

**BOARD OF SELECTMEN**  
**MEETING AGENDA**

**Fuller Meadow School**  
**Nathan Media Center**

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

**Tuesday, September 10, 2019**

**7:00 PM**

*This meeting is being recorded*

1. 7:00 PM      Warrant: 2005 and 2006  
Minutes:
  - Open Session: August 13, 2019

Town Administrator updates and reports
2. 7:15 PM      Welcome to Masconomet Superintendent Michael Harvey and Assistant Superintendent for Finance & Operations Jeff Sands
3. 7:30 PM      Joint meeting with the Planning Board to appoint two Planning Board Alternates
4. 7:40 PM      Vote to approve appointment of Jillian Smith as Director of the Council on Aging
5. 7:50 PM      Vote to approve appointments to the Middleton Police Department, all subject to 1 year probationary terms and physical and psychological fitness:
  - Sergeant Robert Peachey, Jr.
  - Full Time Officer Melissa Witt
6. 8:05 PM      Review and vote on application for a new Common Victualler license for Darya, Corp d/b/a Darya's Cafe located at 170 North Main St, Middleton MA, by Darya and Mohammed Rahimi, Managers
7. 8:20 PM      Vote to accept the surrender of the All Alcohol Restaurant, Entertainment, and Common Victualler licenses from 245 Middleton Pub Corporation d/b/a the Main Street Grille, 245 South Main Street, effective immediately
8. 8:25 PM      Designate one member to represent the Board of Selectmen on the Zoning Bylaw Review Committee
9. 8:30 PM      November 5, 2019 Special Town Meeting: Vote to open the warrant; discussion and review of the calendar and first draft of the warrant
10. 8:45 PM      Vote to accept a grant of water easement from Gerardo and Lisa Polito at 140 North Main Street
11. 9:00 PM      New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
12. 9:05 PM      Executive Session under GL c. 30A, s. 21(a)(6), to consider the purchase, acquisition, exchange, lease, 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

Upcoming Meetings: September 24, October 8 & 22 (Town Administrator at ICMA Conference)

*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.*

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**Minutes of the MIDDLETON BOARD OF SELECTMEN**  
**Fuller Meadow School**  
**Nathan Media Room**  
**143 South Main Street, Middleton, MA 01949**  
**August 13, 2019 7:00 PM**

*Present: Present: Chair Timothy Houten, Rick Kassiotis, Todd Moreschi, Kosta Prentakis, Brian Cresta (7:30PM)*

*Absent: None*

*Others Present: Town Administrator Andrew Sheehan, Assistant Town Administrator Tanya Stepaniuk, Sgt. Robert Currier, Chief DiGianvittorio, Diane Currier, Leah Moreschi, Jim Desrochers, Atty. Morris Gordan, and others*

**7:00 PM** With a quorum present, Selectmen Chair Tim Houten called the meeting to order.

**7:00 PM ROUTINES**

- **Warrant #2004:** Town Administrator Andrew Sheehan provided a brief review of Warrant #2004 (Payroll: \$551,791, Bills Payable: \$1,485,298), noting that the Town Accountant had reviewed the warrants and requested the Board's approval. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to approve the warrants, as presented.

- **Minutes:** After a brief review of the open session minutes of July 30, 2019, and the Executive Session minutes of October 23, 2018, November 6, 2018, February 26, 2019, and June 19, 2019, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** to accept all minutes as presented.

- **Town Administrator's Report:** Town Administrator Andrew Sheehan provided the Board with updates and information on the following:
  - **Committee Volunteers Needed:** Sheehan advised the Board that the Town Moderator is continuing to look for individuals to serve on the Zoning Bylaw Review Committee. There is also a need for someone for the South Essex Sewerage District Board and it must be someone who lives in that district. At the next meeting on September 10<sup>th</sup>, there will be a joint meeting with the Planning Board to jointly appoint two alternate positions to the Planning Board. Anyone interested should

submit a talent bank application. For all other positions, please visit the town website or call the Town Administrator's office.

- **November 5, 2019 Special Town Meeting:** Sheehan advised the Board that they have tentatively set November 5<sup>th</sup>, the week before Veteran's Day, for the Special Town Meeting. There are about 10 warrant articles for the Special Town Meeting currently.
- **Transfer Station Costs:** Sheehan advised they are continuing to watch the costs of operating the transfer station, noting that solid waste is a challenge financially and recycling is still a drain on the operating budget. He will continue to monitor the situation and come back to the Board at a later date with proposals to cut costs.
- **Level 4 Water Restriction:** Sheehan advised the Board that the Town is currently at a Level 4 water restriction, along with the Town of Danvers. Watering is restricted to Tuesdays and Saturdays from 7pm-10pm. At Selectmen Prentakis' request, the Town Administrator briefly reviewed the criteria for moving from one level to the next and advised interested residents to review the criteria on the Town's website.

