. Telephone: _____

Occupation: Tool & Die Maker Retired

Background Experience: CONCERNED ABOUT THE ENVIRONMENT ALSO
A MEMBER OF MIDDLETON STREAM TEAM

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 type="checkbox"/> | Recreation Commission |
| <input checked="" 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 checked="" type="checkbox"/> | Conservation Commission | <input type="checkbox"/> | Industrial Commercial Development Review Committee |
| <input type="checkbox"/> | Cultural Council | <input type="checkbox"/> | |

Amount of Time Available: quite a bit

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?

I AM ALREADY ON THE COUNCIL ON AGING

Email Address: JERRY.GOVE4@GMAIL.COM

Gerald A Gove

10/17/2018

Date

Signature
Please submit all responses to the Town Administrator's Office via the mailing address above or via email at:
adminsecretary@townofmiddleton.org



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

6.

October 23, 2018

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

Re: Middleton Food Bank Donation / Christine Lindberg

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 J. Hannon

Susan Gannon
COA Director

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

Date: 10/19/18

Name: Christine Lindberg

Donation: \$550.00

Check Number 750

This donor would like to remain anonymous

Yes

X No

Donation is in memory of or to honor:

Second Annual Pub Crawl

CHRISTINE M. LINDBERG
9 LAKE ST
MIDDLETON, MA 01949

750

53-7054/2113
03

10/19/18

Date

Pay to the
Order of Middleton Food Pantry \$ 550.00
Five hundred Fifty and 00/100 Dollars Security
Features
Details on
Back



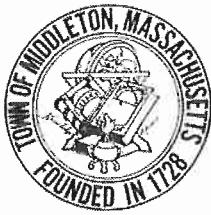
America's Most Convenient Bank®

For 2nd Annual Middleton Pub Crawl

0750

Harland Clarke

TD Bank, N.A.



7.

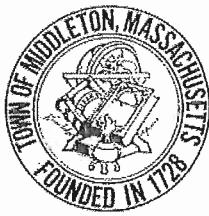
Town of Middleton
Memorial Hall
48 South Main Street
Middleton, Massachusetts
01949-2253
978-774-3589
www.middletonma.gov

Common Victualler/General License Application

ALL QUESTIONS MUST BE ANSWERED AND A TELEPHONE NUMBER PROVIDED

1. Licensee Name: PANINI PIZZA CO.
2. Name of Manager: MAYRA AGUILAR CHACON
3. Social Security Number/FID Number: 029-71-4914
4. Business Address: 15 NORTH MAIN ST, MIDDLETON
5. Home Address: 543 WASHINGTON AVE, REVERE #3
6. Telephone Numbers (Please provide all numbers by which you can be reached):
Business Phone: 978 767 4044
Cell Phone: 617-982-8092
Home Phone: _____
7. Email Address: MAYRAAGUILAR.1828@GMAIL.COM
8. Registered Voter? Yes No
9. Are you a U.S. Citizen? Yes No
10. Court and Date of Naturalization (if applicable) PERMANENT U.S. RESIDENT
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)
- 10a. Where? BOSTON
11. Identify your criminal record: (Massachusetts/Any other state/Federal): Have you had any arrests or appearance in a criminal court or have you been charged with a criminal offense regardless of final disposition; (Must check either Yes or No)
Yes No

If yes, please describe offense(s) specific charge and disposition (fine, penalty, etc.)



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

11. Prior experience in the restaurant/food establishment industry: Yes No
If yes, please describe:

Supervise Restaurant, scheduling,
payroll, ordering, inventory, implementing
systems.

12. List all employment for the last five years:

2012-2018 Kitchen Manager

"Depot Square Grill"

478 High St, Medford MA 02155

13. Hours per week to be spent on the licensed premises: 50 hours

14. Days and Hours of Operation: M-Th 11am-9pm, Fri-Sat 11am-10pm, Sunday

15. Seating Capacity: 20

16. Do you own/lease premises? / Yes No

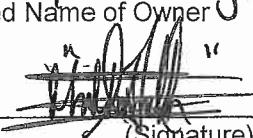
If Leased:

16a. If Yes, From Whom? Fifteen North Main St., LLC Michael Pasciavos

16b. Terms of Lease? 6 years + 5 year option to extend
(Please provide a copy of lease agreement)

I hereby swear under the pains and penalties of perjury that the information I have given in this application is true to the best of my knowledge and belief.

