

**BOARD OF SELECTMEN
MEETING AGENDA**

**Fuller Meadow School
Nathan Media Center
143 South Main Street, Middleton, MA 01949**

Tuesday, October 22, 2019

7:00 PM

This meeting is being recorded

1. 7:00 PM Warrant: 2009
Minutes:
 - Open Session: October 8, 2019
 - Executive Session:Town Administrator updates and reports
2. 7:15 PM Public Comment Period
3. 7:30 PM Recognize Middleton Firefighters conferred Firefighter of the Year awards
4. 7:40 PM Cable Television Advisory Committee to discuss recommendations for broadcasting and streaming of meetings
5. 7:50 PM Vote to appoint Ann M. Noyes to the Cultural Council with a term through June 30, 2022
6. 8:00 PM November 5, 2019 Special Town Meeting: discussion; positions on articles
7. 8:15 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

Upcoming Meetings: November 5: Special Town Meeting
November 19: Regular Board of Selectmen meeting

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
October 8, 2019 7:00 PM

Present: Chair Timothy Houten, Kosta Prentakis, Todd Moreshi, Brian Cresta

Absent: Rick Kassiotis

Others Present: Town Administrator Andrew Sheehan, Assistant Town Administrator Tanya Stepasiuk, Melissa Ogden, Jason Vining, Michelle Cresta, Toni Mertz, Richard Gregorio, John Erickson, Chief James DiGianvittorio, Sgt. Matthew Armitage, Roby Deschenes, Steven Farinato, Jordan Kemp, Ronald Knuuttila, Sarah Wood, Ilene Twiss, Anthony Colangelo, and others

7:02 PM With a quorum present, Selectmen Chair Tim Houten called the meeting to order.

7:02 PM ROUTINES

- **Warrant #2008:** Town Administrator Andrew Sheehan provided a brief review of #2008 (Payroll: \$690,009, Bills Payable: \$642,728), noting that the Town Accountant had reviewed the warrant and requested the Board's approval. 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 approve the warrant, as presented.

- **Minutes:** After a brief review of the open session minutes of September 24, 2019, and the Executive Session minutes of September 10, 2019, the Board took the following action:

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

- **Town Administrator's Report:** Town Administrator Andrew Sheehan provided the Board with updates and information on the following:
 - **Congratulations to Chief Martinuk:** Sheehan reported that the Middleton Fire Department was awarded another FEMA grant, in the amount of \$42,857, which will be used to fund extrication equipment.
 - **Events on October 26, 2019:** Sheehan reported there are a number of events happening on Saturday, October 26th:
 - **Free Flu Clinic:** Free Flu Clinic for Middleton residents from 9AM-12PM at the Howe Manning School.
 - **Household Hazardous Waste Collection:** From 9AM-1PM at the Masconomet Regional High School parking lot.

- **Brush Collection:** From 8AM-4PM at the Transfer Station. You must have a transfer station sticker in order to dump brush.
- **Annual Pumpkin Festival**
- **Master Development Planning Committee Public Forum:** Sheehan provided a brief report on the public forum held last night, noting that the Master Development Planning Committee and HKT Architects held the public forum to get input from residents on the layout of the property. He added that the event was well-attended, with approximately 50 residents. Sheehan added there will also be a community planning workshop on Saturday, November 16. More information is available on the town's website.
- **North Liberty Street Bridge:** Sheehan reported that the project to replace the culvert at North Liberty Street is progressing. The coffer dams are in and stone placed in the bed where the culvert will be placed. They expect that the bridge will be open to traffic around the end of November or beginning of December.
- **Hydrant Flushing:** Sheehan reported that hydrant flushing will take place Mondays-Thursdays from October 21 through November 14, which can result in discolored water. If this happens, run the cold water tap or outside faucet until it runs clear.
- **Danvers Fish & Game Complaints:** Sheehan advised the Board members that his office has received complaints about shooting going on after hours. He will invite the new managers in for a future meeting to discuss the operating hours.

7:09 PM Vote to Appoint Reserve Police Officers: Chief James DiGianvittorio met with the Board of Selectmen with a recommendation that they appoint the following candidates as Reserve Police Officers with a one-year probationary period as of October 8, 2019:

- Roby Deschenes
- Steven Farinato
- Jordan Kemp
- Ronald Knuuttila

The Chief provided a brief background on each candidate, noting that each had completed academy training. The Board asked the candidates a few questions, and, after a brief discussion, took the following action:

On a **MOTION** made by **Prentakis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to appoint Roby Deschenes, Steven Farinato, Jordan Kemp, and Ronald Knuuttila as Reserve Police Officers with a one-year probationary period, as of October 8, 2019.