**7:08 PM Recognize Retiring Sgt. Robert Currier:** The Chair recognized Sgt. Robert Currier for his 36 years of service to the Middleton Police Department with a proclamation which he read publicly. Sgt. Currier was also presented with a rocking chair from the Town. Sgt. Currier thanked the Board for the opportunity to serve the Town on the police force.

**7:11 PM 245 South Main Street:** The Chair opened a discussion of the transfer of property and status of licenses with Atty. Morris Gordon. Atty. Gordon advised the Board that he represents the owner of the property, but he is not privy to what's transpired in the negotiations. He understands the owner is negotiating with the "99" chain of restaurants and they have a tentative agreement. They want to enter a ground lease with his client, tear down the building, and construct a new structure. While negotiations are going on, he will take care of the property until it is fully transferred. Chair Houten advised Atty. Gordon that they have a liquor license that is not being used at this time. Houten added that the owner will want to move along with the negotiations to prevent the liquor license from being assigned to another establishment.

**7:16 PM Consider Approval of a One-Day Entertainment License:** Jim Desrochers met with the Board of Selectmen to seeking approval for a one-day entertainment license to hold the second annual Food Truck Festival at 105 South Main Street. Desrochers advised that he, along with Lisa Brown, Leah Moreschi, and Samantha Miller from Vinum Wine Shop are planning the second annual Food Truck Festival for September 7th to benefit the Middleton Food Pantry. Desrochers answered the Board's questions and after a brief discussion, the Board took the following action:

On a **MOTION** made by **Moreschi**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to approve a one-day entertainment license on September 7, 2019 for a food truck festival at 105 South Main Street.

**7:20 PM Consider Appointment of a Housing Production Plan Committee:** The Town Administrator provided the Board with information and background on the Housing Production

Plan Committee, noting that it will consist of the Health Director, 2 members designated by the Board of Health, the Council on Aging Director, 1 member designated by the Council on Aging, 2 members designated by the Middleton Housing Authority, the Town Planner, and the Town Administrator. Sheehan added that the committee will hold a public forum in September to review with the public a first draft of their findings on housing needs in town. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Kassiotis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to appoint a Housing Production Plan Committee, consisting of the Health Director, 2 members designated by the Board of Health, the Council on Aging Director, 1 member designated by the Council on Aging, 2 members designated by the Middleton Housing Authority, the Town Planner, and the Town Administrator.

**7:24 PM Discussion of Cemetery Rules:** The Town Administrator advised the Board that this came out of the request at the last meeting for a waiver on headstone limits and asked the Board for direction on what they are looking at, so his office can draft proposed policies for the Board to review at a later meeting. The Chair opened a discussion on the sale of lots to non-residents and guidelines for evaluating waivers of other rules. Sheehan advised the Board that his office will put something together for the Board's consideration at a future meeting.

**7:32 PM Consider Hearing Officer Appointment:** The Town Administrator provided the Board with information and background on his request that they designate John Shea as the Hearing Officer for the proposed Bio-Med Innovations, LLC Site Assignment Application associated with a medical and biological waste facility to be located at 30 Log Bridge Road, Building 100. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Kassiotis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to designate John Shea as the Hearing Officer for the proposed Bio-Med Innovations, LLC Site Assignment Application associated with a medical and biological waste facility to be located at 30 Log Bridge Road, Building 100.

**7:37 PM Board of Selectmen Goals and Tracking Citizen Satisfaction:** The Town Administrator asked the Board for direction on tracking citizen satisfaction, citing several different methods of tracking for the Board to consider. After a brief discussion, the Town Administrator will take their suggestions into consideration and come up with something for them to consider at a later meeting.

**7:46 PM Consider Amended Solar Agreement:** The Town Administrator provided the Board with information and background on the solar agreement with HG Solar and Falck Renewables to include a battery storage solution to the project at 230 Rear South Main Street, behind Market Basket. Sheehan noted the amended agreement is for a 20-year agreement. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to execute the amended solar agreement with HG Solar and Falck Renewables to include a battery storage solution to the project at 230 Rear South Main Street.

**7:50 PM Vote to Sign Purchase and Sale Agreement Between Corbeau LLC and the Town of Middleton:** The Town Administrator provided the Board with information and background on the Purchase and Sale Agreement for the purchase of the Middleton Golf Course property, noting that this has been a long and complex process. Sheehan added that there is a tentative closing date of August 30<sup>th</sup>. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to sign the Purchase and Sale Agreement between Corbeau LLC and the Town of Middleton.

