

**BOARD OF SELECTMEN
MEETING AGENDA**

**Fuller Meadow School
Nathan Media Center
143 South Main Street, Middleton, MA 01949
Tuesday, March 10, 2020
7:00 PM**

This meeting is being recorded

1. 7:00 PM Warrant: #2019
Minutes: Open Session: February 25, 2020
Executive Session: February 25, 2020
Town Administrator updates and reports
2. 7:15 PM Public Comment Period
3. 7:25 PM Vote to accept a donation in the amount of \$1,850 from Maria Silva of North Shore Bank to the Veterans Donation Account
4. 7:30 PM Public Hearing: Application for a new All Alcohol Beverages Restaurant Liquor License and Common Victualler License, manager of record, Brett Zimmerman, by Atty. Joseph Devlin for 99 West, LLC d/b/a 99 Restaurant & Pub, located at 245 So. Main Street, Middleton MA 01949
5. 7:45 PM Discussion of personnel policies, charter and bylaw amendments with Town Counsel, Kate Feodoroff
6. 8:00 PM Vote to accept a grant in the amount of \$1,300 per year from MED-Project to the Middleton Police Department; funds will be used to acquire Narcan
7. 8:05 PM Vote to accept a donation of 15 Princeton Elm trees from the Institution for Savings as part of its 200th birthday celebration; estimated value \$7,800
8. 8:10 PM Update on the April 16, 2020 Special Town Meeting regarding the public facilities complex
9. 8:15 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

Upcoming Meetings:	March 24:	Regular BOS meeting
	April 2:	Joint w/ Finance Committee FY21 Budget Hearing and Warrant Reading
	April 7:	Regular BOS meeting
	April 9:	Joint w/ Finance Committee FY21 Budget, if necessary
	April 16:	Special Town Meeting for Public Facilities Complex
	April 21:	Regular BOS 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
February 25, 2020 7:30 PM

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

Absent: Chair Timothy Houten

Others Present: Town Administrator Andy Sheehan, Assistant Town Administrator Tanya Shallop, Minutes Secretary Judi Stickney, Frank Twiss, Samantha Miller, John Miller, Annie Wilton, Atty. Jill Mann

7:33 PM With a quorum present, Acting Chair Rick Kassiotis called the meeting to order.

7:33 PM ROUTINES

- **Warrant #2018:** Town Administrator Andy Sheehan provided a brief review of #2018 (Payroll: \$677,064, Bills Payable: \$1,710,409), noting that the Town Accountant had reviewed the warrant and requested the Board's approval. The Board took the following action:
On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to accept warrant #2018, as presented.
- **Minutes:**
 - After a brief review of the minutes of February 11, 2020, the Board took the following action:
On a **MOTION** made by **Cresta**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously to accept the minutes of February 11, 2020 as presented.
- **Town Administrator's Report:** Town Administrator Andy Sheehan provided the Board with updates and information on the following:
 - **Budget Development Process:** Sheehan reported that the Board of Selectmen and the Finance Committee will hold the next budget review meeting on Saturday, March 7th, here at Fuller Meadow. The meeting will begin around 8:15 AM, lasting until shortly after noon. All interested residents are invited to attend.
 - **Presidential Primary Election, March 3rd:** Sheehan reported that the Presidential Primary is next Tuesday, March 3rd, adding that early voting has been taking place since February 24th and will continue through the end of the week at the Flint Public Library.
 - **200th Birthday of the Institution for Savings:** Sheehan reported that the Institution for Savings is celebrating its 200th birthday this year and is giving away 200 elm trees to celebrate. They offered 15 trees to Middleton. Sheehan is going to talk to the landscape architects to see if they can plant them at the municipal complex property. Sheehan noted that it was a generous gift by the Institution for Savings and that the Town will, thankfully, take them.
 - **Nomination Papers Available:** Sheehan reported that nomination papers are available through the end of March. Additional information can be found on the Town Clerk's website and/or in the Town Clerk's office.

- **Most Loved Library:** Sheehan reported that the Flint Public Library has been named the most loved library on the North Shore. Congratulations to Library Director Melissa Gaspar.

7:41 PM Public Comment Period:

- **Recent Passing of Longtime Middleton Residents:** Selectman Rick Kassiotis announced, with sadness, the recent passing of longtime Middleton residents Frank Masse and firefighter Jeff Barber, noting their many contributions to the town over their lifetimes.
- **Update on MDPC Meeting:** Annie Wilton of the MDPC provided a brief update on the meeting held earlier this evening. The MDPC voted to go forward with all four of the municipal buildings for the Special Town Meeting on April 16. They will be back to the Board of Selectmen with a presentation on design costs and construction costs.

7:44 PM Request from Atty. Jill Mann Requesting a Subdivision Street Name: Attorney Jill Mann met with the Board of Selectmen requesting a subdivision street name for a private way located at 59 South Main Street. Mann added that they just secured approval for a subdivision roadway at 59 South Main Street, which will consist of four single-family homes and 45-unit senior housing project. They are looking for a name for that street. Cresta suggested Rowell Lane, noting that a lifelong resident in town requested that a street be named after her two brothers who were veterans of the Korean War and the Vietnam War, recognizing their sacrifice. After a very brief discussion, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to name the subdivision street Rowell Lane.

7:47 PM Review Request of Richard Cardinale for a Waiver of Cemetery Rules: The Town Administrator advised that Mr. Cardinale could not make it to the meeting tonight, adding that he is requesting a waiver to allow for a larger headstone/monument than is allowed under the Cemetery rules. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to approve the request of Richard Cardinale and family for exclusion beyond the cemetery requirements as shown in the sketch in the packet.

8:10 PM Review and Vote on the Application for Vinum Wine Shop: Samantha Miller, owner and manager of Vinum Wine Shop, and her husband John, met with the Selectmen with an application to change the location of the existing package store, wine and malt beverages license, from its current location at 210B So. Main St Middleton MA, 01949, to 232B So. Main St, Middleton, MA 01949. At the Chair's suggestion, Ms. Miller provided a brief description of her wine shop, noting that it will be next to Joann's. 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 application 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.

7:59 PM Review and Approve a Donation to the Middleton Food Pantry: The Town Administrator provided the Board with information on the donation to the Middleton Food Pantry in the amount of \$500 from IOOF Bethesda Lodge No. 30 in Braintree, MA. The Board took the following action:

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to approve, with thanks, the donation of \$500 from the IOOF Bethesda Lodge No. 30 in Braintree, MA to the Middleton Food Pantry.

8:00 PM Review and Approve the Policy Regarding Electioneering During Early and Absentee Voting:

The Town Administrator asked the Board to review and approve the request of Town Clerk Ilene Twiss and provided the Board with a brief explanation on the policy regarding electioneering during early and absentee voting for the duration of the 2020 voting period. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to adopt a Policy Regarding Electioneering During Early and Absentee Voting for the duration of the 2020 voting period.

8:02 PM Vote to Authorize the Town Administrator to Execute a Contract with Allied Paving:

The Town Administrator provided the Board with information on the request to authorize him to execute a contract with Allied Paving in the amount of \$407,815.00 for the reconstruction of the Maple/Liberty Street intersection. After a very brief discussion, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously 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.

8:06 PM Executive Session

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously by roll call vote to enter into 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.

Selectman Moreschi took the roll call:

Prentakis: Yes

Cresta: Yes

Kassiotis: Yes

Moreschi: Yes

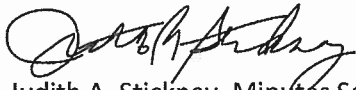
8:30 PM ADJOURN

With no further business, the Board of Selectmen's meeting of February 25, 2020 adjourned at 8:30 PM.

