

**BOARD OF SELECTMEN
MEETING AGENDA**

**Fuller Meadow School
Nathan Media Center
143 South Main Street, Middleton, MA 01949
Tuesday, April 9, 2019
7:00 PM**

This meeting is being recorded

1. 7:00 PM Warrant: 1921
Minutes: Open Session 3/26/19, 3/21/19 Joint Meeting
Executive Session
Town Administrator updates and reports
2. 7:15 PM Vote to renew two seasonal all alcohol restaurant licenses; two common victualler licenses; and, two entertainment licenses, for SD Management Group LLC at the Member's Lounge and Halfway House Snack Bar at 8-10 Village Road, Ronald Rice, Manager
3. 7:30 PM Review and sign amended solar agreement with HG Solar/Falck Renewables for installation of a battery storage unit off South Main Street
4. 7:35 PM Review and sign purchase and sale agreement and/or fourth extension of offer to purchase Middleton Golf Course at 105 South Main Street and
5. 7:45 PM March 19, 2019 Special Town Meeting: Discussion and follow up; discussion of golf course management, master development planning committee, designer selection
6. 8:00 PM Update on FY2020 operating and capital budgets; upcoming meetings
7. 8:10 PM Review of May 14, 2019 Annual Town Meeting warrant
8. 8:20 PM Vote to exempt selectman Todd Moreschi from the provisions of MGL c. 268A, s. 20, pursuant to c. 268A, s. 20(d).
9. 8:25 PM Vote to exempt selectman Richard Kassiotis from the provisions of MGL c. 268A, s. 20, pursuant to c. 268A, s. 20(d).
10. 8:30 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
11. 8:35 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, if necessary

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 26, 2019 7:00PM**

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

Absent: None

Others Present: Town Administrator Andrew Sheehan, Assistant Town Administrator Tanya Stepasiuk, Albert DeNapoli, Kate Brill-Daley, Teresa Buono

7:00 PM With a quorum present, Chairman Prentakis called the meeting to order, and thanked all the voters who came to the Special Town Meeting on Tuesday and those who voted for it. He also thanked the staff for all the time they put in before the meeting. Selectman Cresta added his thanks to the Town Moderator who stepped in at the last minute to moderate the meeting.

- **Warrants:** Town Administrator Andrew Sheehan provided a brief review of Warrant #1920 (Payroll: \$643,917, Bills Payable: \$1,459,797), the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to approve warrant #1920, as presented.

- **Minutes:** After a brief review of the minutes of March 12, 2019, 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 March 12, 2019, as written.

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

- **Special Town Meeting:** Sheehan thanked the residents for attending the recent Special Town Meeting.
- **Annual Town Election:** Sheehan reminded residents that there are still open positions on the annual election with no candidates. He added that there is still time to take out nomination papers from the Town Clerk. Papers are due April 2, 2019.
- **MassDOT Scheduled Construction: Tobin Bridge and Chelsea Curves:** Sheehan alerted residents of the roadwork that will be taking place on Route 1 and to avoid the area if possible. There is additional information on the Town's website.
- **Citizen Serve Update:** Sheehan advised that all the inspectional services permits have been available online through the Citizen Serve software program. On April 1, Planning and Zoning applications can be filed online. A link is available on the Town's website.

7:07 PM **Change of Manager for Interstate Management Company, LLC d/b/a Doubletree North Shore Boston:** Atty. Albert DeNapoli met with the Board of Selectmen to discuss the changes in

management that have taken place over a relatively short period of time. A lengthy discussion ensued on the management renewal application process, with DeNapoli noting that in November he filed for a change of manager to Michael Woodcock. He was not notified by the Town of the January hearing date. He was notified of the next hearing date, but that was canceled due to a snowstorm. Since that time, Woodcock is no longer with the company. He added that Kate Brill-Daley (in attendance) is the new general manager. He has filed a new application with the Town regarding the change of manager of record for Interstate Management Company, LLC d/b/a Doubletree North Shore Boston, 51 Village Road, Middleton, MA. Town Administrator Andrew Sheehan advised they received the application yesterday and have penciled the hearing in for April 23rd. Discussion continued on the lapses in communication between the company, the attorney, and the Town, with the Board trying to resolve the issues with Mr. DeNapoli.