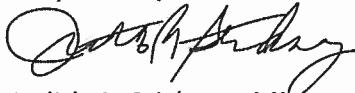
After the vote, the Town Administrator advised the Board they should consider designating one member to sign documents at the closing. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to designate **Selectman Kassiotis** to attend the closing to sign the documents for the Town of Middleton.

**7:53 PM Adjourn**

With no further business, on a **MOTION** made by **Cresta**, the Board of Selectmen **VOTED** unanimously to adjourn its meeting of August 13, 2019.

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

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Todd Moreschi, BOS Clerk

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

- Agenda: August 13, 2019
- Warrant #2004 (Payroll: \$551,791, Bills Payable: \$1,485,298)
- Minutes:
  - July 30, 2019
  - Executive Session minutes of October 23, 2018
  - Executive Session minutes of November 6, 2018
  - Executive Session minutes of February 26, 2019

- Executive Session minutes of June 19, 2019
- The Commonwealth of Massachusetts Limited Liability Company Certificate of Organization: 245 South Main Street, LLC
- Chapter 378 – Oakdale Cemetery: Adopted by the Board of Selectmen of the Town of Middleton 3-19-1991.
- Letter and supporting material from Mackie Shea PC to Board of Selectmen, Re: Bio-Med Innovations, LLC Site Assignment Application, 8/1/19
- TOWN ADMINISTRATOR PRIORITIES, GOALS, AND OBJECTIVES FY19 ADOPTED: SEPTEMBER 18, 2018
- FIRST AMENDMENT TO PILOT AGREEMENT BETWEEN TOWN OF MIDDLETON AND HG SOLAR DEVELOPMENT LLC
- TOWN OF MIDDLETON FALCK RENEWABLES BATTERY SOLUTION P.I.L.O.T. SCENARIOS

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

**Warrant Date: 08/29/19**

**Warrant Number: #2005**

**Payroll Warrant Total:**

**\$ 587,340**

<u>Department</u>	<u>Amount</u>	<u>Detail of Expenses</u>
Board of Health	\$8,591	
COA	\$7,746	
Election	\$0	
Electric Light	\$57,562	\$1,883 Overtime; \$2,336 Call Out
Fire	\$50,063	\$22,247 Overtime; \$0 Part time
Inspections	\$9,961	
Library	\$14,038	
Memorial Hall	\$32,461	
Planning	\$3,868	
Police	\$58,107	\$6,808 Overtime; \$1,484 Reserves
Police Details	\$11,085	
Public Works	\$34,875	\$0 Snow; \$823 Overtime
Recreation	\$3,547	
Senior Work Off	\$0	
School	\$295,436	
Teacher Balloon Pay	\$0	
Town Officers		

**Bills Payable Warrant Total:**

**\$ 7,677,541**

<u>Department/Expense Category</u>	<u>Amount</u>	<u>Detail of Expenses</u>
All Payroll Deductions	\$72,148	
Administrator	\$3,836,987	\$3,800,000 Golf Course Purchase; \$19,087 HR Software
Accounting	\$175	Various Expenses
Assessor	\$0	
Clerk	\$6,281	\$4,500 Purchase Tabulator
Cultural Council	\$0	
COA	\$7,101	\$4,099 Purchase New Freezer ATM
DPW	\$98,582	\$38,524 Paving/Milling; \$30,914 New Hot Box ATM; \$15,761 Waste Disposal
Fire	\$10,375	\$2,214 Training/Education; \$2,000 Membership Fees FY20
Health Director / IT	\$27,396	\$27,000 IT Related
Historical Comm.	\$0	
Inspections	\$273	Various Expenses
Library	\$14,402	\$6,406 Purchase Books; \$2,779 Bldg Maint; \$2,068 Electricity
MELD	\$660,274	\$622,166 Purchase Power
Planning	\$0	
Police	\$14,015	\$5,500 IT Related; \$2,915 Fuel
Recreation	\$750	Various Expenses
School	\$42,813	\$21,216 IT Related; \$8,805 Equipment Repair; \$4,740 Tuition
Treasurer	\$2,885,969	\$2,535,735 Masco Assessment
Veterans' Agent	\$0	

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Town Notices](#)  
**Subject:** Online Form Submittal: Re-Appointment Form  
**Date:** Monday, June 10, 2019 2:00:17 PM

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## Re-Appointment Form

First Name	Anthony
Last Name	DeGregorio
Board/Commission/Committee	Planning Board-Alternate Member
Response	Yes-I would like to be re-appointed
Email Address	adegregorio10@gmail.com
Best Contact Phone Number	[REDACTED]
Address	[REDACTED]
City	Middleton
State	MA
Zip Code	01949
Electronic Signature Agreement	I agree.
Electronic Signature	Anthony M. DeGregorio

Email not displaying correctly? [View it in your browser.](#)

**Parker, David V**

138 N Main St  
Middleton, MA 01949  
Phone: 617-304-5561

► **Timothy Houten, Chairperson**

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

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**Dear Mr. Houten**

I would like to respectfully volunteer for the position of Planning Board Alternate. My wife and I moved to Middleton in 2013. We came from Medford but I am originally from a small town in New Hampshire and my wife grew up in Middleton, just like her mother and grandmother.

