

**BOARD OF SELECTMEN  
MEETING AGENDA**

**Fuller Meadow School  
Nathan Media Center**

**143 South Main Street, Middleton, MA 01949**

**Tuesday, March 26, 2019**

**7:00 PM**

*This meeting is being recorded*

1. 7:00 PM Warrant: 1920  
Minutes: Open Session 3/12/19  
Town Administrator updates and reports
2. 7:15 PM Discussion regarding Change of Manager by Atty. Albert DeNapoli for Interstate Management Company, LLC d/b/a Doubletree North Shore Boston, 51 Village Road, Middleton, MA
3. 7:30 PM Vote to appoint Ilene B. Twiss to the Scholarship Committee for a three year term.
4. 7:35 PM March 19, 2019 Special Town Meeting: Discussion and follow up; discussion of golf course management, master development planning committee, designer selection
5. 7:45 PM Update on FY2020 operating and capital budgets; upcoming meetings
6. 7:55 PM Review of May 14, 2019 Annual Town Meeting warrant
7. 8:10 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
8. 8:15 PM Executive Session under GL c. 30A, s. 21(a)(6), to consider the purchase, acquisition, or value of real property 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.*

Minutes of the MIDDLETON BOARD OF SELECTMEN  
Fuller Meadow School  
Nathan Media Room  
143 South Main Street, Middleton, MA 01949  
March 12, 2019 7:00PM

Present: Kosta Prentakis, Brian Cresta, Tim Houten, Todd Moreschi

Absent: Rick Kassiotis

Others Present: Town Administrator Andrew Sheehan, Assistant Town Administrator Tanya Stepasiuk, Chad Colarusso, Arthur Ingemi, Andrew Ingemi,

7:00 PM With a quorum present, Chairman Prentakis called the meeting to order at 7:00 PM.

- **Warrants:** Town Administrator Andrew Sheehan provided a brief review of Warrant #1919 (Payroll: \$637,679, Bills Payable: \$1,122,149), the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to approve warrant #1919, as presented.

- **Minutes:** After a brief review of the minutes of February 26, 2019, the Board took the following action:

On a **MOTION** made by **Houten**, second by **Cresta**, the Board of Selectmen **VOTED** to accept the minutes of February 26, 2019, as written. **Cresta abstained**.

- **Town Administrator's Report:** Town Administrator Andrew Sheehan provided the Board with information and updates on the following:

- **Special Town Meeting:** Sheehan reminded viewers that next Tuesday, March 19, 2019, is the Special Town Meeting at Howe Manning School at 7PM.
- **Informational Sessions:** Sheehan advised that the last few informational sessions are on video and available on the Town Website. He will be putting up a list of frequently asked questions as well.
- **Town Construction Projects Updates:** Sheehan provided the Board with a brief update on the following:
  - **Retail Plaza on South Main Street:** Sheehan advised that Sol Bean, MHOP, Starbucks, and a couple of additional tenants appears to be doing well at that location.
  - **Industrial Project at 177 North Main:** Sheehan reported that the construction is moving along. Salem Metals is moving their equipment in, Regal Fabrics is moving along, and the contractor space is being framed.

7:03 PM **Review and Sign Contract Addendum with Correct Care Solutions, LLC:** The Board had a copy of the Contract Addendum with Correct Care Solutions, LLC to provide emergent and nonemergent transport services to patients at the Essex County Correctional Facility. The Chair advised this was before the Board two weeks ago and Selectman Cresta requested more time to review it. After a brief discussion, the Board took the following action:

Middleton Board of Selectmen

March 12, 2019

Meeting Minutes

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On a **MOTION** made by **Cresta**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to sign the contract addendum with Correct Care Solutions, LLC to provide emergent and nonemergent transport services to patients at the Essex County Correctional Facility.

**7:05 PM Review and Vote to Sign Inter-Municipal Agreement:** Town Administrator Andy Sheehan provided the Board with information on the Inter-Municipal Agreement between the members of the Essex Regional Emergency Communications Center and State 911 for the joint provision of Public Safety Communications, Dispatch, and Operations Services, noting that the agreement will go into effect July 1, 2019 and the Town should be getting something back on the cherry sheet as a result.

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to authorize the Town Administrator, on behalf of the Town of Middleton, to agree to and sign the Inter-Municipal Agreement between the members of the Essex Regional Emergency Communications Center and State 911 for the joint provision of Public Safety Communications, Dispatch, and Operations Services.