7:34 PM Vote to Appoint Ilene B. Twiss to the Scholarship Committee: The Chair advised the Board that Ilene Twiss has expressed interest in serving on the Scholarship Committee for a three-year term. The Board took the following action:

On a **MOTION** made by **Houten**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to appoint Ilene B. Twiss to the Scholarship Committee for a three-year term.

7:35 PM March 19, 2019 Special Town Meeting Follow-Up: Town Administrator Andy Sheehan provided the Board with updates and information on the following post-Town Meeting topics:

- **Golf Course Management:** Sheehan advised they are looking into the possibility of short-term operation of the golf course, and to see if there is anyone interested in managing the golf course. A brief discussion ensued on the concept of operating the golf course, with discussions on maintenance costs and insurance. The Board supported the idea of operating the golf course.
- **Master Development Planning Committee:** Sheehan is looking for specific people for the Master Development Study Committee – with specialties in architecture, engineering, design, landscape design, and finance. They want a broad-based committee of about seven to nine people. The Chair requested that the Town Administrator draft a mission statement for the Master Development Planning Committee for the Board's approval.
- **Designer Selection:** Sheehan advised the Board that his office is in the process of drafting an ad for qualifications for design services which will be published for two weeks. They will begin to review qualifications and choose a designer based on qualifications, which is somewhat different than an RFP.

A general discussion ensued on what types of buildings might ultimately be built on the property and the cost. Sheehan advised the Board that at the recent MMA Legislative Breakfast, there was a discussion on the Prevailing Wage Law as the biggest expense for public construction. Selectman Cresta suggested that there be a specific place on the Town website to post updates on what's happening with the golf course and building projects.

8:01 PM Update on FY2020 Operating and Capital Budgets: Town Administrator Andy Sheehan advised the Board that the Assistant Town Administrator and the Town Accountant/CFO have been working on the budget, adding that they are currently in the black by about \$187,000 on the operating side. Sheehan added that the town budget is up 3.4%, and the schools are up 5.2%. He is worried about

how the Masconomet budget will look next year and he encouraged the Board to strongly discourage 5% increases, which are not sustainable. A discussion ensued on the ever-increasing school budgets and Town finances overall, and how to maintain both, should there be another economic downturn. They'll have everything together in time for next Thursday's meeting, on April 4th.

8:18 PM Review of May 14, 2019 Annual Town Meeting Warrant: Sheehan advised there are three articles that still need to be finalized – the Masconomet capital article, the dog article, and the delinquencies. He expects everything to be finalized in time for the next meeting.

8:18 PM New Business:

- **1728 Club Comedy Night:** Selectman Houten thanked everyone for coming to the Comedy Night fundraiser recently.

8:18 PM With no further business, on a **MOTION** made by **Moreschi**, the Board of Selectmen **VOTED** unanimously to adjourn at 8:18 PM.

Respectfully submitted,



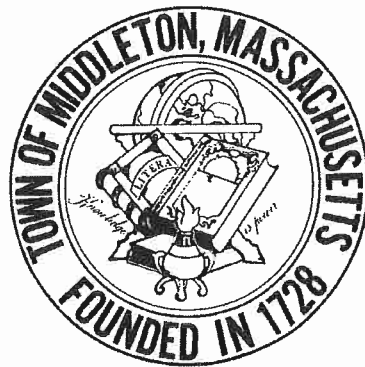
Judith A. Stickney, Minutes Secretary

Richard Kassiotis, BOS Clerk

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

- Agenda: March 26, 2019
- Minutes: March 12, 2019
- Warrant #1920 (Payroll: \$643,917, Bills Payable: \$1,459,797)
- Letter from Tarlow, Breed, Hart, & Rodgers to Board of Selectmen, Re: DoubleTree by Hilton Boston North Shore, 51 Village Road, Middleton, MA, 3/8/19
- Letter from Ilene Twiss to Town Administrator, Re: Town Scholarship Committee, 3/22/19
- Annual Town Meeting Warrant, May 14, 2019

Town of Middleton Massachusetts



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 14th, 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:

<u>Purpose</u>	<u>Recommended Amount</u>	<u>Funding Source</u>
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

Community Preservation Total \$235,148

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
Community Preservation Total	\$ 113,500	

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:

Revolving Fund	Spending Limit
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	\$110,961
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**(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.