After the vote, Town Clerk Ilene Twiss, in attendance, swore in the new reserve officers.

7:18 PM November 5, 2019 Special Town Meeting: The Board of Selectmen and the Finance Committee met jointly to discuss the Special Town Meeting Warrant funding recommendations and positions on articles. Town Administrator Andy Sheehan provided both committees with

copies of the Special Town Meeting Warrant and corresponding appropriations to view as he reviewed the articles with them. Sheehan pointed out two corrections that had been made to the warrant since it was printed, adding that some of the appropriations will not be finalized until the night of the Special Town Meeting. After a lengthy discussion, the Finance Committee advised they will not take a position until the numbers are finalized. The Board of Selectmen determined they still have another meeting where they can vote on positions for the warrant articles.

7:46 PM Fiscal Year 2019 Q4/Year End Update: Town Accountant/Chief Financial Officer Sarah Wood presented the FY2019 Q4 year end update to the Board. Wood provided detailed reports for the Board members to view as she reviewed the reports with them. Wood noted there were no surprises with expenditures which were on target at 97% of the budget. Overall revenues ended almost \$1M over budgeted expectations. Free Cash was certified at just over \$1M higher than last year, at \$3,224,241. A brief discussion ensued on various increases and decreases in the overall budget.

7:55 PM Review Financial Management Policies: Town Administrator Andy Sheehan and Town Accountant/Chief Financial Officer Sarah Wood reviewed the Town's current Financial Management policies with the Board. There were questions on the elementary schools' "turn back" numbers and Free Cash. After a brief discussion, they were all in agreement that excess levy should remain uncapped and that Free Cash should be calculated on the budget number that appears in the Annual Town Meeting warrant book.

8:05 PM Review and Vote on an Application for Change of Manager: Melissa Ogden, of Mann & Mann, met with the Board of Selectmen to provide information to the Board on the application submitted by Attorney Jill Mann for a change of manager for a Restaurant All Alcohol Liquor License, located at 189 South Main Street, Middleton, on behalf of Serenitee Catering Corp. d/b/a Maggie's Farm, manager Laura B. Balestraci to Anthony Colangelo. 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 accept the change of manager from Laura B. Balestraci to Anthony Colangelo for the All-Alcohol Liquor License, on behalf of Serenitee Catering Corp. d/b/a Maggie's Farm, 189 South Main Street.

8:07 PM Update on FY20 Operating Budget and FY21 Budgets: Town Administrator Andy Sheehan provided the Board with detailed information to view as he presented a brief update of the FY2020 budget, highlighting the areas that are challenging, notably the rising costs of operating the Transfer Station. Moving forward to the FY2021 budget, Sheehan suggested that compensation also needs to be looked at, with the goal of making salaries and compensation internally and externally equitable. Sheehan advised the Board that his office will be looking for the Board's direction on the compensation issue and he expects to have the budget calendar ready for the next meeting.

8:33 PM Discussion of Adding a Public Comment Period to Agenda: Town Administrator Andy Sheehan provided the Board with a draft of Public Comment Period guidelines to view. A brief discussion ensued on the proposal to add a public comment period to the Board of Selectmen meeting agendas. After a brief discussion, the Board agreed to try out a public comment period, with public comments scheduled after the Town Administrator's updates. Those wishing to speak will need to sign up on the sheet provided and will be limited to two minutes each.

8:43 PM Discuss Request to Use Town-Owned Land: The Board briefly reviewed a request to use town-owned land off Natsue Way for bow-hunting. The Town Administrator advised that he spoke with Town Counsel who advised it would be a liability. He checked with MIIA and they have no guidelines for it. He recommended that the Board not allow hunting on town-owned land. After a brief discussion, the Board decided there would be no hunting on town-owned land.

8:47 PM Review and Approve Housing Production Plan: Town Planner Katrina O'Leary provided the Board with a memorandum on the Housing Production Plan, created for Middleton by the Metropolitan Area Planning Council, with funds from the Community Compact Grant. O'Leary's memo explained that the Selectboard and Planning Board of each community must vote to adopt the Housing Production Plan. After a brief review of the information, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to approve the Housing Production Plan, as presented.

8:49 PM Adjourn

With no further business, on a **MOTION** made by **Cresta**, the Board of Selectmen's meeting of October 8, 2019 adjourned.