I am volunteering because I might one day want to run for Planning Board and think that volunteering as an alternate would be good experiences and exposure. I know that in small towns it is critical for people to volunteer to serve on the various committees and boards and would like to do my part to serve our community. I'm specifically volunteering for the Planning Board because as an abutter to a large project I have had experience working through Middleton Zoning Bylaws, Massachusetts laws concerning zoning, and the special permit process. Middleton has significant amounts of developable land which requires careful planning and thought by the community to ensure that we respect the rights of land-owners to develop while also maintaining the core aspects of Middleton which make it great. My professional background is mostly rooted in the technical details of engineering but my responsibilities have included aspects of contract management and patent applications which have given insight into the basics of how to properly interpret legal documents like the Zoning Bylaws.

Thank-you for your consideration

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**Parker, David V**  
parkaa@yahoo.com

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# David Parker

138 N Main St. Middleton, MA   
01949  
617-304-5561   
parkaa@yahoo.com   
david-parker-040bab20   
Twitter/Blog/Portfolio

Application for Planning Board Alternate Position

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## Skills

- Engineering Technical Leader
- Computation Fluid Dynamics
- Preliminary Design
- Manufacturing Support

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## Experience

JUNE 2016 – PRESENT

### **Senior Engineer / General Electric Aviation, Lynn MA**

Responsible for detailed design, field support, mentoring, submitting patents and understanding competitive landscape

APRIL 2015 – JUNE 2016

### **Staff Engineer / General Electric Aviation, Lynn MA**

Led test team for new high PR compressor

APRIL 2015 – JUNE 2016

### **Lead Engineer / General Electric Aviation, Lynn MA**

Led teams to design and develop new compressor technologies

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## Education

JUNE, 2005

### **MS / Massachusetts Institute of Technology**

Degree in Aeronautics and Astronautics

JUNE, 2003

### **BS / University of New Hampshire**

Degree in Mechanical Engineering

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## Activities

Served as a community church treasurer from 2007 to 2012; Led an outreach program to serve food to homeless weekly from 2006 to 2010



## OFFICE OF THE TOWN ADMINISTRATOR

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

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## MEMORANDUM

TO: Board of Selectmen

FROM: Andrew J. Sheehan, Town Administrator

SUBJ.: Council on Aging Director  
Recommendation for Appointment

DATE: September 10, 2019

On July 3, 2019, we posted the vacancy notice for a Council on Aging Director. We advertised on the Massachusetts Municipal Association website as well as sites geared to COA Directors and staff. A total of 52 resumes were received.

Tanya Stepasiuk coordinated the hiring process. She enlisted the help of Veterans Services Officer Gary Bent, Library Director Melissa Gaspar, and Council on Aging board members Gerry Gove and Joan Shea Desmond. That panel interviewed several semi-finalists and narrowed the list to four finalists. We were fortunate to have a strong field of candidates and ended up with a group of highly qualified finalists. I participated in the finalist interviews.

I recommend the appointment of Jillian Pendleton Smith for the position of Council on Aging Director. Jillian comes to us with a background in caring for seniors and people with disabilities. The screening panel and I are confident she will be a great addition to the Middleton Senior Center and to the Town of Middleton.



# Middleton Police Department

65 North Main Street  
Middleton, MA 01949  
Tel: (978) 774-4424 Fax: (978) 774-4466  
E-mail: [chief@middletonpolice.com](mailto:chief@middletonpolice.com)

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*James A. DiGianvittorio*  
*Chief of Police*

Date: August 13, 2019  
To: Board of Selectmen  
From: Chief James DiGianvittorio  
Subject: Appointment of Sergeant

Below are the findings based upon my letter to the Board dated July 15, 2019 whereas I advised the Board that I would be providing to you a full report of the standings along with a recommendation from the Command Staff for the position of Sergeant.

On August 8, 2019, a total of five members of the patrol staff participated in a full day Assessment Center in which each candidate was subjected to a series of five separate exercises: a personnel analysis, an employee interview, a tactical exercise, a citizen interview, and a full panel interview. This allowed the panel of six highly trained chiefs and upper management personnel from local police departments around the North Shore to assess the candidates' skills, knowledge and abilities in real life scenarios.