Department/Location	Project	Expenditure
<u>Dept. of Public Works</u>	Skid Steer Loader	55,000
	F350 Pickup Truck or similar	40,000
	Asphalt Hot Box, Roller, Trailer	43,000
	Paving to Supplement c. 90	100,000
	Sidewalk Improvements	75,000
	Roll-off Containers	20,500
	Lawnmower	10,500
	<i>Public Works subtotal</i>	344,000
<u>Police Department</u>	Patrol Rifles	1,400
	Taser replacement	18,750
	Patrol vehicles	102,000
	Office Shredder, Multifunction Copier	2,800
	Outfit, Train New Reserve Officers	11,180
	<i>Police subtotal</i>	136,130
<u>Fire Department</u>	Self-Contained Breathing Apparatus	9,000
	Replace Squad 5 Pump	9,000
	Replace Air Bags	2,250
	Replace Ladder 1 Lighting	5,700
	Ballistic Vests, Helmets	8,300
	Replace 4 AEDs	10,000
	Ambulance Load System	34,000
	Replace Stair Chairs	8,600
	CPR Mannequin	2,700
	Outfit, Train New Firefighter/Paramedic	20,045
	<i>Fire subtotal</i>	109,595
<u>Information Technology</u>	Fire Department File-Print Server	4,000
	Memorial Hall Network Switches	2,000
	Memorial Hall NAS Backup Device	1,500
	Fire Dept. Network Switch	1,000
	Multifunction Copier-Printers: MH, COA, PD	19,000
	<i>Information Technology subtotal</i>	27,500
<u>Facilities</u>	Memorial Hall Repairs, Maintenance	17,300
	Memorial Hall LED Lighting Upgrades	22,000
	COA Refinish Hardwood Flooring	7,500
	<i>Facilities subtotal</i>	46,800
<u>Administration</u>	Board of Health Ford Escape or similar	25,430

	Building Dept. F150 or similar	29,100
	ClearGov Budget Module	9,300
	HR Software	14,727
	TA/BOS subtotal	78,557
<u>Middleton Public Schools</u>	Fuller Meadow End-User Technology	34,198
	Fuller Meadow Technology Infrastructure	15,000
	Fuller Meadow Building Interior	22,500
	Fuller Meadow Playground, Parking Lot	15,000
	Howe Manning End User Technology	84,249
	Howe Manning Technology Infrastructure	15,000
	Middleton schools subtotal	185,947
<u>Essex No. Shore Tech</u>	Capital contribution	19,765
	Essex Tech subtotal	19,765
Capital Projects Total		\$ 948,294

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 Masconomet School Committee and Superintendent, see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$159,795 to fund Middleton's share of the capital expenditures of the Masconomet Regional School District for Fiscal Year 2020 for the following:

- Woodshop Safety Measures \$40,000
- Sidewalk and Parking Lot Repairs \$60,000
- Stabilization Fund \$350,000
- Masconomet Total \$450,000

Middleton's share \$159,795

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 certain sums of money to the following reserve accounts:

- Stabilization Fund: \$50,000
- Capital Stabilization Fund: \$50,000

- Special Education Stabilization Fund: \$50,000
- Other Post-Employment Benefits Liability Irrevocable Trust Fund: \$50,000

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. Note: See plan at end of this Warrant

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

§ 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. On petition of the Board of Selectmen, to see if the Town will vote to amend Chapter 1, Section 1-2 Non-Criminal Disposition, by deleting the words shown in **~~bold strikethrough~~** and inserting the words in **underline and bold**; or taken any action relative thereto.