Upcoming Meetings:

- **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,

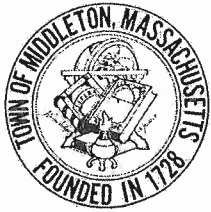


Judith A. Stickney, Minutes Secretary

Todd Moreschi, BOS Clerk

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

- Agenda: February 25, 2020
- Warrant: #2018 (Payroll: \$677,064, Bills Payable: \$1,710,409)
- Minutes:
 - February 11, 2020
- Calendar: Thursday, April 16, 2020 Special Town Meeting
- Letter from Mann & Mann P.C., to Board of Selectmen, Re: South Main Street - Subdivision Street Name, February 13, 2020
- Letter and related material from Richard Cardinale to Board of Selectmen, Re: Variance for cemetery monument, February 19, 2020
- Amendment: Change of Location, Vinum Wine Shop, Inc.
- Letter and related material from COA Director to Board of Selectmen, Re: Middleton Food Bank Donation / Bethesda Lodge, February 18, 2020
- Town of Middleton Board of Selectmen: Policy Regarding Electioneering During Early and Absentee Voting for 2020 Presidential Primary Election
- Copy of Letter/Notice of Award from DPW to Allied Paving Corporation, Re: Maple Street (Route 62) Complete Streets Project, February 19, 2020



Town of Middleton
Gary Bent - Director of Veterans Services
48 South Main Street
Middleton, Massachusetts
01949-2253
978-774-0611
gary.bent@middletonma.gov

3.

March 5, 2020

Board of Selectmen & Town Manager,

Re: Middleton Veterans Donation (\$1,850.00) – North Shore Bank Middleton branch

Please add the following donation to your agenda for acceptance by the Board of Selectmen for the Middleton Veterans Donation Account. Maria Siler and a representative from the marketing department of the North Shore Bank will be presenting it at the March 10th meeting.

Thank you,

Gary Bent
US Army Infantry/USAF SF Veteran
Veterans Service Officer – Middleton, MA

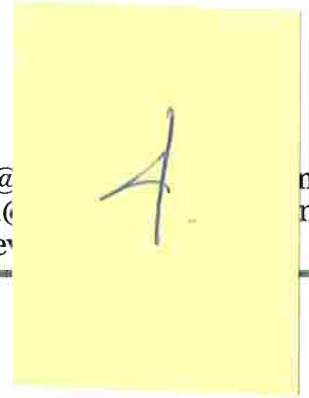


DEVLIN LAW

SERVING MASSACHUSETTS & NEW HAMPSHIRE

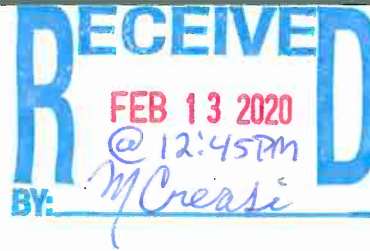
PH: 617-514-2828
Fax: 617-514-2825

jdevlin@
mcabot@
www.dev



February 12, 2020

Attn: Ira Singer, License Administrator
Board of Selectmen
48 South Main Street
Middleton, MA 01949



RE: New application for an Annual Restaurant All Alcoholic Beverages License of 99 West, LLC d/b/a 99 Restaurant & Pub, 245 South Main Street and 6 River Street, Middleton, MA

Dear Mr. Singer:

Enclosed please find the following documents with regard to the above-referenced application for transfer of an Annual Restaurant All Alcoholic Beverages Liquor License:

- 1) Money order or attorney's check payable to the ABCC in the amount of \$200.
- 2) ABCC Online Application Forms, including:
 - a. Monetary Transmittal Form.
 - b. Retail Application.
 - c. Manager Application.
 - d. Applicant's Statement.
 - e. CORI Request Forms.
- 3) Corporate Resolution naming Brett Zimmerman manager and authorizing the Secretary, Goodloe M. Partee, to apply for a new liquor license.
- 4) Corporate Documents – Exhibit Package.
- 5) Proof of Citizenship for the LLC manager(s) and manager of record.
- 6) Source of Funds.
- 7) Proof of Legal Right to Occupy - Lease Documentation.
- 8) Floor plan.

Thank you very much for your time and cooperation. If you have any questions or need additional information, please feel free to call me at extension 101.

Sincerely yours,

Joseph H. Devlin
Attorney at law

Enclosure

MAILING ADDRESS:

Devlin Law Offices, PLLC
171 High Street
Newburyport, MA 01950

Clients/99-Middleton/ABCC/liquor docs

112 Water St., Ste 201
Boston, MA 02109



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Is this license application pursuant to special legislation?

☐ Yes ☒ No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name	<input type="text" value="99 West, LLC"/>	FEIN	<input type="text" value="04-2580280"/>
DBA	<input type="text" value="99 Restaurant & Pub"/>	Manager of Record	<input type="text" value="Brett Zimmerman"/>
Street Address	<input type="text" value="245 South Main Street and 6 River Street, Middleton, MA 01949"/>		
Phone	<input type="text" value="TBD"/>	Email	<input type="text" value="Phillip.Purcell@abrholdings.com"/>
Alternative Phone	<input type="text"/>	Website	<input type="text" value="https://www.99restaurants.com/"/>

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, 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 Square Footage:	<input type="text" value="5,631"/>	Number of Entrances:	<input type="text" value="6"/>	Seating Capacity:	<input type="text" value="174"/>
Number of Floors	<input type="text" value="1"/>	Number of Exits:	<input type="text" value="6"/>	Occupancy Number:	<input type="text" value="199"/>

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:	<input type="text" value="Joseph H. Devlin"/>	Phone:	<input type="text" value="617-514-2828 ext. 101"/>
Title:	<input type="text" value="Attorney"/>	Email:	<input type="text" value="jdevlin@devlinlawoffices.com"/>



