

**BOARD OF SELECTMEN
MEETING AGENDA**

**Fuller Meadow School
Nathan Media Center
143 South Main Street, Middleton, MA 01949
Tuesday, February 25, 2020
7:30 PM**

This meeting is being recorded

1. 7:30 PM Warrant: #2018
Minutes: Open Session: February 11, 2020
Executive Session: None
Town Administrator updates and reports
2. 7:45 PM Public Comment Period
3. 7:50 PM Request from Atty. Jill Mann requesting a subdivision street name for a private way located at 59 South Main Street
4. 8:00 PM Review request of Richard Cardinale for a waiver of Cemetery rules to allow for a larger headstone/monument than is allowed under the Cemetery rules
5. 8:10 PM Review and Vote on the Application for Vinum Wine Shop to change the location of the existing package store, wine and malt beverages license, from its current location 210B So. Main St Middleton MA, 01949, to 232B So. Main St, Middleton, MA 01949, by Samantha Miller, owner and manager
6. 8:25 PM Review and approve a donation to the Middleton Food Pantry in the amount of \$500 from IOOF Bethesda Lodge No. 30 in Braintree, MA
7. 8:30 PM Review and approve request of Town Clerk Ilene Twiss to adopt a Policy Regarding Electioneering During Early and Absentee Voting for the duration of the 2020 voting period
8. 8:35 PM Vote to authorize the Town Administrator to execute a contract with Allied Paving in the amount of \$407,815.00 for the reconstruction of the Maple/Liberty Street intersection
9. 8:40 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
10. 8:45 PM Executive Session under GL chapter 30A, section 21(a)(6) to consider the disposition of real property located at 40 School Street, the chair finding that an open meeting may have a detrimental effect on the negotiating position of the Town.

Upcoming Meetings: March 7, 2020: Joint meeting with Finance Committee to review capital budget requests
March 10 & 24, 2020

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
February 11, 2020 7:00 PM

Present: Chair Timothy Houten, Kosta Prentakis, Brian Cresta, Rick Kassiotis

Absent: Todd Moreschi,

Others Present: Town Administrator Andy Sheehan, Assistant Town Administrator Tanya Shallop, Minutes Secretary Judi Stickney, Meredith Shaw, Mikayla Magee, Ismail Shurdha, and others

7:12 PM With a quorum present, Selectmen Chair Tim Houten called the meeting to order.

7:12 PM ROUTINES

- **Warrant #2017:** Town Administrator Andy Sheehan provided a brief review of #2017 (Payroll: \$683,586, Bills Payable: \$3,186,035), 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 accept warrant #2017, as presented.

- **Minutes:**

- After a brief review of the minutes of January 28, 2020, January 14, 2020 Executive Session, and December 17, 2019 Executive Session, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to accept the minutes of January 28, 2020, January 14, 2020 Executive Session, and December 17, 2019 Executive Session as presented.

- **Town Administrator's Report:** Town Administrator Andy Sheehan provided the Board with updates and information on the following:
 - **Early Voting:** Sheehan announced that early voting for the Presidential Primary will take place from February 24th-February 28th, at the Flint Public Library.
 - **Maple/Liberty Street Reconstruction:** Sheehan reported that bids for the Maple Street/Liberty Street reconstruction came in this week, at approximately \$60,000 less than the previous bids. The winning bid is \$407,000; \$172,000 coming from a state grant and the remainder from Chapter 90 funds.
 - **Master Development Planning Committee:** Sheehan reported that the Master Development Planning Committee is meeting tomorrow night, where they will be looking at the cost estimates from HKT. They'll be putting components together to get a picture of what they'll be looking at for Town Meeting.
 - **Town Meeting: March 24th:** Sheehan reminded the Board that the Special Town Meeting will be held on March 24th, at Howe Manning School, at 7PM. Sheehan added that they've been

meeting with various boards and committees trying to build support for the project. He will also continue to meet with residents, noting that there are a couple of meetings scheduled for Fuller Meadow School and at the Library. More information is available on the Town's website. He publicly thanked the Master Development Planning Committee for all the work they've done in getting the project organized.