**7:13 PM Update on FY2020 Operating and Capital Budgets:** Town Administrator Andy Sheehan provided the Board with information and a timeline for the upcoming FY2020 Operating and Capital budgets meetings. Sheehan noted they are awaiting additional information from the elementary schools, which is currently coming in at a 6% increase, adding that they have received budget information from Masconomet. There is a fourth joint meeting scheduled for April 4<sup>th</sup> and they should have enough information to make decisions on the budgets after that.

**7:20 PM Vote to Close Annual Town Meeting Warrant**

On a **MOTION** made by **Cresta**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to close the Annual Town Meeting Warrant.

**7:22 PM Discussion of March 19, 2019 Special Town Meeting:** Town Administrator Andy Sheehan provided a brief summary of what to expect at the Special Town Meeting, noting that the warrant was mailed out to voters on Thursday. Sheehan will be holding the annual pre-town meeting informational session before the Special Town Meeting. Sheehan added that the Town Moderator moved out of town and Barbara Piselli has offered to stand for election on the floor to run the meeting. The Chair announced that the seat is open and encouraged any residents interested in running for the position to get to the Town Clerk's office for nomination papers.

**7:30 PM Public Hearing: Transfer of All-Alcohol Beverages Liquor License and Victualler License:** Attorney Chad Colarusso, representing the shareholders of Village Tavern, met with the Board of Selectmen to request approval for a transfer of the All-Alcohol Beverages liquor license and Victualler license, change of manager, pledge of license and alteration of premises, currently held by 245 Middleton Pub Corporation, d/b/a Main Street Grill, manager J.N. Demakes, located at 245 South Main Street Middleton, on the petition of Village Tavern Middleton, Inc., d/b/a Village Tavern, manager Andrew Ingemi. Colarusso provided information on the alterations to the property that will take place. Andrew Ingemi provided the Board with information on the menu they will offer, as well as the timeline for building alterations, noting that they expect to be closed for approximately six weeks while alterations take place. Discussion turned to three issues that they've had at their Salem location dealing with underage drinking, fake IDs, male patrons drugging the drinks of females. All three issues were dealt with

appropriately and there have been no further issues. After a brief public comment period, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to approve the transfer of the All-Alcohol Beverages Liquor License and Victualler License, change of manager, pledge of license and alteration of premises, currently held by 245 Middleton Pub Corporation, d/b/a Main Street Grill, manager J.N. Demakes, located at 245 South Main Street Middleton, to Village Tavern Middleton, Inc., d/b/a Village Tavern, manager Andrew Ingemi.

**7:45 PM Application for Change of Manager:** Town Administrator Andy Sheehan advised this was on the agenda for the last meeting, which was cancelled due to a snowstorm. Sheehan added that it's an application for a change of manager, by Atty. Albert DeNapoli for Interstate Management Company, LLC d/b/a Doubletree North Shore Boston, 51 Village Road, Middleton, MA from Elena F. Hargraves to Michael Tyler Woodcock for the All Alcohol Innkeepers, Common Victualler and Entertainment license. Selectman Cresta requested that the Doubletree corporate people attend the next meeting so the Board can get more information on the reason for the change of manager.

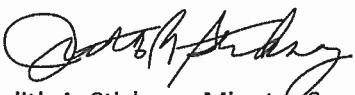
**7:51 PM New Business:**

- **Special Town Meeting:** Chair Prentakis reminded viewers to attend the Special Town Meeting on Tuesday, March 19, 2019, Howe-Manning School, at 7PM.

**7:52 PM ADJOURN**

With no further business, on a **MOTION** made by **Houten**, second by **Moreschi**, the Board of Selectmen meeting of March 12, 2019 adjourned at 7:52 PM.