Upcoming Meetings:

- **October 22, 2019: Town Administrator at ICMA Conference**
- **November 5, 2019: Special Town Meeting**

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

Todd Moreschi, BOS Clerk

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

- Agenda: October 8, 2019
- Warrant: #2008 (Payroll: \$690,009, Bills Payable: \$642,728)
- Minutes:
 - September 10, 2019 Executive Session
 - September 24, 2019 Open Session
- Draft Special Town Meeting Warrant: November 5, 2019
- Appropriation Amounts: Special Town Meeting, November 5, 2019
- Memo and Supporting Documents from Town Accountant/CFO to Board of Selectmen, Re: FY 2019 4th Quarter Highlights, 9/25/19
- Town of Middleton Financial Management Policies
- Memo from Town Administrator to Board of Selectmen, Re: Public Comment Period, 10/8/19
- Letter and Supporting Documents from Mann & Mann PC to Board of Selectmen, Re: SERENITEE CATERING CORP. d/b/a MAGGIE'S FARM, 189 South Main Street, Middleton, MA 01949 - Change of Manager, License No. 05072-RS-0704, October 3, 2019
- Memo from Town Administrator to Board of Selectmen, Re: Request to Hunt on Town-Owned Land, 10/8/19
- Memo and Supporting Documents from Town Planner to Board of Selectmen, Re: Adoption of a Housing Production Plan, 9/25/19



The Commonwealth of Massachusetts
Executive Office of Public Safety & Security
One Ashburton Place, Room 2133
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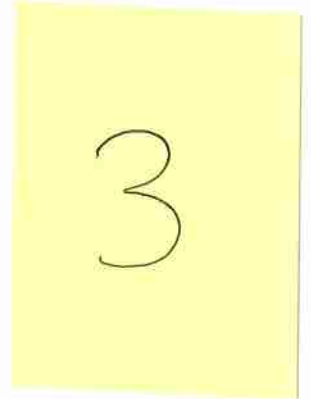
CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

THOMAS A. TURCO, III
Secretary

October 1, 2019

Chief Thomas J. Martinuk
Middleton Fire Department
4 Lake St
Middleton, MA 01949



Dear Chief Martinuk:

Thank you for taking the time to nominate Captain Douglas LeColst, Lt. David T. Leary, Lt. Daniel Kessel, Firefighter David Kelsen, Firefighter David Thibault, Firefighter Eric Beaulieu, Firefighter Denis Ring and Firefighter Nick Martone for the 30th Annual Firefighter of the Year Awards.

The Heroic Awards Committee was impressed by the work of your firefighters and we commend and acknowledge the outstanding performance and commitment that led you to nominate them. Although they have not been chosen to receive an award at the ceremony, we extend our gratitude for their selfless work and commitment to the residents of Middleton.

Please deliver the enclosed letters, which express our appreciation to the firefighters as exceptional members of the fire safety community. Their effort demonstrates that they are a credit to your leadership and the community they serve.

Thank you for your continued support of this important event. I hope that you will still join us for the annual awards ceremony on Tuesday, November 26, at 10 a.m. in Worcester as we celebrate the overall dedication of the state's fire services.

Sincerely,

Thomas A. Turco
Secretary, Executive Office of Public Safety and Security

Enclosures



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CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

THOMAS A. TURCO, III
Secretary

October 1, 2019

Firefighter Nick Martone
North Andover Fire Department
795 Chickering Road
North Andover, MA 01845

Dear Firefighter Martone:

Your outstanding performance as a member of the North Andover Fire Department has been brought to the attention of the Firefighter of the Year Awards Heroic Awards Committee by your superiors.

I am pleased to express my thanks for your selfless service. The Committee commends the outstanding conduct that led to your nomination for a prestigious "Firefighter of the Year" award. Although it is not possible to include each nominee in the annual ceremony, we thank you for your invaluable work on behalf of the residents of North Andover and Middleton and the citizens of the Commonwealth of Massachusetts.

Your work shows that you are an exceptional and devoted member of the fire safety community.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas A. Turco, III".

Thomas A. Turco, III
Secretary, Executive Office of Public Safety and Security



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THOMAS A. TURCO, III
Secretary

October 1, 2019

Captain Douglas LeColst
Middleton Fire Department
4 Lake Street
Middleton, MA 01949

Dear Captain LeColst:

Your outstanding performance as a member of the Middleton Fire Department has been brought to the attention of the Firefighter of the Year Awards Heroic Awards Committee by your superiors.