- **Budget Planning Meeting: March 7th:** Sheehan reported that the next budget planning meeting will be held on March 7th, which will be a continuation of the operating budget as well as capital budget. He is also in the process of meeting with all departments do go over capital requests.
- **Supplemental Request from the Board of Assessors:** Sheehan advised the Board that a supplemental request has come in from the Board of Assessors. He suggested they discuss it at their next regular meeting or at the March 7th budget planning meeting.

7:19 PM Public Comment Period: There were no public comments.

7:19 PM Vote on application of Ismail Shurdha, of Alba Auto, for a Class II Used Car Dealer's License: Ismail Shurdha met with the Board of Selectmen to apply for a Class II Used Car Dealer's License, (with no on-site storage of vehicles), working out of his home residence at 48 Liberty Street. After a very 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 Class II Used Car Dealer's License for Ismail Shurdha, of Alba Auto, with no onsite storage of vehicles, working out of his home residence at 48 Liberty Street.

7:24 PM Presentation of Tri-Town Council Annual Report: Meredith Shaw, Executive Director of the Tri-Town Council, assisted by Middleton student Mikayla Magee, met with the Board of Selectmen to present their annual report, highlighting the organization's more than 100 educational, enriching and empowering programs and workshops including alcohol, vaping/tobacco & drug prevention education for youth and adults; implementation of the biennial Youth Risk Behavior Survey at Masco MS and HS collecting substance use, behavior and perception data; programs which focus on adolescent behavior and raising resilient teens; a community conversation on mental health; the unique challenges of raising boys; youth leadership workshops; peer mentoring; after-school enrichment; and substance-free events among others. The presentation concluded with Mikayla McGee providing a brief report on the event the Tri-Town Council sponsors for 6th graders each year at Masconomet.

7:45 PM Discussion of Transfer Station Operations and Financing: Town Administrator Andy Sheehan provided the Board with information on the costs of operating the transfer station with a yearly comparison from FY2009 through FY2019. Sheehan noted that he's been working with the DPW Superintendent to find grants that may cover some of the costs of operations as well as educational components. He provided a number of options including fees for things such as bulk items, a "pay-as-you-throw", outsourcing the entire operation, and getting out of the solid waste business altogether. The Board discussed at length, suggesting closer monitoring of what's going into the transfer station vs. how much is being recycled. Sheehan provided the Board with information on how some other communities are dealing with their trash. The Board will discuss this again at a future meeting.

8:08 PM Discussion of Personnel Policies, Charter, and Bylaw Amendments: Sheehan provided the Board with information on the town's personnel policies, the Town Charter and Bylaw amendments, suggesting amendments to all so they will be more consistent and reflect actual practices. The changes would include eliminating references to the Personnel Board which has not existed in decades, if ever. Sheehan provided the Board with a copy of the Personnel section of the Town Charter, highlighting areas that should be amended. Sheehan noted that Assistant Town Administrator Tanya Shallop has been working on an Employee Handbook for several months. He provided the Board with a "Table of Contents" for the Employee Handbook, outlining what will be included in the handbook. The handbook will take the place of policies and allow easier modifications of policies. Shallop provided more detail on what will be included in the handbook. The Town Administrator suggested that the Board discuss again at the next regular meeting. All agreed.

8:17 PM Review and Vote to Approve Policy for Gifts and Donations: The Town Administrator advised the Board that this came about due to the gift a developer recently gave to the future Community Center/Senior Center. He provided the Board with a draft policy and described its contents. The Board briefly discussed the draft policy and took the following action:

On a **MOTION** made by **Kassiotis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to approve the policy for gifts and donations to the future community center/senior center.

8:20 PM Review and Vote to Approve Revised Buy Recycled Policy: The Town Administrator provided the Board with information on the revised "Buy Recycled" policy. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously to approve the revised Buy Recycled policy.

8:21 PM Review and Vote to Approve a Corporate Matching Donation to the Middleton Food Pantry: The Town Administrator provided the Board with information on the corporate matching donation from the Benevity Fund in the amount of \$1,100, noting that this is an annual donation. The Board took the following action:

On a **MOTION** made by **Cresta**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to approve, with thanks, the donation of \$1,100 to the Middleton Food Pantry from the Benevity Fund.