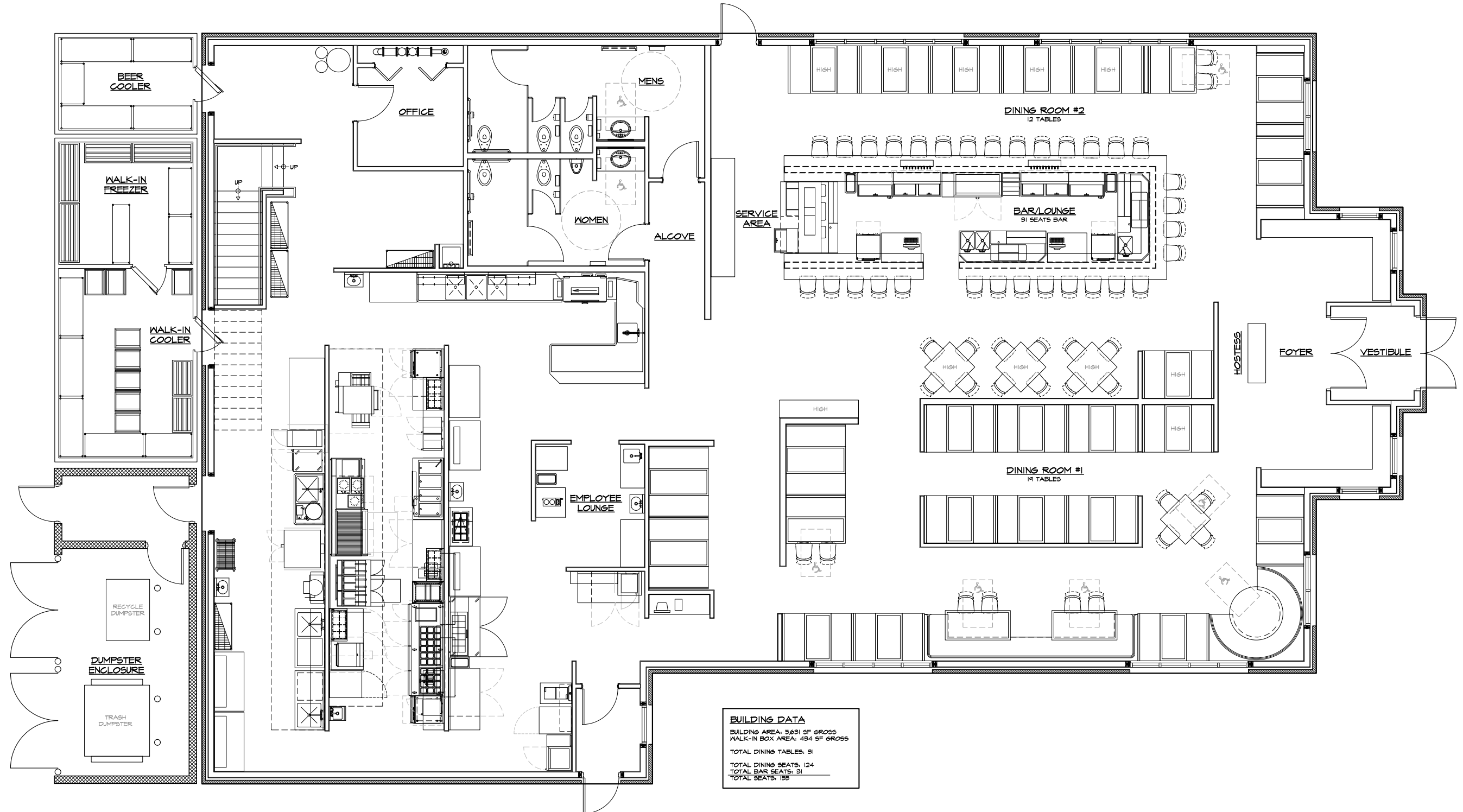
Ninety Nine

RESTAURANT & PUB

EXTERIOR DESIGN REVISIONS 02.21.2020



DESIGN + ARCHITECTURE

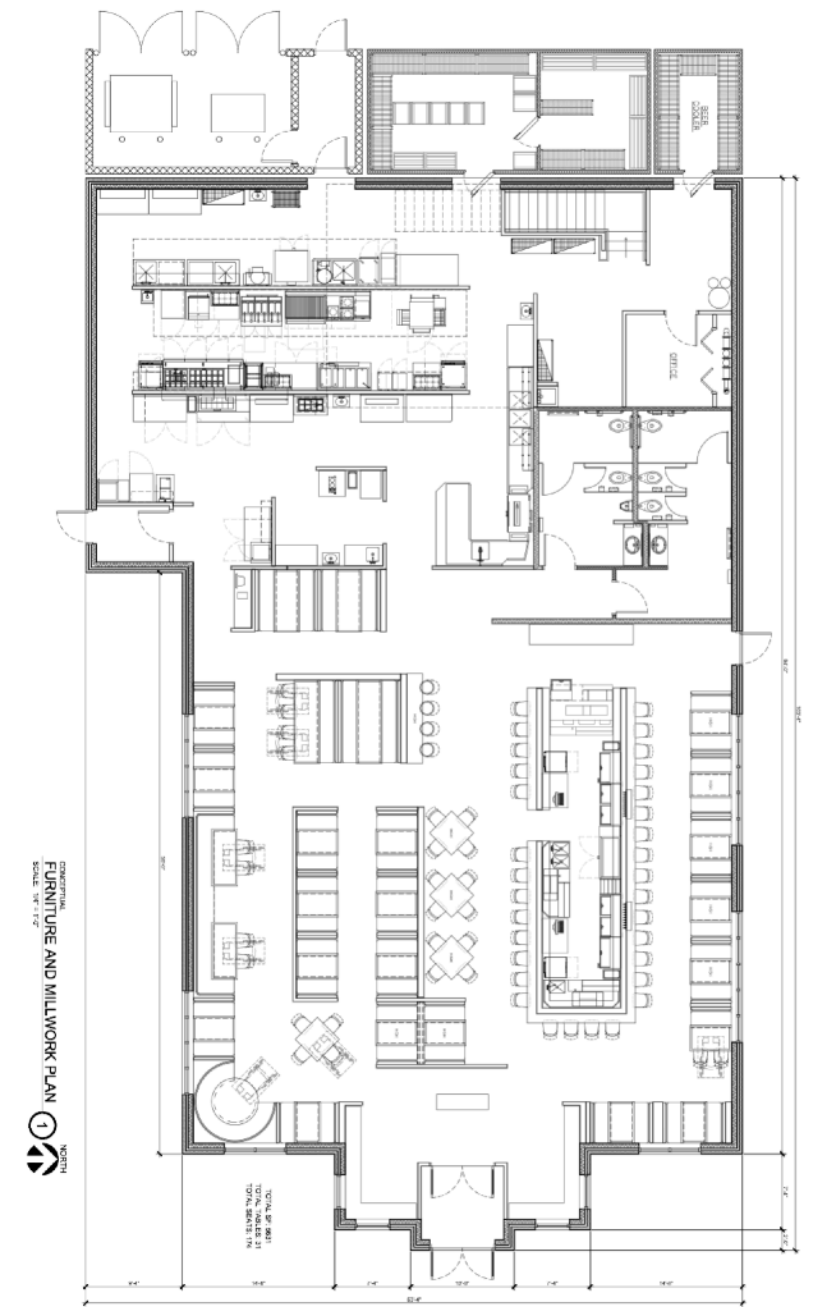




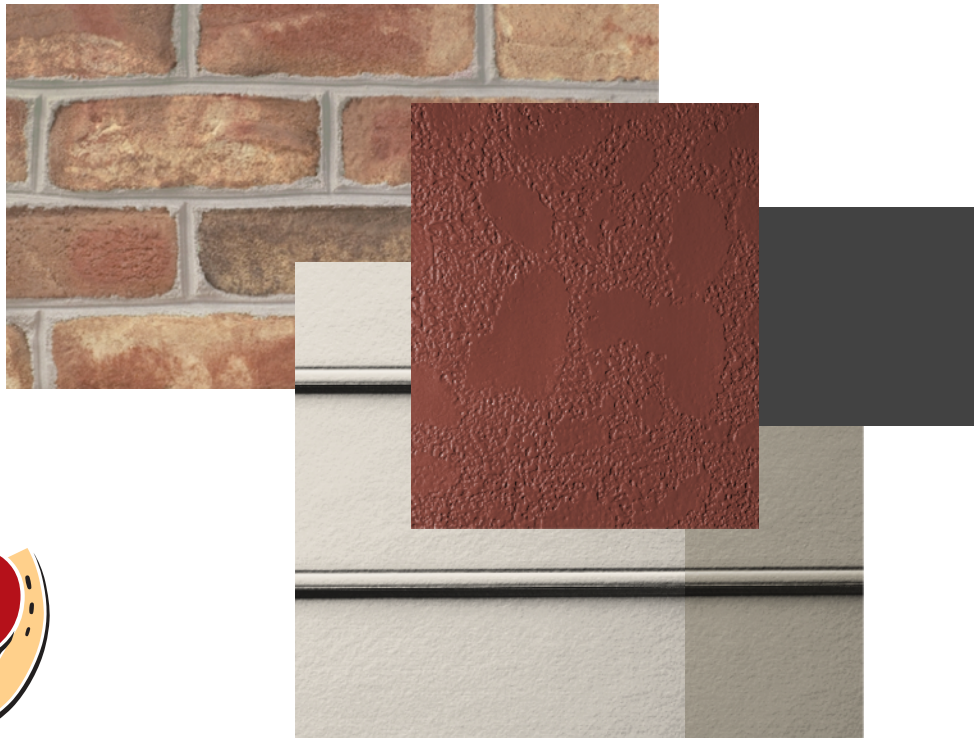


to go

99
Ninety Nine
RESTAURANT & PUB



TO GO VIEW 2





8 TOP BOOTH FIXTURE

LIGHTING PACKAGE



BAR / ROUND BOOTH

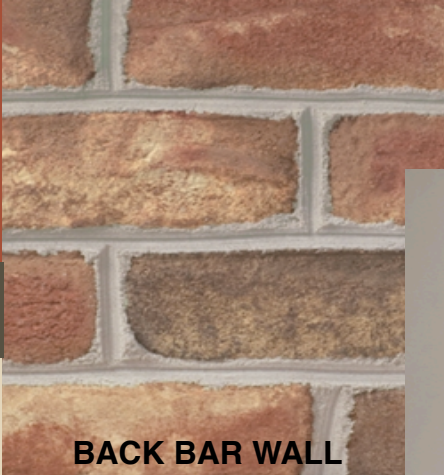


PENDANTS



HOSTESS SCONCE

PAINTS



BACK BAR WALL