I am pleased to express my thanks for your selfless service. The Committee commends the outstanding conduct that led to your nomination for a prestigious "Firefighter of the Year" award. Although it is not possible to include each nominee in the annual ceremony, we thank you for your invaluable work on behalf of the residents of Middleton and the citizens of the Commonwealth of Massachusetts.

Your work shows that you are an exceptional and devoted member of the fire safety community.

Sincerely,

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Secretary

October 1, 2019

Lt. David T. Leary
Middleton Fire Department
4 Lake Street
Middleton, MA 01949

Dear Lt. Leary:

Your outstanding performance as a member of the Middleton Fire Department has been brought to the attention of the Firefighter of the Year Awards Heroic Awards Committee by your superiors.

I am pleased to express my thanks for your selfless service. The Committee commends the outstanding conduct that led to your nomination for a prestigious "Firefighter of the Year" award. Although it is not possible to include each nominee in the annual ceremony, we thank you for your invaluable work on behalf of the residents of Middleton and the citizens of the Commonwealth of Massachusetts.

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October 1, 2019

Lt. Daniel Kessel
Middleton Fire Department
4 Lake Street
Middleton, MA 01949

Dear Lt. Kessel:

Your outstanding performance as a member of the Middleton Fire Department has been brought to the attention of the Firefighter of the Year Awards Heroic Awards Committee by your superiors.

I am pleased to express my thanks for your selfless service. The Committee commends the outstanding conduct that led to your nomination for a prestigious "Firefighter of the Year" award. Although it is not possible to include each nominee in the annual ceremony, we thank you for your invaluable work on behalf of the residents of Middleton and the citizens of the Commonwealth of Massachusetts.

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October 1, 2019

Firefighter David Kelsen
Middleton Fire Department
4 Lake Street
Middleton, MA 01949

Dear Firefighter Kelsen:

Your outstanding performance as a member of the Middleton Fire Department has been brought to the attention of the Firefighter of the Year Awards Heroic Awards Committee by your superiors.

I am pleased to express my thanks for your selfless service. The Committee commends the outstanding conduct that led to your nomination for a prestigious "Firefighter of the Year" award. Although it is not possible to include each nominee in the annual ceremony, we thank you for your invaluable work on behalf of the residents of Middleton and the citizens of the Commonwealth of Massachusetts.

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October 1, 2019

Firefighter David Thibault
Middleton Fire Department
4 Lake Street
Middleton, MA 01949

Dear Firefighter Thibault:

Your outstanding performance as a member of the Middleton Fire Department has been brought to the attention of the Firefighter of the Year Awards Heroic Awards Committee by your superiors.

I am pleased to express my thanks for your selfless service. The Committee commends the outstanding conduct that led to your nomination for a prestigious "Firefighter of the Year" award. Although it is not possible to include each nominee in the annual ceremony, we thank you for your invaluable work on behalf of the residents of Middleton and the citizens of the Commonwealth of Massachusetts.

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Secretary

October 1, 2019

Firefighter Eric Beaulieu
Middleton Fire Department
4 Lake Street
Middleton, MA 01949

Dear Firefighter Beaulieu:

Your outstanding performance as a member of the Middleton Fire Department has been brought to the attention of the Firefighter of the Year Awards Heroic Awards Committee by your superiors.

I am pleased to express my thanks for your selfless service. The Committee commends the outstanding conduct that led to your nomination for a prestigious "Firefighter of the Year" award. Although it is not possible to include each nominee in the annual ceremony, we thank you for your invaluable work on behalf of the residents of Middleton and the citizens of the Commonwealth of Massachusetts.

Your work shows that you are an exceptional and devoted member of the fire safety community.

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KARYN E. POLITO
Lt. Governor

October 1, 2019

Firefighter Denis Ring
Middleton Fire Department
4 Lake Street
Middleton, MA 01949

Dear Firefighter Ring:

Your outstanding performance as a member of the Middleton Fire Department has been brought to the attention of the Firefighter of the Year Awards Heroic Awards Committee by your superiors.

I am pleased to express my thanks for your selfless service. The Committee commends the outstanding conduct that led to your nomination for a prestigious "Firefighter of the Year" award. Although it is not possible to include each nominee in the annual ceremony, we thank you for your invaluable work on behalf of the residents of Middleton and the citizens of the Commonwealth of Massachusetts.