Mayra Aguilar Chacon
Printed Name of Owner

By: 
(Signature)

Date: 10/29/18

Fifteen

LEASE PROPOSAL FOR PIZZA LOCATION currently PANINI PIZZA 15 North Main St Middleton, MA

October 5, 2018

Dear Mayra M. Aguilar:

I am pleased to present for your review the following proposal for the leasing of space at the above captioned location. Upon your review of this proposal you may reach me at MAPpropertygroup@gmail.com to forward requested financials.

TENANT : Mayra M. Aguilar 543 Washington Ave. Unit #B, Revere, MA 02151

LANDLORD: Fifteen North Main Street, LLC, a MA limited liability company, its successors and assigns, with a mailing address of 11 Beach St. Suite D. Manchester-by-the-Sea, MA 01944

PERMITTED USE : Tenant will use the Demised Premises principally and primarily as a high quality Pizzeria that is primarily for dine-in, take-out, delivery, and for no other use whatsoever.

LEASED PREMISES : 1900sf ground floor restaurant area, basement storage, walk in cooler, current Panini Pizza location and its surrounding property, parking and common areas.

LANDLORD'S WORK: Landlord shall deliver the premises in entirely AS-IS condition.

TENANT'S WORK: Prior to execution of Lease, CURRENT tenant Scott Bartosik must replace kitchen sub floor, kitchen tile and any other damage found by contractor. Any and all improvements, performed at CURRENT Tenant's sole cost and expense, shall be in accordance with pre-approved plans with the work to be performed by pre-approved contractor: Aron Waybret Construction with an approximate cost of \$15,000+/-, and be in compliance with all local, state and federal regulations.

INITIAL TERM : Five (5) years (plus five (5) year optional extension)

RENT COMMENCEMENT : Base and additional Rent and all expenses, will commence the date of Lease Execution.

MINIMUM MONTHLY BASE RENT : Years 1-2 \$3100 month, year 3-5 annual increase of \$100. Optional extension Term: year 6 \$3500 month, annual increase of \$100 to year 10.

CAM & NNN ADDITIONAL RENT: In addition to Base Rent, Tenant shall pay its pro-rata share (63% taxes & insurance, 63-100% property/unit maintenance (as outlined in Lease), 85% water, 100% septic) of NNN Expenses; paid monthly. Year 1 & 2 at a fixed \$500 per month additional Rent, years 3-10 NNN at calculated costs of each previous year.

TRASH/SEPTIC: Tenant shall be responsible for its own trash removal contract at a weekly minimum 2 times removal. Landlord will retain a contracted septic company for pumping and maintenance which will be included in monthly NNN additional Rent (as outlined in Lease).

PEST CONTROL: Tenant shall be responsible in maintaining a monthly pest control contract.

PLOWING/SNOW REMOVAL: Tenant will retain annual parking lot (100% share) snow removal/sanding CONTRACT by a dually licensed/insured local snow removal company (approved by Landlord).

PARKING: One (1) assigned spot (by signage) will be reserved for "Unit 2" residential apartment parking. Parking lot (including building surround and dumpster enclosure) must be kept clean and free of trash, debris and dirt at all times. (As outlined in Lease under Maintenance)

FIRST MONTH'S RENT/SECURITY: Tenant shall pay the first month's Rent and Security deposit at Lease Execution.

SECURITY DEPOSIT: Two months gross base Rent.

FINANCIAL STATEMENTS: The terms suggested in this proposal are subject to review of Tenant's financial statements for Tenant and Guarantors. Please provide two (2) years personal 1040 tax returns.

NON-BINDING : This is not an offer. This letter serves as an outline of the proposed basic business Terms and Conditions and is non-binding on either Party. Neither Party shall be legally bound unless and until a formal Lease document shall be executed and delivered by both Parties.

If the above Terms meet with your approval, kindly signify your acceptance by signing and returning a copy of this letter to me via EMAIL: MAPpropertygroup@gmail.com and to the address noted above.

Sincerely,

Michael Parianos, Fifteen North Main St. LLC

Agreed and Accepted:

Fifteen North Main St., LLC

Signature: _____

Michael Parianos

Date: _____

GUARANTORS/TENANTS:

Signature:  _____

Maya M. Aguilar

Signature:  _____

Printed Name: Ronald M. Aguilar

Date: 10/25/18



Town of Middleton

Business Certificate

In conformity with the provisions of Chapter 110, Section 5 of the Massachusetts General Laws as amended, the undersigned hereby declare(s) that a business is conducted under the title of

Name of Business: Panini Pizza Co.