1-1 Criminal Complaints

Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation, or offense brought in such manner, shall be \$300.

1-2 Noncriminal Disposition

A. In addition to the procedures for enforcement as described above, the provisions of these bylaws and the Board of Health Regulations entitled "Sale of Tobacco Products to Minors" may also be enforced by noncriminal complaint pursuant to the provisions of MGL c. 40, § 21D.

[Amended 11-29-2005 STM by Art. 10]

B. The Police Department, **Building Commissioner**, or in cases concerning the enforcement of the Board of Health Regulations entitled "Sale of Tobacco Products to Minors," agents of the Board of Health, as an alternative to initiating criminal proceedings may give to the offender a written notice to appear before the Clerk of the Salem District Court at any time during office hours, not later than 21 days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his required appearance. Such notice should be signed by a police officer, **Building Commissioner**, or in cases concerning the enforcement of the Board of Health Regulations entitled "Sale of Tobacco Products to Minors," by an agent of the Board of Health, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received.

C. The notice shall be served and all the procedures followed as set out in said MGL c. 40, § 21D, as amended.

D. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense, beginning with the date of receipt of the notice and order issued pursuant to this bylaw. The penalty for violation of any provision of these bylaws shall be as each bylaw provides, and if there is no penalty the following shall apply:

[Amended 11-29-2005 STM by Art. 10]

- (1) First offense: written warning.
- (2) Second offense: \$100.
- (3) Third offense: \$200.
- (4) Fourth and subsequent offenses: \$300.

E. Without intending to limit the generality of the foregoing, it is the intention of this provision that all bylaws and sections of bylaws and the Board of Health Regulations entitled "Sale of Tobacco Products to Minors" are to be included within the scope of this section, that the specific penalties as set forth in the bylaws and sections of the bylaws and the Board of Health Regulations entitled "Sale of Tobacco Products to Minors" shall apply and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, and in cases concerning the enforcement of the Board of Health Regulations entitled "Sale of Tobacco Products to Minors" agents of the Board of Health shall also be enforcing persons for such sections.

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 by adding the words shown in **bold underline** and deleting the words in **~~bold strikethrough~~** below.

§ 270-~~64~~. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AT LARGE or LOOSE

A dog which is off the property of its owner or keeper and is:

- A. Unaccompanied by a person of adequate age and discretion to properly control its actions;
- B. Unrestrained by a leash or chain of less than eight feet in length; **or**
- C. A danger to persons or property as determined by the Animal Control Officer.

NUISANCE

~~Animal behavior which constitutes a nuisance includes but is not limited to the following: molesting a passerby or passing vehicles (including bicycles), attacking persons or domestic animals, trespassing on public or private property or damaging public or private property, and barking, whining or howling in an excessive, continuous or untimely fashion.~~

DANGEROUS DOG

Any dog that:

- A. When unprovoked:**

1. Inflicts bites on a human or domestic animal either in public or on private property, so long as such human or domestic animal is legally upon such public or private property; or
2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or

B. Has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or domestic animals.

§ 270-45. Dog license required; rabies vaccination for dogs and cats.

The Animal Control Officer (hereinafter called "ACO") is authorized to require all dogs in the Town of Middleton to be licensed in accordance with MGL c 140, § 137. The ACO is authorized to require all Middleton dogs and cats to be vaccinated against rabies by a licensed veterinarian and to require their owners or keepers to retain proof of said vaccination supplied by a veterinarian. Whosoever violates the provisions of this section shall be subject to a fine in accordance with MGL c 140, § 173, of \$50.

§ 270-56. Dogs to be restrained.

The Animal Control Officer is authorized to require owners or keepers of dogs to keep such dogs from becoming a **dangerous dog** public nuisance. The ACO is further authorized to require owners or keepers of dogs to restrain their dogs from running at large or loose. The ACO is required to enforce this requirement with uniformity.

§ 270-7. Violations and penalties.