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Sincerely,

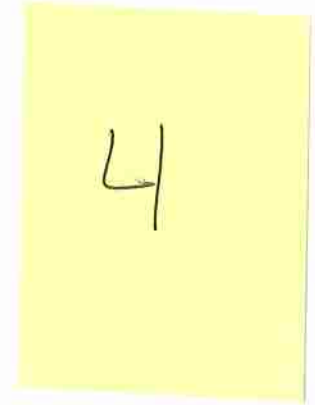
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Town of Middleton

Cable Television Advisory Committee



October 15, 2019

Middleton Board of Selectmen
Memorial Hall
South Main Street
Middleton, MA 01949

Board Members,

Based on comments and Citizen's Petitions to Town Meeting, the Middleton Cable Television Advisory Committee had developed recommendations for the Videography and Broadcast of public meetings in Middleton. The recommendations cover the

- prioritization of meetings to be recorded and/or broadcast,
- the access methods for viewing for viewing the recorded meetings,
- the policy for retention of video records, and the methods for preserving the records.

Meeting Prioritization

Given the limited resources available for the videography of the meetings, we felt that there must be some prioritization so that the task of recording and broadcasting the meetings is clear to the Local Cable Access Department so they can manage the equipment and personnel necessary to do the job.

There may be different priorities for Regular Meetings and Special Meetings. There may also be different priorities for Live Broadcast and/or Recorded Streaming Broadcasts. For instance, Annual Town Meeting is a high priority for Recorded Streaming, but there are good reasons that it is not broadcast live.

Priorities

Priority 1. Meetings that we believe to be very important to Broadcast Live or be Recorded and posted online, get this top priority. The Local Cable Access Department (LCAD) will provide the equipment and personnel to ensure that these meetings are handled with priority. The LCAD will plan the purchase of equipment and hiring personnel so that this can be done on a regular basis.

Priority 2. Meetings that are desired to be Broadcast Live or be Recorded for posting on-line, but only if the LCAD has the equipment and personnel available, get priority 2. If the LCAD has the availability to broadcast or record the meeting, they should do so, but only if there is no more important meeting at the same time. Since this is desired, the LCAD should plan to have extra capacity to handle as many of these meetings as is reasonable and within the budget.

Priority 3. These meetings will be broadcast or recorded only if the Chair of the committee requests the recording and the LCAD has the availability. The LCAD does not have to plan for these meetings. If there is availability during the requested meeting, then the meeting should be recorded or broadcast.

Priority 4. These meetings should not be broadcast live/recorded. An example might be a live broadcast of Town Meeting, or a recorded version of Executive Session.

See page 3 for a table of recommended priorities.

Scheduling of Meetings – If the BOS requires or desires a meeting to be broadcast, or if the Chair requests the meeting broadcast, then scheduling will be important. There are only 2 rooms that have capability of broadcasting live, although we may have the opportunity (and capital) to add that capability to additional spaces. The current system seems to be working, but we should be aware that additional workload will complicate the scheduling issues quickly. The LCAD will procure a few video systems that will be portable and will be able to record meetings in any room, which should ease some of the scheduling issues.

Accessing Video Records

The CTAC recommends that the video files are uploaded to YouTube (or similar service) and that links are placed on the Town website for easy access. Keep in mind that YouTube may decide to run advertising during the meeting, but that is the cost of a free streaming service. It is possible to load the files onto our current website (service provider) for hosting, but the costs of the space required for this service is many thousands of dollars per year.

Retention and Preservation of Video Records

There are currently no laws that require the retention of video records. Until laws are passed that override this policy, the CTAC recommends that video recordings of public meetings are retained for at least 10 years. The recorded video may be placed on-line or if removed to save space (or money), stored on a DVD or similar media so that it can be retrieved on request.

A backup of the video file must be maintained to mitigate the potential loss of the file from a commercial video streaming service.