BOOTH NOOK WALL

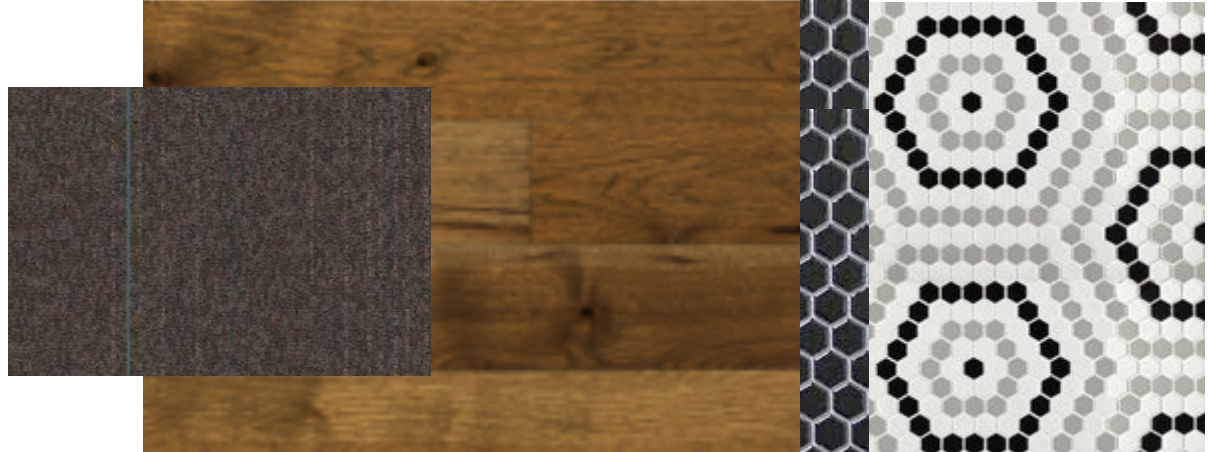


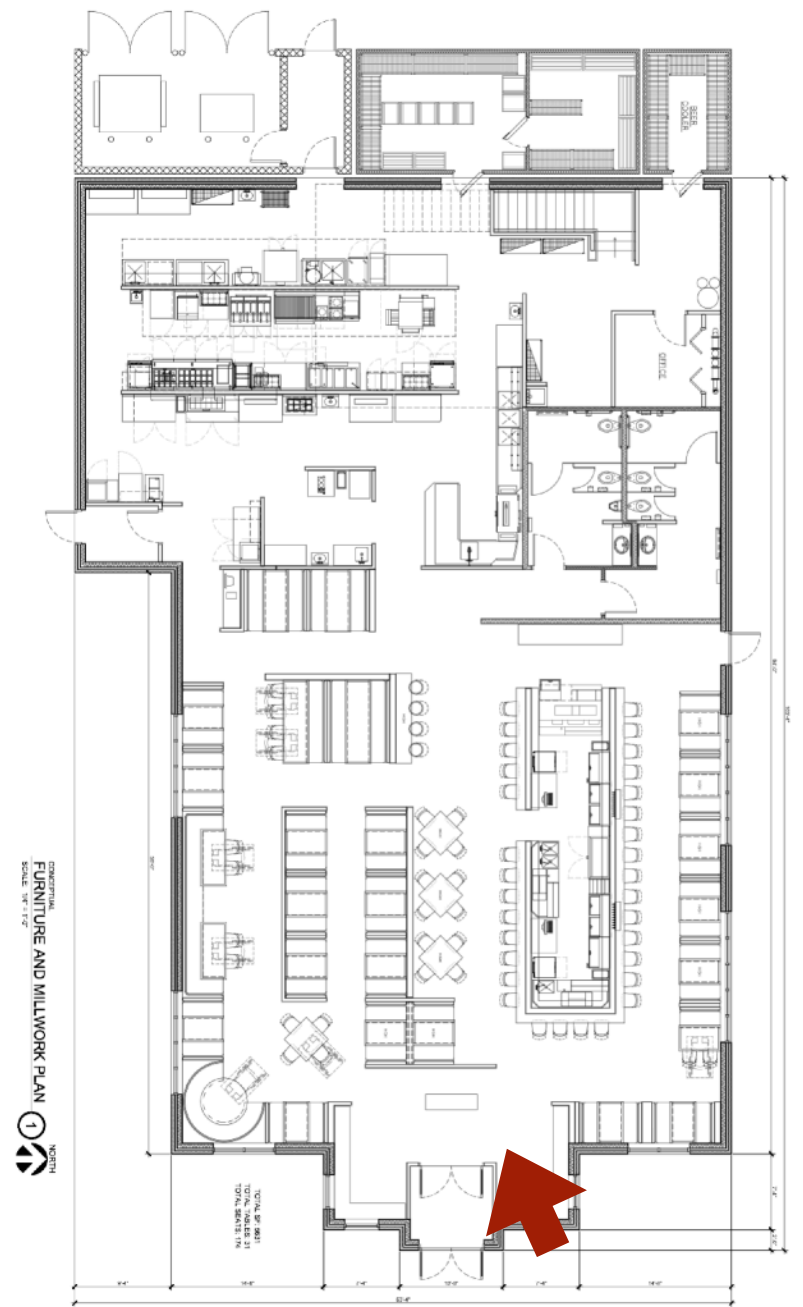
BOOTH DETAIL



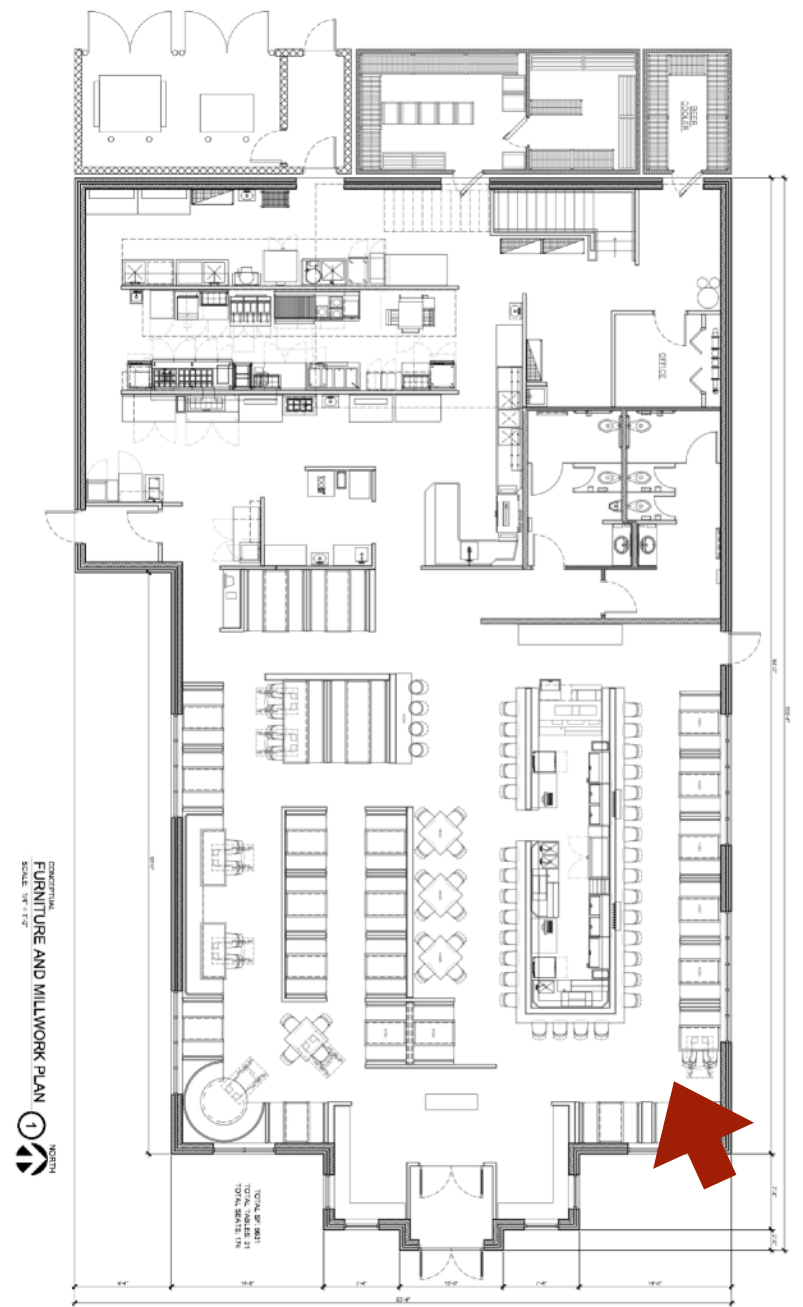
BANQUETTE BOOTH BACK

FLOORING WOOD TILE - CARPET - TILE ACCENT AT BAR





ENTRY VIEW

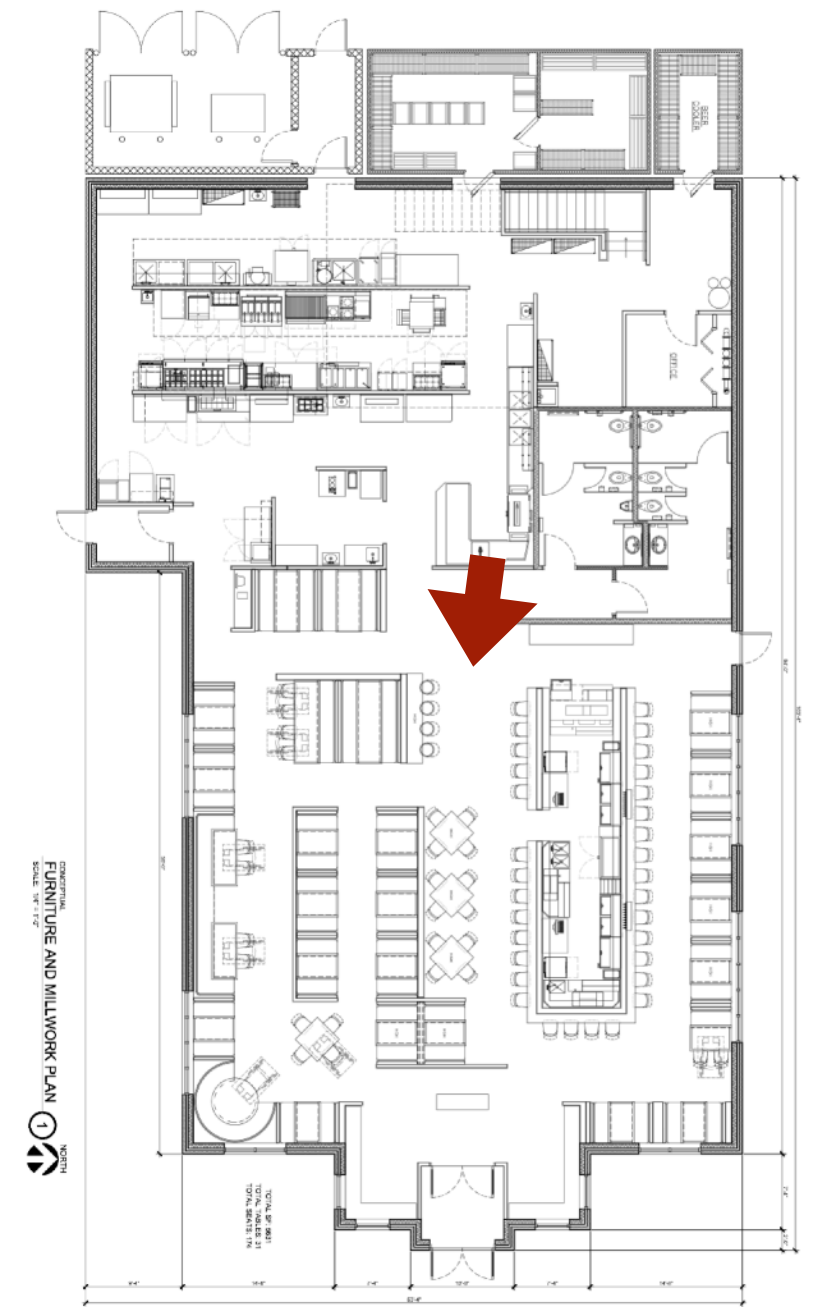


**EXPOSED
CEILING AREA**

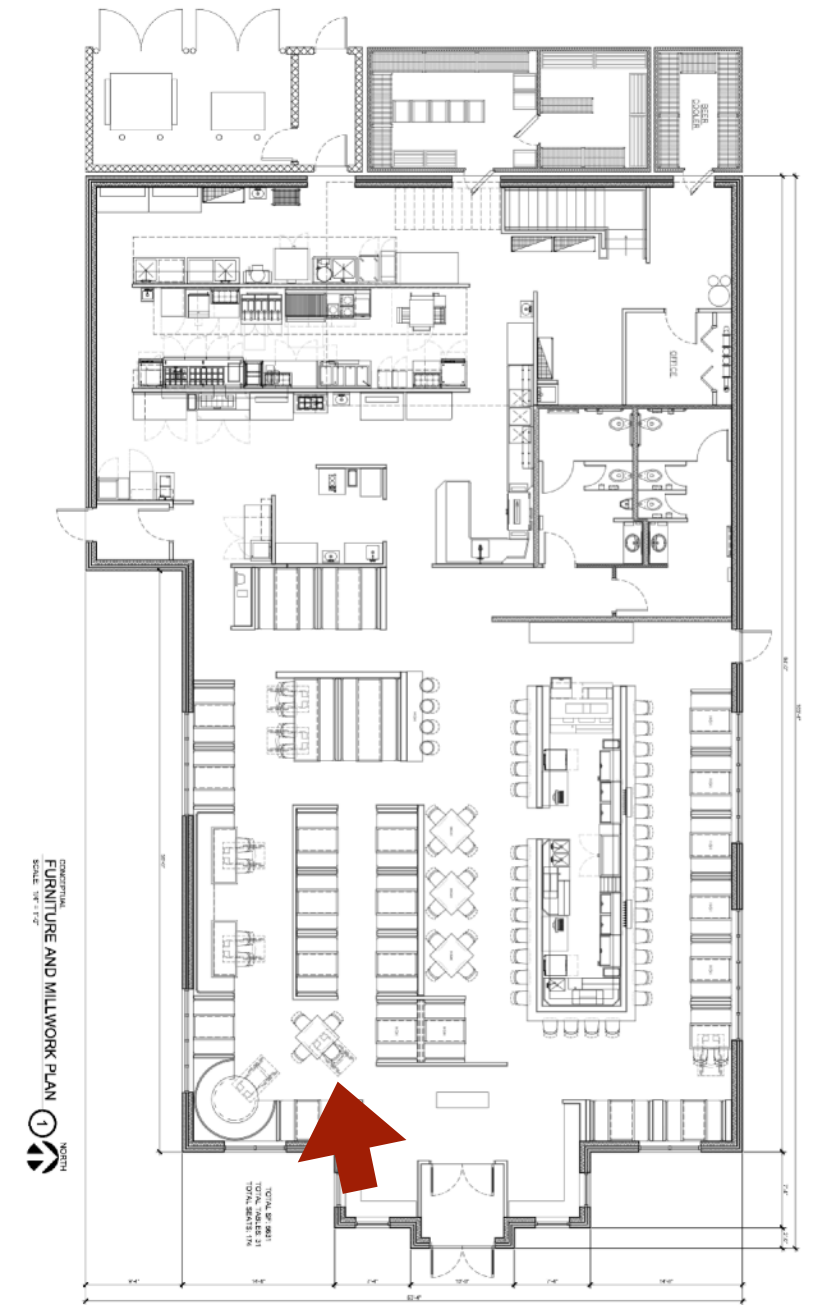
BAR VIEW



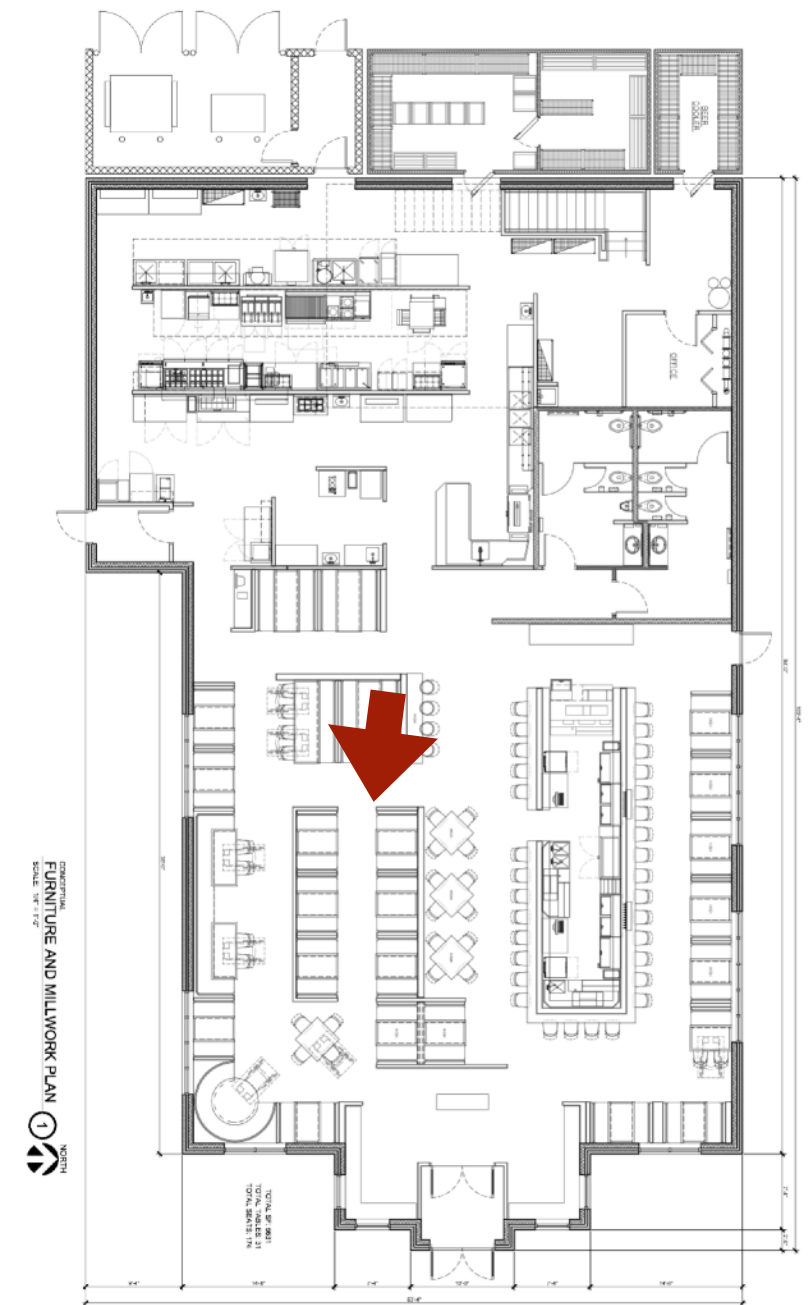
**SEEDED GLASS / OPEN
PARTITION PANEL**