During these exercises the candidates were asked to use their personal and professional knowledge of the Town of Middleton's policies and procedures along with providing legitimate solutions to the issues discussed that are "best practices" in today's law enforcement environment. At the completion of each exercise the Assessors were asked to rate each candidate individually in the following categories and then compare notes and provide a base score on each of the same: problem analysis, decisiveness, planning and organizing, judgement and police ethics.

It proved evident that training and common sense plays a major role in the way each candidate handled the different exercises. Each have their own strengths and weaknesses and in my final interview with each candidate yesterday we discussed and reviewed the videos and scenarios in an effort to give them a better understanding of where they could use work in the future to prepare and correct some deficiencies.

At the conclusion of the interviews, the Command Staff and I carefully reviewed all factors surrounding who we thought would be a strong leader and the best candidate for promotion, and our outcome was unanimous, we all picked Officer Robert Peachey Jr.

The Assessment Team also, after spending the day with each candidate and having No prior knowledge of the candidates training skills and abilities, rated the following officers and their censuses also matched our recommendation.

To that end I would respectfully ask the Board to approve and appoint Robert Peachey Jr. as the next Sergeant with the Middleton Police Department.

## Michelle Creasi

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**Subject:** FW: Fulltime Position

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**From:** James Digianvittorio (MPD)  
**Sent:** Wednesday, August 28, 2019 5:07 PM  
**To:** EmailAllMPD  
**Cc:** James Digianvittorio (MPD); Nancy McParland (MPD); Karen Matsubara (MPD)  
**Subject:** Fulltime Position

Congratulations to Officer Peachey who will be getting sworn in as the departments newest Sergeant on Tuesday night September 10, 2019

I would also like to inform the department that Reserve Officer Witt will be promoted to full-time status as of that night also.

No-one bid on the open 8AM-4PM shift so by default she will assume that shift.

Thank you.



**Town of Middleton**  
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## Common Victualler/General License Application

ALL QUESTIONS MUST BE ANSWERED AND A TELEPHONE NUMBER PROVIDED

1. Licensee Name: Darya Corporation
2. Name of Manager: Darya Rahimi
3. Social Security Number/FID Number: 001 80 4465
4. Business Address: 170 north main street unit D, Middleton MA
5. Home Address: 6 Silwyn Rd, Peabody MA 01960 01949
6. Telephone Numbers (Please provide all numbers by which you can be reached):  
Business Phone: 978-777-9800  
Cell Phone: 508 331-8883  
Home Phone: 978 536 9310
7. Email Address: DaryaR722@gmail.com
8. Registered Voter?  Yes  No
9. Are you a U.S. Citizen?  Yes  No
10. Court and Date of Naturalization (if applicable) \_\_\_\_\_  
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)
- 10a. Where? \_\_\_\_\_
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.)

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## Town of Middleton

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

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

We have owned and operated restaurants  
for past 40 years.

12. List all employment for the last five years:

Brothers Kauzina  
Modash

13. Hours per week to be spend on the licensed premises: All hours of operation

14. Days and Hours of Operation: Monday - Sunday (8am- 9pm)

15. Seating Capacity: 52

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

If Leased:

16a. If Yes, From Whom? \_\_\_\_\_

16b. Terms of Lease? 3.5, 5 years

(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.

Danya Rahim  
Printed Name of Owner

By: Danya  
(Signature)

Date: 8-25-19

**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: Darya Corporation (Darya's Cafe)

Address: 170 North Street, unit D Middleton MA 01949

Title of Person Signing: President

Signature of Individual or Corporate Name: Darya

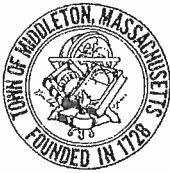
Printed Name of Above: Darya Rathnini

Contact Telephone Number: 978-530-9310

Date: 8.25.19

Social Security Number or Federal Identification Number: 001-80-4663

Email Address: DaryaR702@gmail.com



## 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: Darya's cafe (Darya's corp)

Business Address: 170 N. main st Middleton, MA 01949

Business Phone: 978 536 9310 Email Address \_\_\_\_\_

Nature of Business Food

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

1. Mohammad Rahimi 6 Selwyn Rd Peabody, MA 01960  
Corporate Officer Name Residential Address City, State, Zip

2. Darya Rahimi 6 Selwyn Rd Peabody MA 01960  
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. Darya  
2. [Signature]

On 8/26/19 the above-named person(s) personally appeared before me and made oath that the forgoing statement is true.