Business Address: 15 North Main st Middleton, MA 01949

Business Phone: 978-767-4044 Email Address maycaguilar.1828@gmail.com

Nature of Business Pizza Restaurant

By the following named person(s):(include corporate name and title, if corporate officer)

1. Mayra Aguilera Chacon 543 Washington Ave, Revere MA 02151
Corporate Officer Name Residential Address City, State, Zip

2. _____
Corporate Officer Name Residential Address City, State, Zip

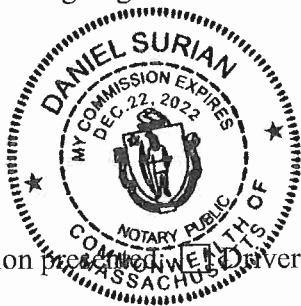
The signatories below acknowledge this certificate is not proof of conformity to Zoning Bylaws or Board of Health regulations. It is the responsibility of the applicant to contact the Building Commissioner and the Health Agent in order to comply with Town Bylaws, rules and regulations.

Signatures: 1. 

2. _____

On 10/30/18 the above-named person(s) personally appeared before me and made oath that the forgoing statement is true.

Seal



Dem. Surian
Notary Public/Town Clerk Signature

Identification presented Driver's License Other _____

In accordance with the provisions of Chapter 337 of the Acts of 1985 and Chapter 110, Section 5 of MGL, business certificates shall be in effect for four (4) years from the date of issue and shall be renewed each four years thereafter. A statement under oath must be filed with the Town Clerk upon discontinuing, retiring or withdrawing from such business or partnership. Copies of such certificates shall be available at the address at which such business is conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business.

Violations are subject to a fine of not more than three hundred (\$300.00) for each month during which such violation continues.

Certificate Number 18-61 Date Processed Oct 30, 2018

Certificate Expiration Oct 30, 2022 New/Renewal New

Town of Middleton, Massachusetts
Revenue Enforcement and Protection Certification (REAP)

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, I hereby certify under the penalties of perjury that I to my best knowledge and belief, have filed all State tax returns and paid all state taxes required by law.

Name of Company: Panini Pizza Co

Address: 15 North Main st Middleton MA, 01949

Title of Person Signing: Owner / Manager

Signature of Individual or Corporate Name: 

Printed Name of Above: Mayce Aguilar Chacon

Contact Telephone Number: 978-767-4044

Date: 10/30/18

Social Security Number or Federal Identification Number: _____

Email Address: mayceaguilar.1828@gmail.com

BOS

October 15, 2018

Town Administrator
Board of Selectmen
Memorial Hall
48 S. Main Street
Middleton, MA 01949

Dear Mr. Sheehan:

American Legion Post 227 wishes to extend an invitation to you and the members of your Board of Selectmen to join us in this year's observance of Veterans Day. The service will be at the Flint Library Veterans Memorials. The service will be held on Sunday, November 11, 2018 at 11:00 AM sharp. A collation will follow the ceremony at our Post Quarters.

As part of the Veterans Day ceremony this year we are encouraging participation by the town to toll their bells 21 times at 11:00 AM on November 11, 2018. This nationwide bell-tolling is a solemn reminder of the sacrifice and service of Veterans of the Great War, and all Veterans.

Sincerely,

Gary Bent

Gary Bent
Chairman



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO



October 23, 2018

Andy Sheehan
Town Administrator
47 South Main Street
Middleton, MA 01949

Dear Administrator Sheehan:

We are pleased to inform you that the legislature has recently approved the supplemental budget which I filed for an additional \$40 million in Chapter 90 local transportation aid funding for Fiscal Year 2019, which represents a 20% increase over the usual funding amount.

This letter certifies that your community's Chapter 90 apportionment for Fiscal Year 2019 is \$357,970 which includes the amount previously approved in Chapter 154 of the Acts of 2018, and the new supplemental amount of **\$59,661** I have approved in signing this new legislation. This apportionment will automatically be incorporated into your existing 10-year Chapter 90 contract, which will be available on the MassDOT website, <https://www.mass.gov/chapter-90-program>

This funding represents our continued commitment to assisting cities and towns to address the maintenance, modernization, and resiliency of your local roads, which are a critical part of the Commonwealth's transportation network. The Chapter 90 program is an integral part of maintaining and enhancing your community's infrastructure and is an essential component of our state-local partnership. We look forward to working with you in the coming year to continue the success of this program.