8:23 PM Review Groundwater Protection Overlay District Zoning Bylaw Amendment: The Town Administrator provided the Board with information on the Groundwater Protection Overlay District Zoning Bylaw amendment. After the Board briefly reviewed the Zoning Bylaw Amendment, they took the following action:

On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to refer the Groundwater Protection Overlay District Zoning Bylaw amendment to the Planning Board for public hearing and recommendation.

8:25 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

- **Masconomet School Committee Report:** Selectman Prentakis reported that at its last meeting, the Masconomet School Committee asked its policy subcommittee to engage with town officials on possible modifications to the district agreement. They are seeking a member of the Finance Committee and a member of the Board of Selectmen from each town for this discussion. The FinCom designated John Erickson to represent the FinCom. Prentakis asked the Board to designate a member of the Selectmen to represent the Board.

On a **MOTION** made by **Cresta**, second by **Houten**, the Board of Selectmen **VOTED** unanimously to nominate **Kosta Prentakis** as the rep from the Middleton Board of Selectmen for discussions on the regional contract.

- **Blood Drive Last Sunday:** Selectman Houten provided a brief report on the blood drive that took place last Sunday at Magical Beginnings, noting that there were plenty of donors and that Magical Beginnings did a great job organizing the event. Houten added that it's great to live in a town like Middleton!

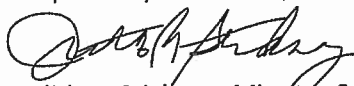
8:27 PM ADJOURN

With no further business, on a **MOTION** made by **Cresta**, the Board of Selectmen's meeting of December 17th, adjourned at 8:27 PM.

Upcoming Meetings:

- February 25, 2020
- March 7, 2020: Joint meeting with Finance Committee to review capital budget requests
- March 10, 2020
- March 24, 2020: Special Town Meeting for Public Safety Complex design funding

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: February 11, 2020
- Warrant: #2017 (Payroll: \$683,586, Bills Payable: \$3,186,035)
- Minutes:
 - January 28, 2020
 - December 17, 2019 Executive Session
 - January 14, 2020 Executive Session

- Letter and related material from Tri-Town Council to Board of Selectmen, Re: Summary of programs, services and initiatives undertaken by Tri-Town Council during Fiscal Year 2019, 11/1/19
- Application and related materials for a Class II Used Car Dealer License: Ismail Shurdha, 48 Liberty Street, Middleton, MA
- Town of Middleton Transfer Station Information
- SENIOR CENTER/COMMUNITY CENTER GIFT & DONATION POLICY ADOPTED FEBRUARY 11, 2020
- BUY RECYCLED POLICY ADOPTED FEBRUARY 11, 2020
- E-Mail from COA Director to Assistant Town Administrator, Re: Donation to Food Pantry, 1/28/20
- Groundwater Protection Overlay District Zoning Bylaw Amendment
- Trash/Recycling Comparison
- Article: To see if the Town will vote to amend Chapter 68 Personnel, of the ByLaws of the Town by deleting the entire chapter and substituting in its place: . . .
- Employee Handbook Table of Contents
- Article ___ Charter: Omnibus Changes
- Town of Middleton Charter
- Letter from Board of Assessors to Board of Selectmen, Re: Increase of Hours of Part Time Assessing Clerk/Data Collection Position, 2/6/20
- Announcement: Early Voting
- MMA Legislative Breakfast Meetings
- Letter from xfinity to Board of Selectmen, Re: Changes in Pricing – Galam TV Fit & Yoga, Gaia, and Docurama, 1/27/20
- Announcement: Kraft Family Blood Donor Center Blood Drive, 2/9/20

MANN & MANN, P.C.
COUNSELLORS AT LAW

JILL ELMSTR
KURT
MELISSA GNC

†Admitted to practice in
*Admitted to practice

3.

February 13, 2016

Middleton Board of Selectmen
Attention: Andrew Sheehan
48 South Main Street
Middleton, MA 01949

RE: 59 South Main Street - Subdivision Street Name

Dear Members of the Board:

Fairway Estates and TRSF Realty Trust (the "Petitioners") have applied for and received definitive subdivision approval from the Planning Board to construct a roadway that will provide access to four (4) lots. Three of which will be single family home lots and the fourth of which will be improved by a 45-unit age restricted condominium. The roadway will be privately owned and maintained in perpetuity. Before the Planning Board endorses the approved plan, the Petitioners are required to insert the name of the street. Accordingly, on behalf of the Petitioners, I hereby request that the Selectmen place the naming of the roadway on the agenda of the Board's next regular meeting.