Seal

John D'Amato  
Notary Public/Town Clerk Signature

1. Identification presented:  Driver's License MA Driver's License Other \_\_\_\_\_  
2. Identification presented:  Driver's License MA 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 19-64

Date Processed August 26, 2019

Certificate Expiration August 26, 2023

New/Renewal None



# CERTIFICATE OF LIABILITY INSURANCE

DARYA-1

OP ID: WC

DATE (MM/DD/YYYY)

08/29/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Segreve & Hall Insur.Assoc.Inc One Tech Drive, Suite 135 Andover, MA 01810		CONTACT NAME: PHONE (A/C, No, Ext): 978-975-1300 E-MAIL ADDRESS:	FAX (A/C, No): 978-975-7596
INSURED Darya Corp Dba Darya's Cafe 170 North Main Street Middleton, MA 01949		INSURER(S) AFFORDING COVERAGE INSURER A : Utica First	NAIC # 12475
		INSURER B :	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR	TBI		10/01/2019	10/01/2020	EACH OCCURRENCE	\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
	OTHER:					MED EXP (Any one person)	\$ 5,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					PERSONAL & ADV INJURY	\$ 1,000,000
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB					GENERAL AGGREGATE	\$ 2,000,000
DED <input type="checkbox"/> RETENTION \$	PRODUCTS - COMP/OP AGG	\$ 2,000,000					
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	COMBINED SINGLE LIMIT (Ea accident)	\$					
	BODILY INJURY (Per person)	\$					
	BODILY INJURY (Per accident)	\$					
	PROPERTY DAMAGE (Per accident)	\$					
		\$					
	EACH OCCURRENCE	\$					
	AGGREGATE	\$					
		\$					
	PER STATUTE	OTHE- R					
	E.L. EACH ACCIDENT	\$					
	E.L. DISEASE - EA EMPLOYEE	\$					
	E.L. DISEASE - POLICY LIMIT	\$					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

SAMPLE SAMPLE SAMPLE	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

245 Middleton Pub Corporation

245 S Main Street

Middleton, Ma 01949

7

August 26, 2019

Middleton Board of Selectmen

Memorial Hall

48 S. Main St.

Middleton, MA 01949

Gentlemen:

I am the president of 245 Middleton Pub Corporation, DBA Main St Grille, formerly located at 245 S. Main St. in Middleton (the "Corporation"). We are no longer in business and have closed our doors for good.

I am writing to inform you that the Corporation hereby relinquishes its all alcoholic beverage restaurant license (license number 00008-RS-0704) and its common victualler's and entertainment licenses.

Thank you for your many kindnesses over the past several years.

Sincerely,

245 Middleton Pub Corporation

*Spero J.M. Demakes*

By: Spero J.N. Demakes

President

**TIMELINE**  
**NOVEMBER 5, 2019**  
**SPECIAL TOWN MEETING**

9

All dates are 2019

Tuesday, Sept. 10	BOS votes to open Special Town Meeting warrant
Tuesday, Sept. 24	BOS votes to close Special Town Meeting warrant
Monday, Sept. 30	Rosh Hashanah
Tuesday, October 8	BOS meeting
Wednesday, October 9	Yom Kippur
Wednesday, October 9	Warrant book to printer
Monday, October 14	Columbus Day observed
Wednesday, October 16	Motions meeting: TA, CFO, Town Counsel, Town Clerk, Moderator
Sat.-Weds., Oct. 19-23	ICMA Conference, Nashville, TN: TA out of office
Monday, October 21	Deadline for Constable to post Warrant
Tuesday, October 22	BOS meeting
Thursday, October 24	Warrant book to USPS for mailing to households
Friday, October 25, 8PM	Last day to register to vote for 11/5/19 STM
Wednesday, October 30	Pre-Town Meeting at Flint Public Library
November 5, 2019, 7PM	Special Town Meeting: Howe Manning Gymnasium

# Town of Middleton

# Massachusetts



## Special Town Meeting

November 5, 2019, 7:00 P.M.

Howe Manning School Gymnasium  
26 Central Street, Middleton, MA

**TOWN OF MIDDLETON  
SPECIAL TOWN MEETING  
THE COMMONWEALTH OF MASSACHUSETTS  
NOVEMBER 5, 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, November 5, 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:

Master Development Planning 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 collective bargaining agreement with the Middleton Police Benevolent Association; or take any other action relative thereto.

**Purpose:** This article will appropriate funds to fund the contract with the police union running from July 1, 2017 through June 30, 2020.

**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 collective bargaining agreement with the Middleton Call Firefighter Association; or take any other action relative thereto.

**Purpose:** This article will appropriate funds to fund the contract with the call firefighters union running from July 1, 2017 through June 30, 2020.

**ARTICLE 4.** On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to be used

to fund the FY2020 tuition costs for a student to attend Minuteman Regional Vocational Technical High School; or take any other action relative thereto.

**Purpose:** This article will fund the out of district tuition for a Middleton student to attend Minuteman Vocational Technical High School in Lexington in order for that student to access the desired vocational major.