As always, we are pleased to encourage you to explore opportunities for additional infrastructure funding through MassDOT's Complete Streets and Municipal Small Bridge Programs (further information available at: <http://www.massdot.state.ma.us/>). For program specific questions please contact the following:

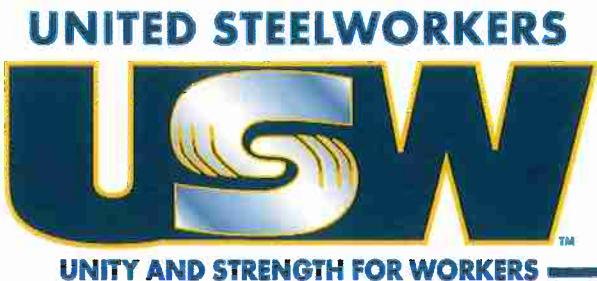
- **Chapter 90 Program** – District Administrator Walter Kubik at (781) 862-1640 or Walter.Kubik@dot.state.ma.us
- **Complete Streets and Municipal Small Bridge Program** – Municipal Grants Program Administrator Eileen Gunn at (857) 368-8817 or Eileen.Gunn@dot.state.ma.us

Thank you for all that you do to make the Commonwealth of Massachusetts a great place to live, work and raise a family.

Sincerely,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor



District 4

John E. Shinn
District Director
Del Vitale
Assistant District Director
Stephen J. Finnigan
Sub-District Director

October 12, 2018

Dear Legislator,

We write to you regarding the continued threat to your constituents resulting from the erosion of safety standards, maintenance, and proper staffing of our natural gas infrastructure. In a responsible regulatory environment, natural gas service can be easily taken for granted, however its delivery is complicated and can be extremely dangerous if safety is not the top priority. It is our firm belief that the best and, perhaps, only recourse to adequately protect the residents of Massachusetts lies with the Great and General Court.

We respectfully request that the Legislature urgently convene public hearings in order to better understand the immediate condition and operation of the hundreds of miles of pipeline running through our cities and towns and how we can quickly work together to prevent needless tragedies, disruption and loss.

Natural Gas Public Utilities in Massachusetts have taken advantage of the responsibility awarded to them by the Commonwealth of Massachusetts and, unfortunately, we are now witnessing the results of their hubris. For too long, the utilities have cut corners and avoided investing in the system while consistently seeking rate increases from consumers. In particular, National Grid has posted record profits while increasing costs on ratepayers. As recently as this month, National Grid sought and received a significant rate increase from the DPU of 8% for constituents in the National Grid footprint and 4% for Colonial Gas customers.

At the same time, the company has been cited for a persistent disregard for pipeline safety, has failed to provide basic services to homeowners, and stifled economic growth as developers across the region wait for gas connections. We are all fortunate that the National Grid accident on Monday in Woburn did not result in the loss of life, however, this incident is only further evidence that the accident that impacted Andover, Lawrence and North Andover did not occur in a vacuum. As it stands today, your constituents remain at risk. There are substantial and systemic problems with our natural gas infrastructure that require the intervention of our policymakers in the Legislature in order to prevent future accidents. As we have now witnessed, the consequences of inaction is too high and the agency charged with oversight puzzlingly remained on the sidelines for months.

For many years, natural gas public utilities have sought and succeeded in undermining the oversight of their operations by regulatory and rule change, and through changes to internal operating requirements that many of us with decades of experience in the industry understand as best practice. The increased use of lesser trained contractors performing dangerous and critical

work has resulted in significant errors over our service areas and an industry with acute workforce challenges. The lack of inspectors, access to key shut off valves, inaccurate mapping and marking of mains are just a few of the many problems that sit idle. We urge the Legislature to investigate and bring further transparency to restore public confidence in our natural gas system and the Commonwealth's oversight of their operation.

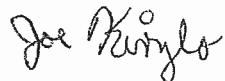
We have been raising safety concerns with the Department of Public Utilities long before we were locked out by National Grid because of an anticipated contract dispute. In fact, since 2011 our locals have provided hundreds of letters to National Grid management and the DPU highlighting significant safety concerns. We have given up benefits in bargaining in order to improve and enshrine safety measures as part of our collective bargaining agreements. The DPU is unable or unwilling to hold utilities accountable and is in dire need of reform and a thorough review of its conduct by the Legislature is warranted.

Again, as cold weather and winter approaches, we respectfully request that the Legislature move with all due speed and exercise its authority and convene hearings on the events of the last several weeks and the years of neglect that has brought us to this point. Thank you for your time and attention to this important matter, we look forward to working with you and please do not hesitate to contact us if you should have any questions.

Sincerely,



John Buonopane
President, USW Local 12012



Joe Kirylo
President, USW Local 12003