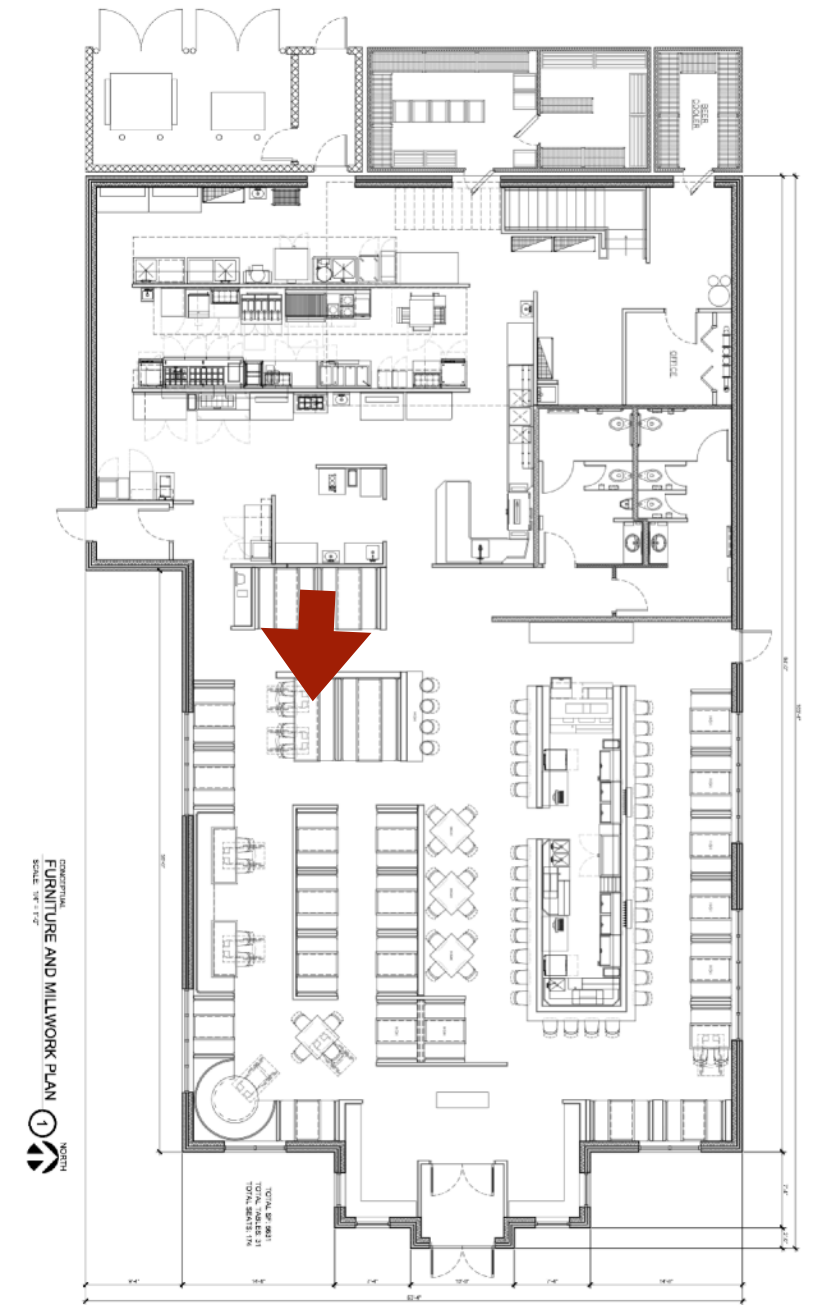
BAR VIEW 2



DINING VIEW 1



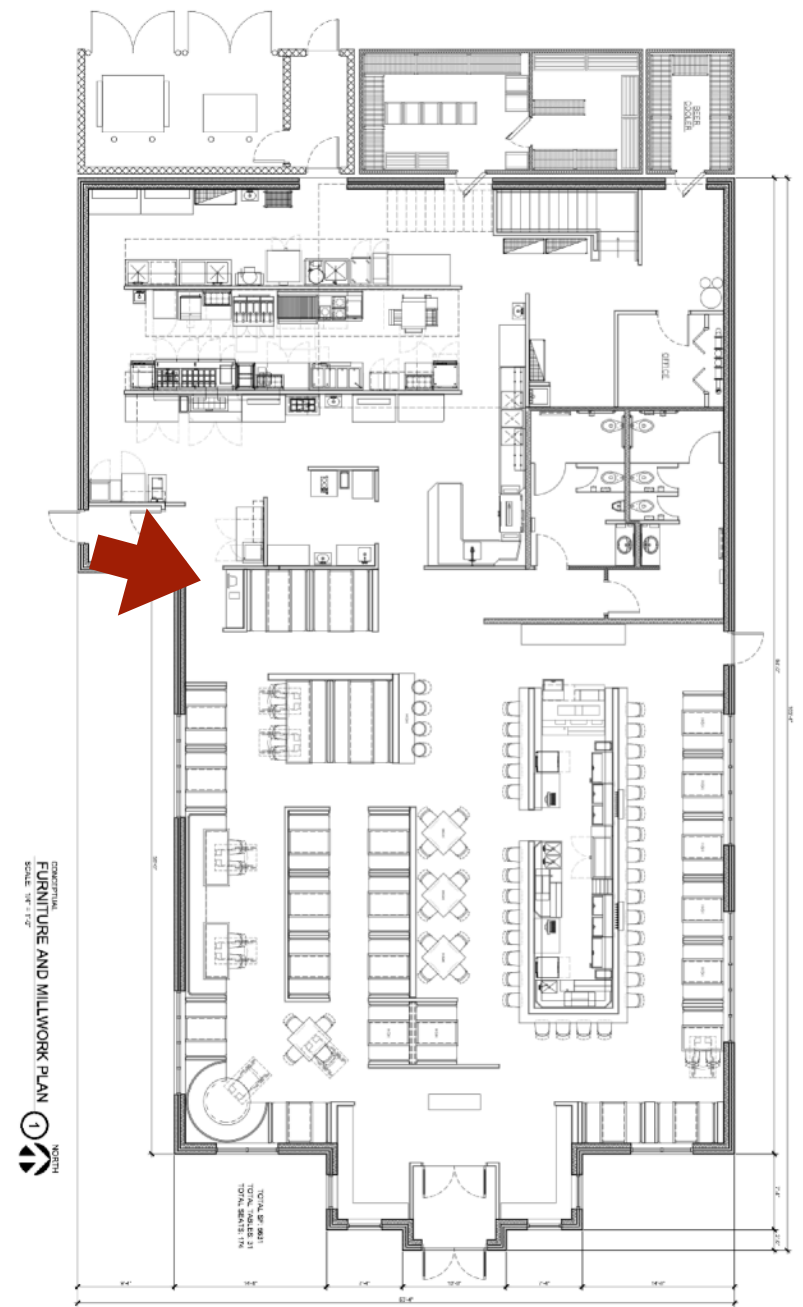
DINING VIEW 2



BAR VIEW 3



BOOTH DETAIL



TO GO VIEW 1



THANKS

Personel Policies & Procedures

TOWN OF MIDDLETON



5

Table of Contents

Table of Contents	4
Section 1: Title and Purpose	7
Section 2: Scope of Policies	7
Section 3: Administration	8
Section 4: Definitions.....	8
Section 5: Employment Practices	9
A. Equal Employment Opportunity, Discrimination and Sexual Harassment	10
B. Equal Pay Act - An Act to Establish Pay Equity.....	10
C. Recruitment	10
D. Job Postings.....	10
E. Selection Procedures	11
F. Nepotism.....	11
G. Reasons for Rejection	11
H. References	11
I. CORI Check.....	12
J. Medical Exam.....	12
K. Appointments	12
L. Immigration.....	12
M. Orientation.....	13
N. Probationary Period.....	13
O. Termination.....	14
P. Disciplinary Policy	15
Q. Grievance Procedure	17
Section 6: Conduct and Working Conditions.....	19
A. Purpose	19
B. Americans with Disabilities Act.....	19
C. Pregnant Workers Fairness Act.....	20
D. Drug and Alcohol Free Workplace	21
E. Workplace Violence	21
F. Customer Service	22
G. Standards of Conduct/Confidentiality	23
H. Attendance.....	23
I. Conflict of Interest/Ethics	23
J. Political Activity.....	24
K. Smoking/Smoke-Free Workplace	24