Streaming Priorities for Middleton Boards and Committees		Regular		Special	
Name		Live	Recorded	Live	Recorded
Board of Selectmen		1	1	3	3
Masco Regional School Committee		1	1	3	3
Master Planning Development Committee		1	1	3	3
Middleton School Committee		1	1	3	3
Planning Board		1	1	3	3
Zoning Board of Appeals		1	1	3	3
Town Meeting		4	1	4	1
Board of Assessors		2	2	3	3
Board of Health		2	2	3	3
Bylaw Review Committee		2	2	3	3
Community Preservation Committee		2	2	3	3
Conservation Commission		2	2	3	3
Finance Committee		2	2	3	3
Industrial & Commercial Design Review Committee		2	2	3	3
Master Plan Committee		2	2	3	3
Cable Television Advisory Committee		3	3	3	3
Complete Streets Committee		3	3	3	3
Council on Aging		3	3	3	3
Cultural Council		3	3	3	3
Electric Light Commission		3	3	3	3
Historical Commission		3	3	3	3
Housing Authority		3	3	3	3
Library Trustees		3	3	3	3
Memorial Day Committee		3	3	3	3
Municipal Tax Relief Committee		3	3	3	3
Rails to Trails Committee		3	3	3	3
Recreation Commission		3	3	3	3
Scholarship Committee		3	3	3	3
Solid Waste Study & Town Recycling Committee		3	3	3	3
Water Advisory Committee		3	3	3	3



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

5

TOWN OF MIDDLETON TALENT BANK APPLICATION

The Board of Selectmen maintains a Talent Bank of names of citizens of Middleton willing to serve on boards, commissions and committees. Names in this file are available for use by all Town Departments.

Names: Ann M. Noyes Telephone: [REDACTED]
Address: 47 Kenney Rd. Middleton Bus. Telephone: [REDACTED]
Email Address: [REDACTED]
Occupation: Business Dev. Analyst / Writer
Background Experience: Marketing

I am interested in serving on Town Boards and Committees involved in the following areas:
(Please check all that apply. The Board encourages you to attach a recent resume if available.)

- | | |
|--|---|
| <input type="checkbox"/> Board of Health | <input type="checkbox"/> Recreation Commission |
| <input type="checkbox"/> Council on Aging | <input type="checkbox"/> Historical Commission |
| <input type="checkbox"/> Finance Committee | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Scholarship Committee |
| <input type="checkbox"/> Master Plan Committee | <input type="checkbox"/> Library Services |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Industrial Commercial Development Review Committee |
| <input checked="" type="checkbox"/> Cultural Council | <input type="checkbox"/> Zoning Bylaw Review Committee |

Amount of Time Available: _____

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

_____ Winter _____ Spring _____ Summer _____ Autumn

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

Flint Public Library Trustee

Ann M. Noyes

Signature

10-2-19

Date

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

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
Masconomet Regional School 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 supplement regional education; or take any other action relative thereto.

Purpose: This article will fund out of district tuition.

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 will appropriate 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 will appropriate 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 will appropriate 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 will appropriate funds to supplement the Insurance 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 will appropriate funds to conduct environmental studies, testing, and remediation of the former American Glue factory at 40 School Street.

ARTICLE 10. 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 acquire radios for the Fire Department; or take any other action relative thereto.

Purpose: This article will appropriate funds to provide the local match for a regional Fire Assistance Grant that will fund radios for the Fire Department.

ARTICLE 11. 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 incidental costs associated with 105 South Main Street; or take any other action relative thereto.

Purpose: This article will appropriate funds to cover incidental costs associated with 105 South Main Street, such as utilities, security, and maintenance.

ARTICLE 12. 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
- Pension Stabilization Fund
- Other Post-Employment Benefits Liability Irrevocable Trust Fund

Or take any other action relative thereto.

Purpose: This article will transfer funds to various reserve accounts.

CITIZEN PETITIONS, BYLAW ADOPTIONS, AND REAL PROPERTY

ARTICLE 13. 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.

Chapter 107. Animals

Article I. Dogs

[Adopted 5-12-1987 ATM by Art. 38]

§ 107-1. Licensing and control.

A. All dogs six months old or older must be licensed and tagged. Licensing will be done in the office of the Town Clerk. The owner or keeper of an unlicensed dog after June 1 will be fined \$10 per dog in addition to the license fee. After July 1 the fine will be \$15 per dog, and after August 1 \$25 per dog. [Amended 11-29-2005 STM by Art. 19]

B. All monies collected for licenses and fines will be retained by the Town.

C. License fees shall be \$10 for all neutered or spayed dogs and \$15 for all unneutered or unspayed dogs. Kennel license fees: four dogs, \$15; 10 dogs, \$35; more than 10 dogs, \$75. [Amended 5-12-1998 ATM by Art. 15]

§ 107-2. Complaints and orders.

A. The Animal Control Officer shall attend to all complaints and other matters pertaining to dogs and shall take whatever legal action is authorized by law.

B. If the Animal Control Officer determines that a female animal in heat, even when confined, is attracting other animals, thus causing a disturbance or damage to neighboring property or public areas, the Animal Control Officer may require the owner or keeper to keep said animal, while in heat, in a kennel or to remove it from the area so that the nuisance is abated.