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

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Richard Kassiotis, BOS Clerk

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

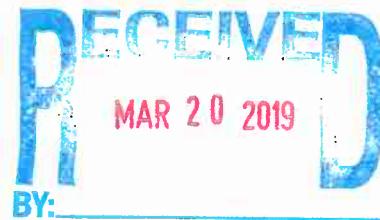
- Agenda: March 12, 2019
- Minutes: February 26, 2019
- Warrant #1919 (Payroll: \$637,679, Bills Payable: 1,122,149)
- Contract Addendum between Correct Care Solutions LLC, its affiliates and its subsidiaries, including Conmed Healthcare Management, Inc. and Correctional Healthcare Companies, Inc.,

("CCS") having a principal place of business at 1283 Murfreesboro Rd., Suite 500 Nashville, TN 37217 and the Town of Middleton

- Intermunicipal Agreement for The Joint Provision Of Public Safety Communications, Dispatch And Operations Services
- Retail Alcoholic Beverages License Application Monetary Transmittal Form Application For Multiple Amendments: Village Tavern Middleton, Inc.
- INTERMUNICIPAL AGREEMENT FOR THE JOINT PROVISION OF PUBLIC SAFETY COMMUNICATIONS, DISPATCH AND OPERATIONS SERVICES
- Letter from Tarlow, Breed, Hart, Rodgers to Board of Selectmen, Re: Application for Change of Manager for Interstate Management Company, LLC d/b/a Doubletree North Shore Boston, 51 Village Road. Middleton. MA 01949, 12/19/18
- Special Town Meeting Warrant
- Calendar: FY2020 Operating and Capital Budgets, May 14, 2019 Annual Town Meeting, May 21, 2019 Annual Town Election



Albert A. DeNapoli  
Direct Dial: (617) 218-2024  
adenapoli@tbhr-law.com



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March 8, 2019

**Via E-MAIL AND FIRST CLASS MAIL**

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

RE: DoubleTree by Hilton Boston North Shore, 51 Village Road, Middleton, MA

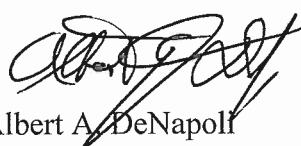
Dear Selectmen:

Please be advised that Michael Woodcock, for whom we had filed an application seeking approval to have him named as the manager of record relative to the above-referenced licensee, is no longer with the company. Accordingly, please remove from the agenda the hearing on this matter scheduled for Tuesday, March 12.

Ms. Kate Brill-Daley has been named the general manager of the facility, and we are in the process of completing the application to have her appointed and approved as the manager of record on the liquor license. Once this process is completed, we will file with the Board for approval.

Thank you for your attention to this matter.

Very truly yours,



Albert A. DeNapoli

AAD/sc  
cc: Shani Else, Esq.  
Bill Hudson  
Kate Brill-Daley

ILENE B. TWISS  
[REDACTED]  
MIDDLETON, MA 01949  
[REDACTED]  
[REDACTED]

March 22, 2019

Mr. Andrew Sheehan  
Town Administrator  
Town of Middleton  
48 South Main Street  
Middleton, MA 01949

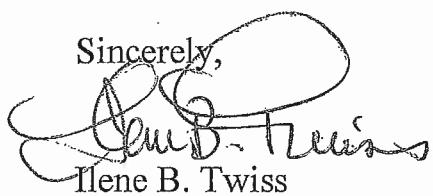
RE: TOWN SCHOLARSHIP COMMITTEE

Mr. Sheehan:

I would like to express my interest in the Town Scholarship Committee Member position. I am an active community member with a diverse background. I would welcome the opportunity to serve my community by lending my skills to this committee. I'm confident you'll find me a good fit.

I'm looking forward to your response and thank you for your consideration.

Sincerely,



A handwritten signature in cursive ink, appearing to read "Ilene B. Twiss".

Ilene B. Twiss

# Town of Middleton

## Massachusetts

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## Annual Town Meeting

Tuesday, May 14, 2019, 7:00 P.M.

Annual Town Meeting Warrant for  
Fiscal Year 2020

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 14, 2019**

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 14<sup>th</sup>, 2019 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 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 for snow and ice removal.

**ARTICLE 3.** 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 maintenance of the Middleton Golf Course; or take any other action relative thereto.

**Purpose:** This article will fund the maintenance of the Middleton Golf Course located at 105 South Main Street.

**ARTICLE 4.** 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 2019 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.

## FY2020 FINANCIAL ARTICLES

**ARTICLE 5.** 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:

**ARTICLE 6.** 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 fund the Omnibus Budget for Fiscal Year 2020; or take any other action relative thereto.

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

**ARTICLE 7.** 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 2020 with each item to be considered a separate appropriation; or take any other action relative thereto.