A. Dog control fines:

~~{Amended 3-15-2016; 3-29-2016}~~

- ~~(1) First offense: punishable by a fine of \$25.~~
- ~~(2) Second offense: punishable by a fine of \$50.~~
- ~~(3) Third and subsequent offenses: punishable by a fine of \$100.~~

B. Domestic animal killing another domestic animal:

~~(1) First offense: punishable by a fine of \$10. A public hearing shall be held by the Board of Selectmen on each complaint.~~

~~(2) Second offense: punishable by the maximum fine permissible per MGL c. 140, § 173, \$50, and destruction of the dog or placement with another owner. A public hearing shall be held by the Board of Selectmen on each complaint.~~

§ 270-7. Dangerous Dogs Declaration.

- A. It shall be the duty of the Board of Selectmen to declare a dog to be dangerous. A written complaint is not required in order for the Board of Selectmen to make the declaration. Town law enforcement officers, inspectors or medical technicians shall report to the Board of Selectmen any potentially dangerous dogs and any witnessed inappropriate

behavior or incidents. A determination of the Board of Selectmen shall be final and binding, subject to an appeal provided herein. Any dog owner may appeal the Board of Selectmen's determination by filing a written appeal to the chief of police or his designee within three business days following the owner's receipt of the Board of Selectmen's determination notice. An owner's appeal must contain a certification of a licensed veterinarian stating that the dog, in his or her opinion, is not a dangerous dog as defined in section 270-1. The chief of police or his or her designee shall hold a hearing within ten days of the filing of an appeal and shall issue a decision within seven days following the hearing.

- B. No dog shall be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog; was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog; or was committing or attempting to commit a crime. Children under seven years of age at the time injury was sustained will be presumed to have not committed any of the actions stated in this subsection.

§ 270-8. Confinement.

All dangerous dogs must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog.

§ 270-9. Restraint on public ways.

No dangerous dog shall be permitted upon any public way unless restrained by an appropriate dog leash no longer than four feet in length.

§ 270-10. Number limited.

A. There shall be no more than one dangerous dog per dwelling unit allowed in the town.

B. No person shall be permitted to own, harbor or otherwise control or have custody of more than one dangerous dog, excepting a licensed kennel.

§ 270-11. Possession by minor.

It is prohibited for a minor to either own, harbor or to otherwise have control or custody of a dangerous dog.

§ 270-12. Collar.

Every dangerous dog is required to wear a bright orange collar, at least two inches in width.

§ 270-13. Signs.

A. Any person who either own or harbors a dangerous dog must conspicuously display a sign approved by the animal control officer with a warning symbol that informs children of the presence of such dangerous dogs and a sign easily readable by the public using the words "dangerous dog."

B. Signs are to be posted at each entrance to the house and on gates that are part of a fence enclosing the property as well as on the pen.

§ 270-14. Muzzling.

Every dangerous dog must be muzzled when not securely confined indoors or in a pen. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal.

§ 270-15. Breeding, selling or trading.

No person shall be permitted to breed dangerous dogs or sell or trade them within the town unless the sale or trade is for the purpose of removing them from the town limits.

§ 270-16. Inflicting injury or damage.

Any injury or damage inflicted by a dangerous dog on a human or domestic animal shall result in immediate confiscation, and a hearing shall be conducted as soon as possible in accordance with M.G.L.A. c. 140, § 157. The dog may be destroyed pursuant to M.G.L.A. c. 140, § 158, if the dog is again found outside the enclosure of its owner or keeper and not under his immediate care unless the owner can remove the dog from the town within ten days.