C. The Animal Control Officer is authorized to require owners or keepers of dogs to restrain their dogs from running at large in schools, school playgrounds, parks or public recreation areas. The Animal Control Officer may also require owners or keepers of dogs to restrain their dogs from running at large when he determines that any such dog is an annoyance, is dangerous, or is known to cause damage in a neighborhood.

D. The owner or keeper of a dog, about which the Animal Control Officer has issued an order under the above sections of this bylaw, who wishes to appeal said order, may make such appeal in writing to the Chief of Police within 10 days of the issuance of the order. The Police Chief may settle the case after holding a public hearing overruling the Animal Control Officer by agreement with the appellant, or by instructing the Animal Control Officer to proceed with enforcement procedures as set forth in MGL c. 140, § 173A.

E. If the owner or keeper fails to comply with the order of the Animal Control Officer and does not appeal to the Police Chief, the Animal Control Officer shall proceed to enforce the order as provided by law.

[Amended 11-29-2005 STM by Art. 19]

§ 107-3. Other charges and fees.

[Amended 11-29-2005 STM by Art. 19]

Boarding charges, pickup fees for stray and nuisance dogs and other fees shall be established by the Board of Selectmen and filed with the Town Clerk.

§ 107-4. Certain statutes still in effect.

Notwithstanding the provisions of this bylaw, all other provisions of MGL c. 140, §§ 136A through 175 shall still be in effect.

Article II: Nuisance and Dangerous Dogs

§ 107-5. Definitions

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

DANGEROUS DOG: A dog that either:

- a. without justification, attacks a person or domestic animal causing physical injury or death; or**
- b. behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.**

KEEPER: A person, business, corporation, entity, or society, other than the owner, having possession of a dog.

NUISANCE DOG: A dog that:

- a. by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or**
- b. by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or**
- c. has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.**

§ 107-6. Nuisance Dogs

A. Complaint. Any person may file a written complaint with the Board of Selectmen that a dog kept in the Town is a nuisance dog.

B. Disposition. The Board of Selectmen shall investigate or cause to be investigated the complaint, including an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony presented at the public hearing, the Board of Selectmen shall take the following action:

If the dog is complained of as a nuisance dog, the Board of Selectmen shall either

- i. deem the dog a nuisance dog; or**
- ii. dismiss the complaint.**

If the Board of Selectmen declares that a dog is a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.

§ 107-7: Dangerous Dogs

A. No dog shall be deemed dangerous:

- i. solely based upon growling, barking, or both;
- ii. based upon the breed of the dog; or
- iii. if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances:

- a. the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;
- b. the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
- c. the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or
- d. at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure, including but not limited to a gated and fenced-in area, in which the dog was kept apart from the public, without being authorized to do so by the owner of the premises.

A child under age 7 shall be rebuttably presumed not to have been committing a crime, provoking the dog, or trespassing at the time of the attack or threat.

B. Complaint. Any person may file a written complaint with the Board of Selectmen that a dog kept in the Town is a dangerous dog.

C. Disposition. The Board of Selectmen shall investigate or cause to be investigated the complaint, including an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony presented at the public hearing, the Board of Selectmen shall take the following action:

If the dog is complained of as a dangerous dog, the Board of Selectmen shall either

- i. deem the dog a dangerous dog;
- ii. deem the dog a nuisance dog; or
- iii. dismiss the complaint.

D. Remedies. If the Board of Selectmen declares that a dog is a dangerous dog, it may order one or more of the following remedies:

- i. that the dog be humanely restrained; but no order shall require that a dog be chained, tethered, or otherwise tied to an inanimate object including, but not limited to, a tree, post, or building;
- ii. that the dog be confined to the premises of the owner or keeper, meaning securely confined indoors or confined outdoors in a securely enclosed pen or dog run area that has a secure roof, has either a floor secured to all sides or is embedded into the ground for at least two feet, and provides the dog with proper shelter from the elements;
- iii. that when the dog is removed from the premises of the owner or keeper, the dog be securely and humanely muzzled and restrained with a chain or other tethering device with a maximum length of three (3) feet and a minimum tensile strength of three hundred (300) pounds;
- iv. that the owner or keeper of the dog provide to the Board of Selectmen either:
 - a. proof of insurance of at least \$100,000 insuring the owner or keeper against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the intentional or unintentional acts of the dog; or
 - b. proof that reasonable efforts were made to obtain such insurance;
- v. that the owner or keeper of the dog provide to the Board of Selectmen or Animal Control Officer or other entity as directed identifying information for the dog including, but not limited to, photographs, videos, veterinary records, tattooing, implantations, or a combination of these;
- vi. that the dog be altered so as not to be reproductively intact, unless the owner or keeper provides evidence of a veterinary opinion that the dog is medically unfit for such alteration; or
- vii. that the dog be humanely euthanized.