### **Proposed Fiscal Year 2020 Community Preservation Budget**

The Community Preservation Committee recommends that the following amounts be appropriated or reserved from Fiscal Year 2020 Community Preservation Fund Revenues, unless otherwise specified for Fiscal Year 2020 Community Preservation Purposes with each item considered to be a separate appropriation:

<b><u>Purpose</u></b>	<b><u>Recommended</u></b>	<b><u>Funding Source</u></b>
	<b><u>Amount</u></b>	
A) Reserves: Open Space	\$31,641	FY 2020 Estimated CPA Receipts
Reserves: Historic Resources	\$31,641	FY 2020 Estimated CPA Receipts
Reserves: Community Housing	\$31,641	FY 2020 Estimated CPA Receipts
B) Flint Library Debt Service	\$62,750	\$32,090 from Historic Resources Reserve and \$30,660 from Fund Balance

C) 11 South Main St. Debt Service	\$40,325	\$32,090 from Open Space Reserve and \$8,2354 from Fund Balance
D) CPA Committee Admin. Expenses	\$1,150	From Fund Balance
<b>Community Preservation Total</b>	<b>\$235,148</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 2020 are estimated at \$251,000 and is composed of the estimated receipts from the local surcharge of \$230,000 and monies from the State Trust Fund, which will make its fifteenth payment in October of 2019 providing an additional estimated \$21,000 in matching funds based upon the local share raised in FY 2019.

**ARTICLE 8.** On petition of the Board of Selectmen and Community Preservation Committee, to see if the Town will vote to appropriate from the Community Preservation Fund annual revenues the following amounts recommended by the Community Preservation Committee for new community preservation projects in Fiscal Year 2020 with each item to be considered a separate appropriation; or take any other action relative thereto.

<u>Purpose</u>	<u>Recommended Amount</u>	<u>Funding Source</u>
A) Rubchinuk Park irrigation	\$24,500	Fund Balance
B) Digitize Historic Records	\$89,000	Fund Balance
<b>Community Preservation Total</b>	<b>\$ 113,500</b>	

**ARTICLE 9.** 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:

<b>Revolving Fund</b>	<b>Spending Limit</b>
Firearms License and Permits	\$10,000
Council on Aging	\$35,000
Recreation	\$15,000
Recreation Field Use	\$15,000

Stormwater Management	\$5,000
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Or take any other action relative thereto.

**ARTICLE 10.** On petition of the Town Accountant, Public Works Superintendent, Board of Selectmen, and Finance Committee, to see if the Town will vote to appropriate a certain sum from the Sewer Enterprise receipts to pay expenses and contractual services required to operate the Sewer Enterprise Fund for Fiscal Year 2020; or take any other action relative thereto.

Direct Costs	
SESD Assessment	\$105,000
Expenses	\$100
Extra/Unforeseen	\$1,000
Total Direct Costs:	\$106,100
Indirect Costs *	
Salaries and Wages	\$4,346
Insurance & Benefits	\$515
Total Indirect Costs:	\$4,861
Total FY2020 Budget	<b>\$110,961</b>

*\*(to be raised and appropriated in the General Fund Operating Budget)*

Town shall raise the sum of \$102,844 or any other sum from the Sewer Enterprise Revenues and to approve the sum of \$5,074 of indirect costs appropriated in the general fund under article 8 to be funded from Sewer Enterprise Revenues.”

**ARTICLE 11.** On petition of the Town Accountant, Public Works Superintendent, Board of Selectmen, and Finance Committee, to see if the Town will vote to appropriate a certain sum from the Water Enterprise receipts to pay expenses and contractual services required to operate the Water Enterprise Fund for Fiscal Year 2020; or take any other action relative thereto.

Direct Costs	
Salaries and Wages	\$110,768
Capital Outlay	0
Debt Service	\$11,285
Expenses	\$116,600
Total Direct Costs:	\$238,653
Indirect Costs *	

Salaries and Wages	\$13,530
Insurance & Benefits	\$7,419
Total Indirect Costs:	\$20,949

Total FY2020 Budget      **\$259,602**

*\*(to be raised and appropriated in the General Fund Operating Budget)*

Town shall raise the sum of \$238,653 or any other sum from the Water Enterprise Revenues and to approve the sum of \$20,949 of indirect costs appropriated in the general fund under article 8 to be funded from Water Enterprise Revenues.”