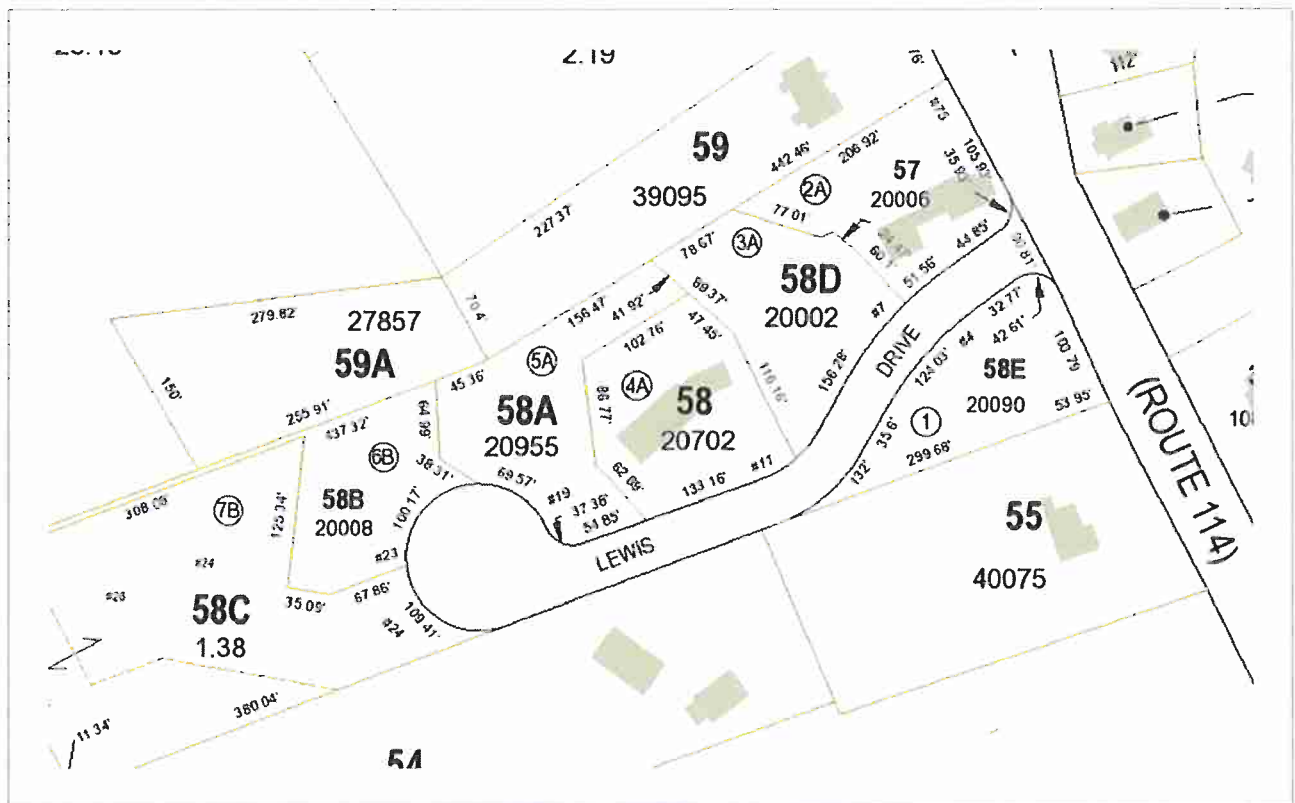
§ 270-17. Violations and Penalties.

Whoever violates any provision of this article shall be subject to a fine of \$25.00 for a first offense and \$50.00 for any subsequent offense relating to the same dog. Any dog which has been the subject of four violations of this section shall be deemed a nuisance within the provisions of M.G.L.A. c. 140, § 157, and shall be reported as such by the animal control officer to the chief of police for appropriate action under that law.