**ARTICLE 5.** 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 supplement the Fiscal Year 2020 Information Technology budget; or take any other action relative thereto.

**Purpose:** This article is to transfer funds to supplement the Information Technology budget in the current fiscal year.

**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 be used to supplement the Fiscal Year 2020 Unemployment Insurance budget; or take any other action relative thereto.

**Purpose:** This article is to transfer funds to supplement the Unemployment Budget in the current fiscal year.

**ARTICLE 7.** 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 supplement the Fiscal Year 2020 Medicare budget; or take any other action relative thereto.

**Purpose:** This article is to transfer funds to supplement the Medicare Budget in the current fiscal year.

**ARTICLE 8.** 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 supplement the Fiscal Year 2020 property, casualty, and liability insurance budget; or take any other action relative thereto.

**Purpose:** This article is to transfer funds to supplement the Medicare Budget in the current fiscal year.

**ARTICLE 9.** 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

for environmental studies, testing, and remediation of a property at 40 School Street; or take any other action relative thereto.

**Purpose:** This article is to transfer funds to supplement the Medicare Budget in the current fiscal year.

**ARTICLE 10.** 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: \$ \_\_\_\_\_
- Capital Stabilization Fund: \$ \_\_\_\_\_
- Special Education 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 11.** On petition of the Board of Selectmen, to see if the Town will vote to amend the Middleton General Bylaws, Chapter 107: Animals, by adding the words shown in **bold underline** and deleting the words in **bold strikethrough** below.

<<currently in draft>>

; Or take any other action relative thereto.

**ARTICLE 12.** On petition of the Board of Selectmen to see if the Town will vote to transfer the following certain parcels of land to the Conservation Commission to be held for conservation purposes pursuant to Massachusetts General Law, c. 40, s. 8c.:

Map/Lot	Acreage	Assessment	Location
0008-0000-0016	28.50	\$65,000	Off Thunder Bridge Lane
0008-0000-0020	4.15	\$28,400	Off Thunder Bridge Lane
0008-0000-0020A	3.00	\$26,700	Off Thunder Bridge Lane
0015-0000-0012K	3.90	\$36,900	Donovan's Way
0017-0000-0059	1.00	\$25,600	North Main Street
0032-0000-0057	0.38	\$18,100	Richardson Road
0033-0000-0015	6.00	\$66,100	Lonergan Road

or taken any action relative thereto.

**End of Special Town Meeting Warrant**

**TO THE TOWN CONSTABLE:**

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

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

In said Town fourteen days, at least, before the time of holding said meeting.

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

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year Two Thousand Nineteen.

**MIDDLETON BOARD OF SELECTMEN**

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

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

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

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

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

A true copy Attest:

S.  
Constable of the Town of Middleton

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

## GRANT OF EASEMENT

We, **Gerardo Polito and Lisa Polito** of 140 North Main Street, Middleton, Essex County, Massachusetts (hereinafter, collectively, the "Grantor") for consideration paid of \$10.00 and other good and valuable consideration paid, **grant to the Town of Middleton, (Massachusetts)** a municipal corporation whose address is **48 South Main Street, Middleton, MA** (hereinafter, the "Grantee") the right and easement to enter upon, dig up, install, operate, maintain, replace and remove pipes, conduits, and fixtures appurtenant thereto for water service under and across a section of land of the Grantor being shown within an area identified as "**Proposed 15' Wide Water Easement**" on a plan attached hereto entitled "**Sketch Plan in Middleton, MA. Showing Proposed 15' Wide Water Easement**" prepared by Williams Sparages, dated August 8, 2019 (the "Sketch Plan") together with the right of the Grantee to connect said pipes, conduits, and fixtures appurtenant thereto with other pipes, conduits, fixtures, including existing water mains and hydrants and extending water services to other properties in the Town of Middleton from the water main located within the "**Proposed 15' Wide Water Easement**".

All pipes, conduits, supports and fixtures located within such easement area shall remain the property of the Grantee, its successors and assigns including any replacements thereof. The Grantor shall not place any buildings, structures or other obstructions within the above-described easement area without the express permission of the Grantee. Nor shall the Grantor's use of the Property interfere, in any respect, with the Grantee's easement rights hereunder. In the event that, in the exercise of its rights hereunder, the Grantee disturbs the Grantor's land, Grantee shall be obligated in all instances to restore the land of the Grantor to the condition it was prior to the exercise of the rights granted herein, subject to any modifications that may be necessary to enable installation and maintenance of the water infrastructure described herein.

The Grantor and Grantee hereby acknowledge that there currently exists a 6" water main located within the "**Proposed 15' Wide Water Easement**" connecting to another 6" water main lying with the 15' wide water easement located to the rear of the Grantor's premises and shown on the Sketch Plan.