Thank you for your kind consideration.

Very truly yours,
MANN & MANN, P.C.

Jill Elmstrom Mann

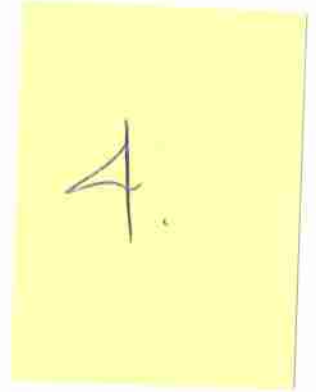
Cc: Client - Ray Falite
Chris Sparages
Town Planner - Katrina O'Leary

S:\Falite 2016-20 - South Main Street\Subdivision\BOS - Req Street Name.doc

191 South Main Street, Suite 104
Middleton, Massachusetts 01949
Telephone: 978-762-6238
Facsimile: 978-762-6434

Direct Email: jill@mannpc.com
kurt@mannpc.com
melissa@mannpc.com

Middleton Board of Selectmen
c/o Middleton Memorial Hall
48 South Main Street
Middleton Ma. 01949



February 19, 2020

Members of the board,

On March 20, 2019 my mother Dolores Cardinale passed away, and the interment was at Oakdale Cemetery in Middleton. Over the following months, I contracted with Metropolitan Memorial Company to create and place a granite monument in remembrance of my Mom. Subsequent to conversations with the town, it was decided that the monument would be of conforming size for the cemetery. Metropolitan Memorial generated the information correctly, however, the granite company did not read the sketch correctly and the as built monument is larger than expected.

The sketch submitted read 36 " in height, but the company built it 3' 6" or 42" in height. We have explored the possibility of modifying the monument but that cannot be done and maintain the design we chose. Also, any modification or rebuild of this monument would impose a financial hardship on the family and would not be possible.

Therefore, I am requesting that the Middleton Board of Selectmen review this case and attached sketch, and issue a variance for this monument and allow it to be placed on the grave.

If any further information is necessary, or if I need to appear at a scheduled meeting of the board, please advise me, and I will be sure to comply with that request.