**ARTICLE 12.**      On petition of the Board of Assessors and Director of Veterans Services, to see if the Town will vote to accept Clause 22G of Section 15 of Chapter 218 of the Acts of 2018, known as the BRAVE Act, to allow veterans or their surviving spouses whose domicile is owned by a trustee, conservator, or other fiduciary for the person’s benefit to be eligible for exemption under Clause 22 if they would otherwise qualify, said acceptance to take effect in Fiscal Year 2020; or take any other action relative thereto.

**Purpose:**      This article would expand eligibility for Clause 22 exemptions to veterans who did not name themselves as trustees at the time the home was conveyed to a trust. Under the previous version of Clause 22, a veteran who conveyed their home to a trust was only eligible for the exemption if they listed themselves as a trustee. This would apply to one Middleton resident.

**ARTICLE 13.**      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 14.**      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 15.**      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, 2019 to install drainage, widen, pave, and otherwise improve any public way in accordance with the provisions of Chapter 90 of the Massachusetts General Laws; or take any other action relative thereto.

**ARTICLE 16.**      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 2020; and to authorize the Town Administrator to sell or trade items rendered surplus by such purchases; or take any other action relative thereto.

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

**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 the sum of \$159,795 to fund Capital expenditures of the Masconomet Regional School District for Fiscal Year 2020; or take any other action relative thereto.

**ARTICLE 18.** 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
- Retirement Stabilization Fund
- Pension Stabilization Fund
- Other Post-Employment Benefits Liability Irrevocable Trust Fund

Or take any other action relative thereto.

## **CITIZEN PETITIONS, BYLAW ADOPTIONS, AND REAL PROPERTY**

**ARTICLE 19.** On petition of the Board of Selectmen, to see if the Town will vote to authorize the Selectmen to acquire temporary easements necessary for the reconstruction of the North Liberty Street Bridge, as described on easement plans on file in the Office of the Town Clerk; or taken any action relative thereto.

**ARTICLE 20.** On petition of the Board of Selectmen, to see if the Town will vote to amend Chapter 169, Licenses and Permits, by deleting the words shown in ~~bold strikethrough~~ and inserting the words in **underline and bold**; or taken any action relative thereto.

Chapter 169, Licenses and Permits

Article I Delinquent Taxpayers

[Adopted 5-12-1992 ATM by Art. 36]

§ 169-1 List to be furnished.

The Treasurer-Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges shall annually furnish each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or has a pending petition before the Appellate Tax Board.

§ 169-2 Denial, suspension or revocation of license or permit.

The licensing authority shall deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing ~~board authority~~ from the Treasurer-Collector ~~or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Treasurer-Collector~~; provided, however, that written notice is given to the party and the Treasurer-Collector, as required by applicable provision of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be a *prima facie* evidence for denial, revocation or suspension of said license or permit to any party. The Treasurer-Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceedings at law, except for any appeal from such license denial, revocation, suspension. Any license or permit denied, suspended or revoked under this section shall not be issued or renewed until the licensing authority receives a certificate issued by the Treasurer-Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the municipality as of the date of issuance of said certificate.

§ 169-3 Payment agreements.

Any party shall be given an opportunity to enter into a payment agreement with the Treasurer-Collector, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 169-4 Waiver.

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, ~~§ 1~~, in the business or activity conducted in or on said property.

§ 169-5 Exceptions.

This section shall not apply to the following licenses and permits granted under the General Laws of the Commonwealth of Massachusetts: open burning, MGL c. 48, § 13; bicycle permits, MGL c. 85, § 11A; sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage license, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping licenses, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; and theatrical events, public exhibition permits, MGL c. 140, § 181.

Or take any action relative thereto.

**Purpose:** This article updates and modernizes Chapter 169.

**ARTICLE 21.** Amendment to Chapter 1, section 1-2 Non-Criminal Disposition; 40U allows local appeal; refers back to 21D

or take any action relative thereto.

**ARTICLE 22.** On petition of the Board of Selectmen and Town Clerk, to see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for special legislation in the form set forth below exempting the Town of Middleton from Chapter 54, Section 24 of the General Laws, as follows:

SECTION 1. Chapter 54, Section 24 of the General Laws is hereby amended by deleting the following language "...Alcoholic beverages shall not be sold in any portion of a building which is designated as a polling place, during voting hours or while ballots are being counted...",

And replacing it with the following language.

"...Alcoholic beverages shall not be served or consumed in that portion of a building used as a polling place, during voting hours or while ballots are being counted therein...".

SECTION 2. This act shall take effect upon passage.

Provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or take any action relative thereto.