E. Restrictions After Declaration of Dangerousness.

- a. No dog that has been deemed dangerous shall be ordered removed from the Town.
- b. No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under this Bylaw shall permit a child under the age of 17 to own, possess, or have care or custody of that dog.
- c. No person shall transfer ownership or possession of a dog which such person knows, reasonably should have known, has been deemed dangerous under this Bylaw or offer such dangerous dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.

F. Signs.

- a. Any owner or keeper of a dog that has been deemed dangerous must conspicuously display a sign approved by the Animal Control Officer with a warning symbol that informs children of the presence of such dog 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 premises as well as on any pen.

§ 107-8: Appeals.

Within ten (10) days of the issuance of any order under this article, the owner or keeper of the dog declared a nuisance dog or a dangerous dog may bring a petition for judicial review in the district court for the judicial district in which the order was issued or where the dog is owned or kept.

§ 107-9: Violations and Penalties.

A. Seizure/Impoundment. If an owner or a keeper of a dog is found in violation of an order issued under this Bylaw, the dog may be subject to seizure and impoundment by the Animal Control Officer or a law enforcement officer as allowed by law. If it is the keeper who is in violation, all reasonable efforts shall be made to notify the owner of such seizure and impoundment and the owner may, within 7 days, petition the Board of Selectmen for return of the dog.

B. Capture/euthanasia. A dog found to be in violation of a Board of Selectmen order or district court order issued under this Bylaw or in accordance with Section 157 of Chapter 140 of the General Laws may be captured or detained by a police officer, the Animal Control Officer, or a constable. In the case of a threat to public safety or if the dog is living in a wild state, the police officer, Animal Control Officer, or constable may euthanize it humanely.

C. Future Licensure. Any owner or keeper who fails to comply with an order of the Board of Selectmen or the district court issued under this section shall be prohibited from licensing a dog within the Commonwealth for 5 years.

D. Non-Criminal Disposition. Any enforcing person, as set forth below, taking cognizance of a violation of this Bylaw, may, as an alternative to initiating criminal proceedings, enforce this Bylaw non-criminally pursuant to M.G.L. c. 40, Section 21D and in accordance with Section 1-2 of the Middleton Bylaws. For purposes of this section, the following shall be enforcing persons: Animal Control Officer, constable, and law enforcement officer. The specific penalty for violation shall be the amount established in Section 1-2 of the Middleton Bylaws.

Or take any other action relative thereto.

Purpose: This article will amend the Animal Bylaw.

ARTICLE 14. On petition of the Board of Selectmen to see if the Town will vote to transfer care, custody and control of 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.:

<u>Map/Lot</u>	<u>Acreage</u>	<u>Assessment</u>	<u>Location</u>
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.

Purpose: This article will transfer the care, custody and control of certain parcels of Town-owned land to the Conservation Commission for conservation purposes.

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 8th day of OCTOBER 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

10/11/2019
Date Posted



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

TOWN OF MIDDLETON TALENT BANK APPLICATION

The Board of Selectmen maintains a Talent Bank of names of citizens of Middleton willing to serve on boards, commissions and committees. Names in this file are available for use by all Town Departments.

Names: _____ Telephone: _____

Address: _____ Bus. Telephone: _____

Email Address: _____

Occupation: _____

Background Experience: _____

I am interested in serving on Town Boards and Committees involved in the following areas:
(Please check all that apply. The Board encourages you to attach a recent resume if available.)

_____ Board of Health	_____ Recreation Commission
_____ Council on Aging	_____ Historical Commission
_____ Finance Committee	_____ Planning Board
_____ Board of Appeals	_____ Scholarship Committee
_____ Master Plan Committee	_____ Library Services
_____ Conservation Commission	_____ Industrial Commercial Development Review Committee
_____ Cultural Council	_____ Zoning Bylaw Review Committee

Amount of Time Available: _____

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

_____ Winter _____ Spring _____ Summer _____ Autumn

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

Signature

Date

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