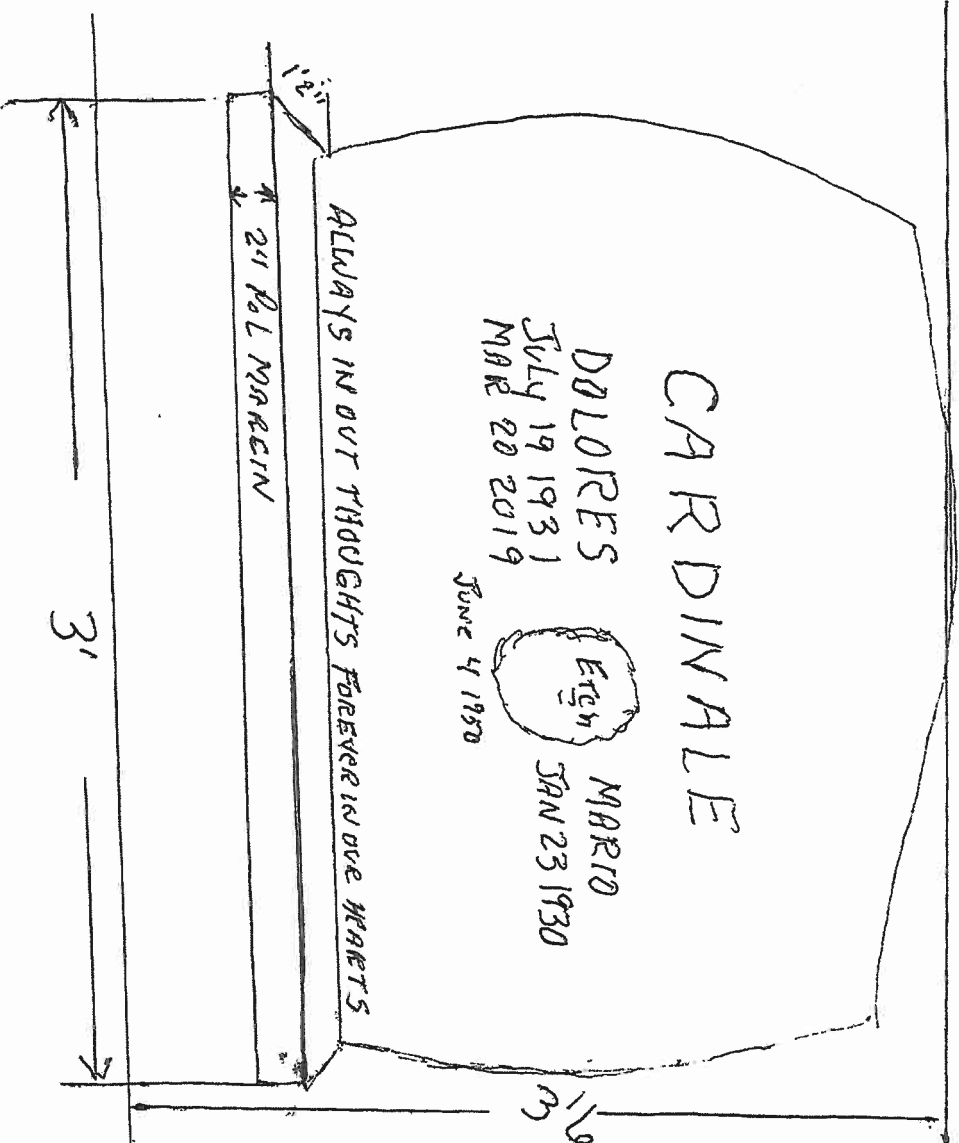
Sincerely,

Richard A. Cardinale
28 Campbell Road
Middleton Ma. 01949

978.836.6367

METROPOLITAN
781-393-0432

BLACK POL 5





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

5.

AMENDMENT-Change or Alteration of Premises Information

☒ **Change of Location**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☐ **Alteration of Premises**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

Vinum Wine Shop INC

Middleton, MA

00040-PK-0704

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

We are changing locations within the Town of Middleton. We will not be performing any structural changes to the new location.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

Samantha Miller

President

info@VinumWineShop.com

617-699-1477

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

3,000

Seating Capacity

0

Occupancy Number

Number of Entrances

2

Number of Exits

2

Number of Floors

1

CORPORATE VOTE

The Board of Directors or LLC Managers of

Vinum Wine Shop, Inc.

Entity Name

duly voted to apply to the Licensing Authority of

Middleton

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

02/09/2020

Date of Meeting

For the following transactions (Check all that apply):

☐ Alteration of Licensed Premises

☒ Change of Location

☐ Other

"VOTED: To authorize

Samantha Miller

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,



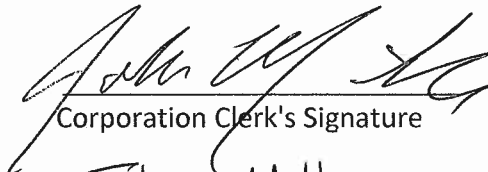
Corporate Officer /LLC Manager Signature

Samantha Miller

(Print Name)

For Corporations ONLY

A true copy attest,



Corporation Clerk's Signature

John Miller

(Print Name)



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

6.

February 18, 2020

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

Re: Middleton Food Bank Donation / Bethesda Lodge

Please add the following donations to your agenda for acceptance by the Board of Selectmen for the Middleton Council on Aging, and notify me when the check has been accepted so that it can then be deposited.

Thank you,

Jillian Smith

Jillian Smith
COA Director

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

Date: 2/14/2020

Name: Bethesda Lodge No 30 I O O F

Donation: \$500.00

Check Number 2415

This donor would like to remain anonymous

Yes

X No



February 10, 2020

Dear Food Pantry,

Happy New Year to your organization!

During this past Holiday season one of our members has asked us to provide a donation to your Food Pantry to help you provide food for your community.

Please accept this check for \$500 on behalf of the IOOF Bethesda Lodge #30 in Braintree, Massachusetts.