**Purpose:** This article seeks a special act of the Massachusetts Legislature to allow elections to be held in a building in which alcoholic beverages are sold as long as alcoholic beverages are not consumed inside the polling location during voting hours or while ballots are being counted. The tradition of holding elections in public schools is becoming more challenging and problematic. This exemption from the State election laws would allow the Town to hold elections in a function

hall. The special legislation would make available more options for the Town in designating polling places.

**ARTICLE 23.** On petition of 10 or more registered voters, to see if the Town will vote to amend the Middleton General Bylaws, Chapter 75: Records & Reports, as shown in the highlighted text below:

§75-1. The Annual Town Report shall be printed and published **14 days** before the Annual Town Meeting by the Selectmen at the expense of the Town, and shall contain the reports of the Selectmen, the School Committee, and each other department of the Town for the preceding financial year, as required by law or by this bylaw; the record of all Town Meetings during said year; a record of appropriations made for each department during said year; a financial statement of the accounts of the Town as of the end of the year; the report of the Finance Committee and its recommendations as to appropriations for the following year; the jury list; the reports of all committees; a statement by any board or committee in charge of any contract work or other undertaking for which a special appropriation has been made, reporting all receipts, expenditures and indebtedness incurred up to date; and an estimate of the amount of money necessary to finish such work; and such other matters as may be required by law, by vote of the Town, or in the discretion of the Selectmen. **If the selectmen neglect or refuse to make the annual report, they shall severally forfeit fifty dollars.**

Purpose: As of March 1, 2019, Annual Reports for the following years were unavailable: FY2010, FY2011, FY2012, FY2014, FY2015, FY2016, FY2017. The intent of this article is to provide consistency with Massachusetts General Law, Part I, Title VII, Chapter 40, Section 49 in regard to a penalty for noncompliance and to ensure the Annual Report is published in a timely manner prior to the Annual Town Meeting.

**ARTICLE 24.** On petition of 10 or more registered voters, to see if the Town will vote to amend the Middleton General Bylaws, Chapter 56: Meetings, by adding the following section shown below:

§56-9. All meetings of the following committees shall be broadcast: Board of Assessors, Board of Selectmen, Board of Health, Conservation Commission, Elementary School Committee, Regional School Committee, Finance Committee, Master Plan Committee, Planning Board, and Zoning Board of Appeals. This listing does not preclude the Town from broadcasting meetings of other committees. If a meeting cannot be broadcast, the meeting shall be video recorded and aired on the Public Cable Access Channel and made available on the Town website within 2 business days of the meeting.

Purpose: Beginning September 1, 2019, committee meetings will be recorded to ensure transparency of town government activities and to provide current information to citizens in a timely manner.

**ARTICLE 25.** On petition of the Board of Selectmen, to see if the Town will vote to amend the Middleton General Bylaws, Chapter 270: Animals, Article II: Animal Control ; or take any other action relative thereto.

**ARTICLE 26.** On petition of the Board of Selectmen to see if the Town will vote to accept Lewis Drive as a public way as laid out by the Board of Selectmen under M.G.L Chapter 82, Sections 21 & 22, and in compliance with the Planning Board's Subdivision Rules and Regulations, and to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain, the fee simple or a lesser interest in the land within such ways, and any easements related thereto, and raise and appropriate the sum of \$1.00; or taken any action relative thereto.

**Planning Board Recommendation:** The board voted 4-0 to recommend the Town accept Lewis Drive as a public way.

**End of Annual Town Meeting Warrant**

**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 21, 2019, next for the following purposes, VIZ: To choose by ballot the following Town Officers for the ensuing year:

One Town Moderator for two years  
Constable 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  
One Electric Light Commissioner for three years  
One Library Trustees for three years  
One Housing Authority member for five years

**The Polls open at 7:00 a.m. and close at 8:00 p.m. Voting takes place at the Fuller Meadow School gymnasium, 143 South Main Street, Middleton.**

And you are hereby directed to service this Warrant by posting up attested copies thereof at:

Memorial Hall	Flint Public Library	Ferncroft Towers, and
Post Office	Howe Station Market	Fuller Pond Village

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 \_\_\_\_\_ day of \_\_\_\_\_ in the year Two Thousand Nineteen.

**MIDDLETON BOARD OF SELECTMEN**

A true copy Attest:

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Constable of the Town of Middleton

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Date Posted