For Grantor's title, see Essex County (Southern District) Registry of Deeds in Book 21936, Page 215 as affected by Confirmatory Deed recorded with said Registry in Book 33352, Page 442.

**Property Address: 140 North Main Street, Middleton, MA**

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Gerardo Polito

\_\_\_\_\_  
Lisa Polito

**COMMONWEALTH OF MASSACHUSETTS**

Essex, ss \_\_\_\_\_, 2019

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared Gerardo Polito and Lisa Polito, who proved to me through satisfactory evidence of identification, which was, \_\_\_\_\_ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public

Acceptance of Easement  
By the Board of Selectman  
Of the Town of Middleton

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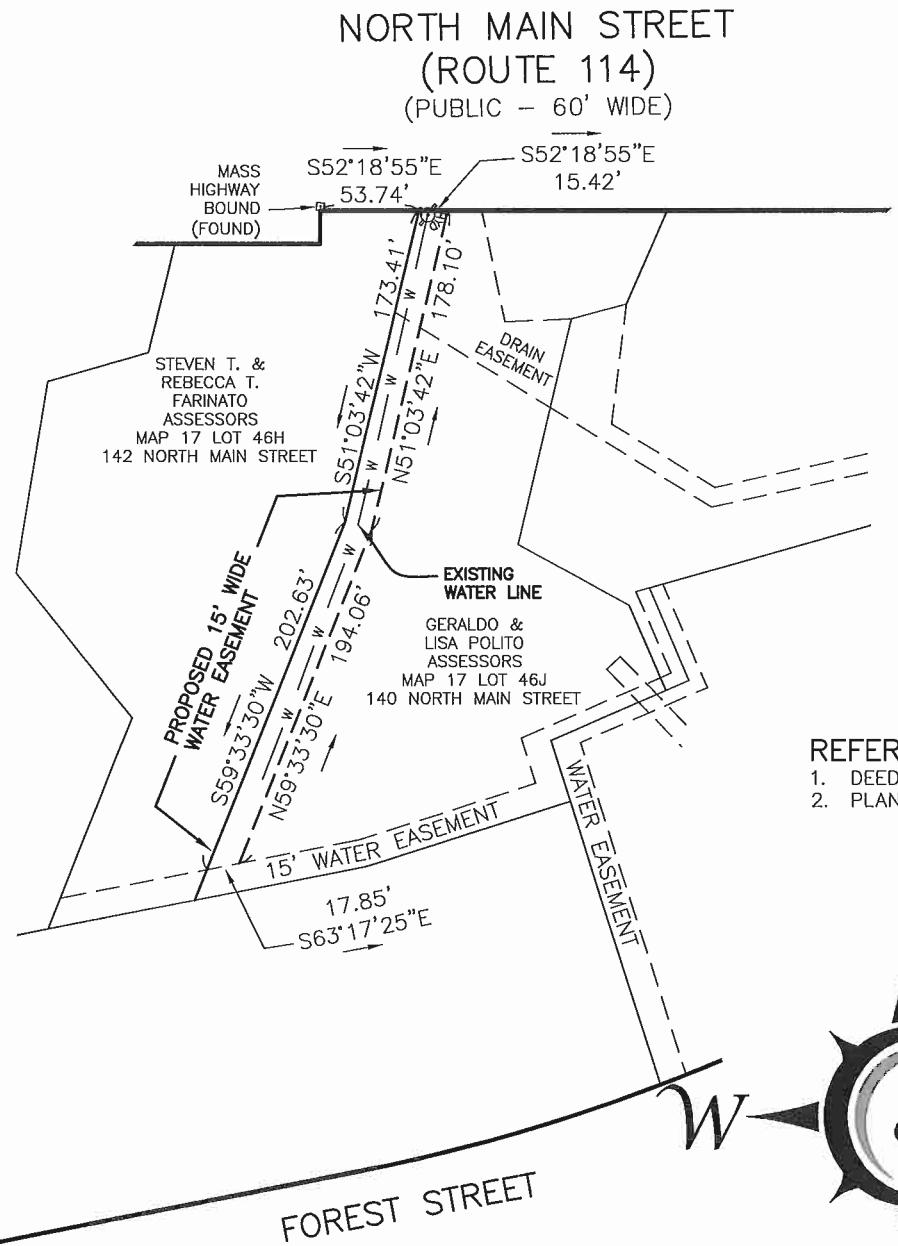
# SKETCH PLAN IN MIDDLETON, MA

SCALE: 1" = 100'



DATE: AUGUST 8, 2019

"SHOWING PROPOSED 15' WIDE WATER EASEMENT"



## REFERENCES:

1. DEED BOOK 33352 PAGE 442
2. PLAN BOOK 414 PLAN 63



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