; 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



CULVERT REPLACEMENT PROJECT
MIDDLETON, MA

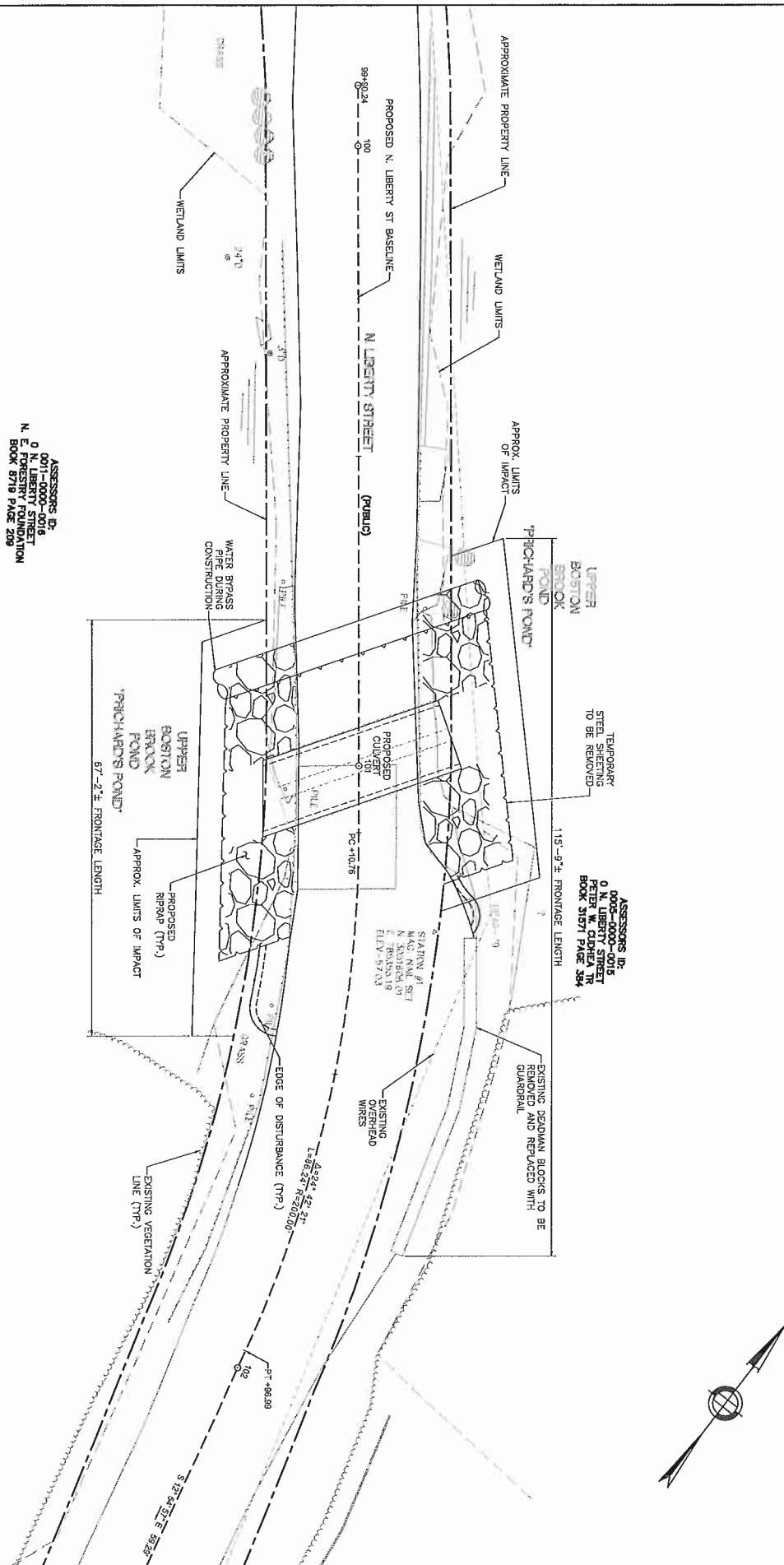
M-20-014
NORTH LIBERTY STREET OVER UPPER
BOSTON BROOK POND

GENERAL
PLAN
SHEET
1
OF 1

Gill Engineering Associates, Inc. 63 Kendrick Street Needham, MA 02494 781-355-7100 www.gill-eng.com

ASSESSORS: DR.
0001-0000-0016
O. N. LIBERTY STREET
N. E. FORESTRY STUDITION
BOOK 8719 PAGE 209

PLAN
SCALE: 1" = 16'



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:

 Constable of the Town of Middleton

 Date Posted