Please note the members name is on the memo line of the check.

Sincerely,

Joseph F. Mahoney Jr

Treasurer

BETHESDA LODGE NO. 30100F
GENERAL FUND
403 WASHINGTON ST.
BRAINTREE, MA 02184

63-7128/2113

2415

DATE Feb 10, 2020



PAY TO THE
ORDER OF

Middleton Food Store

\$ 500.00

five hundred and 00/100

DOLLARS

Heat
Reactive
Ink



Norwood Bank

Norwood, MA 02062
(781) 782-1800 • www.norwoodbank.com

MEMO

John Mulloy

[Signature]

MP

Town of Middleton
Board of Selectmen

Policy Regarding Electioneering
During Early and Absentee Voting for 2020 Presidential Primary Election

WHEREAS, Chapter 54, Section 65 of the General Laws of Massachusetts prohibits “electioneering” (the display or distribution of material intended to influence the actions of voters) at or within 150 feet of the entrance of polling places at an election of federal, state or local officers;

WHEREAS, an increasing percentage of Middleton voters are taking advantage of their right and opportunity to vote in-person by absentee ballot or during the Early Voting Period established by the Legislature, and come to Memorial Hall at 48 South Main Street in order to obtain absentee ballots or the Flint Public Library at 1 South Main Street to cast early ballots;

WHEREAS, such voters should be given the same right and opportunity to cast or obtain ballots free of electioneering activity as is enjoyed by voters who cast their vote on the day of the election;

WHEREAS, observance of the 150-foot rule established by Chapter 54, Section 65 at Memorial Hall during in-person absentee voting or the Flint Public Library during the Early Voting Period would not unduly restrict the ability of any person to display or distribute campaign messages to prospective voters approaching the Town offices; and

WHEREAS, the Board of Selectmen has the care, custody and control of Memorial Hall at 48 South Main Street and the Flint Public Library at 1 South Main Street and the surrounding sidewalks, and may regulate activity thereon;

NOW, THEREFORE, the Board of Selectmen adopts the following regulation for the period designated for in-person absentee voting and the State’s Early Voting Period: No poster, card, handbill, placard, picture or circular intended to influence the action of the voter, other than those expressly authorized by G.L. c. 54, § 65, shall be posted, exhibited, circulated or distributed in the Town Clerk’s office, in the building where the Town Clerk’s office is located, on the walls thereof, on the premises on which the Town offices at 48 South Main Street stand within one hundred and fifty feet of the building entrance door to said Town offices.

Given under our hands this Day of February, 2020.

_____	_____
_____	_____
_____	_____

Selectmen of: The Town of Middleton

Town of Middleton
Maple Street (Route 62) Complete Streets Project

8.

NOTICE OF AWARD

Allied Paving Corporation
10 Jean Avenue, #17
Chelmsford, MA 01824

Attn: Mr. Robert W. Joyce, Jr, President

**Re: Maple Street (Route 62) Complete Streets Project
DEPARTMENT OF PUBLIC WORKS
MIDDLETON, MA**

The Town of Middleton has considered the bid recently submitted by your company for the above described project in response to its Advertisement for Bids dated February 6, 2020, and Information for Bidders.

You are hereby notified that your Bid has been accepted at the Base Bid Price of
\$ 407,815.00.

We are currently awaiting Chapter 90 approval for the supplemental funding for this project and expect that within the next couple of weeks. Upon that notification you will be required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance Bond, Payment Bond and certificates of insurance (naming WorldTech as additional insured) within five (5) days, excluding Saturdays, Sundays and legal holidays from the date of that Notification.

If you fail to execute said Agreement and to furnish said Bonds within the five (5) days from the date of that Notification, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your Bid as abandoned and as a forfeiture of your Bid Security. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this Notice of Award to the OWNER.

Dated this **19th** day of February **2020.**

Regards,

Paul Goodwin
Town of Middleton
DPW Superintendent

Copy: William P. Mertz, PE (WorldTech)

Town of Middleton
Maple Street (Route 62) Complete Streets Project

ACCEPTANCE OF NOTICE

Receipt of the above Notice of Award is hereby acknowledged

by. _____

this the _____ day of _____, 2020

By _____

Title _____

END OF SECTION