	L. Uniforms and Special Clothing.....	24
	M. Wage Garnishment	25
	N. Safety	25
	O. Use of Town Property	26
	P. Vehicle Use.....	26
	Q. Motor Vehicle Drivers.....	28
	R. Employees Private Property.....	29
	S. Injury on the Job	29
	T. Illness on the Job.....	29
	U. Inclement/Severe Weather Closing	29
	V. Information Technology.....	30
	W. Social Media Use	33
	X. Notice to employees - Visitors Code of Conduct	34
Section 7:	Personnel Records	35
	A. Personnel File.....	35
	B. Employee Time Records.....	36
	C. Access to Employee Personnel Records	36
Section 8:	Benefits	37
	A. Leave of Absence	37
	B. Family and Medical Leave.....	38
	C. Small Necessities Leave Act	40
	D. Sick Leave	41
	E. Sick Leave Bank	42
	F. Vacation	43
	G. Holidays.....	44
	H. Personal Days.....	45
	I. Jury Duty	45
	J. Military Leave.....	45
	K. Bereavement Leave	45
	L. Domestic Violence Leave	45
	M. Health Insurance	48
	N. Dental Insurance	48
	O. Accidental Death & Dismemberment and Life Insurance.....	48
	P. Retirement	48
	Q. Deferred Compensation/OBRA.....	49
	R. Workers Compensation	49

	S. Training and Educational Assistance.....	49
	T. Employee Assistance Program.....	50
Section 9:	Classification & Compensation	50
	A. Job Descriptions	50
	B. Compensation	50
	C. Fair Labor Standards Act and Massachusetts Wage and Hour Laws	50
	D. Break Time	51
	E. Overtime	51
	F. Call Back Pay	51
	G. Emergency Closing	51
	H. Pay for Temporary Assignments	51
	I. Payroll Period	51
Section 10:	Reimbursements	52
Section 11:	Repeal & Amendment	53
Section 12:	Severability	53
Section 13:	Receipt & Review Certification	54
Appendix A:	Health Insurance Rules and Regulations	55
Appendix B:	Equal Opportunity, Discrimination and Sexual Harassment Policy	60
Appendix C:	Break Time for Nursing Mothers	65
Appendix D:	CORI Policy	67
Appendix E:	Travel Reimbursement Policy	71

Article __ Charter: Omnibus Changes

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature to change the Middleton Home Rule Charter by adopting amendments as recommended by the Board of Selectmen dated _____ as follows, or take any action relative thereto.

Amending Chapter 6, Section 1, Subsection 6-1-1(b) by inserting “and” before “a Treasurer-Collector” and deleting “, all division and/or department heads”;

Amending Chapter 6, Section 3, Subsection 6-3-1(d) by deleting “Personnel Board, a”;

Amending Chapter 6, Section 4, Subsection 6-4-1 by deleting “such individual Town officers and”;

Amending Chapter 6, Section 7, Subsection 6-7-10 by renumbering existing subsection 6-7-10 to “6-7-11” adding the following new subsection as 6-7-10 “He shall appoint, subject to the provisions of any collective bargaining agreements as may be applicable, all other department heads, officers, and employees for whom no other method of selection is provided by this Charter. Such appointments shall become effective on the fifteenth (15th) day following the day on which such notice of appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it.”

Amending Chapter 9, Section 5, Subsection 9-5-2 by replacing “Personnel Board” with “Town Administrator”, and further by replacing “Town Meeting” with “Board of Selectmen” and further by replacing “except those provided for by General Law” with “except as otherwise provided by law or as may be superseded by collective bargaining agreement(s)”

**TOWN OF MIDDLETON
COMMONWEALTH OF MASSACHUSETTS
HOME RULE PETITION**

By authorization of Article ?? of the Annual Town Meeting of the Town of Middleton held on the twelfth day of May in the year 2020, the Board of Selectmen do hereby petition the General Court of the Commonwealth of Massachusetts to adopt the following Home Rule Petition:

AN ACT APPROVING THE TOWN OF MIDDLETON HOME RULE CHARTER AS AMENDED AND AS VOTED IN ARTICLE ?? OF THE ANNUAL TOWN MEETING OF THE TOWN OF MIDDLETON INCLUDING CHAPTERS 6 AND 9.

The following amendments shall be made to the Charter of the Town of Middleton:

Chapter 6, Section 1, Subsection 6-1-1(b) shall be amended by inserting “and” before “a Treasurer-Collector” and deleting “, all division and/or department heads”;

Chapter 6, Section 3, Subsection 6-3-1(d) shall be amended by deleting “Personnel Board, a”;

Chapter 6, Section 4, Subsection 6-4-1 shall be amended by deleting “such individual Town officers and”;

Chapter 6, Section 7, Subsection 6-7-10 shall be amended by renumbering existing subsection 6-7-10 to “6-7-11” adding the following new subsection as 6-7-10 “He shall appoint, subject to the provisions of any collective bargaining agreements as may be applicable, all other department heads, officers, and employees for whom no other method of selection is provided by this Charter. Such appointments shall become effective on the fifteenth (15th) day following the day on which such notice of appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it.”

Chapter 9, Section 5, Subsection 9-5-2 shall be amended by replacing “Personnel Board” with “Town Administrator”, and further by replacing “Town Meeting” with “Board of Selectmen” and further by replacing “except those provided for by General Law” with “except as otherwise provided by law or as may be superseded by collective bargaining agreement(s)”

CHARTER

PREAMBLE

We, the people of the Town of Middleton, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the Home Rule Amendment of the Constitution of the Commonwealth, do hereby adopt the following Home Rule Charter for this town.

CHAPTER 1 POWERS OF THE TOWN

Section 1 Incorporation

1-1-1 The present Town of Middleton, Massachusetts, within its corporate limits as now established shall continue to be a body politic and corporate under the name, Town of Middleton.

Section 2 Scope of Town Powers

1-2-1 The Town shall possess and exercise all powers possible under the Constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this Charter.

Section 3 Form of Government

1-3-1 This Charter provides for the open town meeting-selectmen form of government.

Section 4 Construction of Charter

1-4-1 The powers of the town under this Charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any measure the general powers of the town as stated in this charter.

Section 5 Intergovernmental Relations

1-5-1 The Town may exercise consistent with the provisions of law, any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, civil divisions, subdivisions, or agencies of the Commonwealth, other states, or of the United States Government.

CHAPTER 2 TOWN MEETING

Section 1 Definitions

2-1-1 The Annual Town Meeting is defined as that session of the voters of the town provided for by section 2-4-1 of this Charter.

2-1-2 A special town meeting is defined as any session of the voters of the town not expressly scheduled by this Charter.

2-1-3 It is the intent of this Charter that any provisions of the Constitution or General Laws embodying the term "Annual Town Meeting" and which pertains to the legislative affairs of the Town, pertains to the Town Meeting expressly provided for by section 2-4-1 of this Charter.

Section 2 Composition, Quorum, Adjournment

2-2-1 The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the Town.

2-2-2 The quorum necessary for the conduct of business may be established through by-law, but may not be less than 100 registered voters of the Town.

2-2-3 When the number of voters in attendance at a Town Meeting is determined to be less than the established quorum, the meeting shall be adjourned forthwith to a stated date, time, and place.

Section 3 Powers and Responsibilities

2-3-1 The Town Meeting shall consider and act upon all proposed By-laws.

2-3-2 The Town Meeting shall consider and act upon, with or without amendments, all proposed operating and capital budgets, bond issues, and other financial proposals of the Town.

2-3-3 All Town officers, or their representatives, members of boards and commissions, and department heads including non-residents shall attend any Town Meeting and be permitted to speak on articles or issues that affect their department, office, or function. The absence of any such person shall not invalidate the actions of the Town Meeting.

2-3-4 The Town Meeting may investigate the affairs of any Town division, department, board, commission, committee, office or function.

2-3-5 The Town Meeting shall possess and exercise all powers possible under General Law.

Section 4 Procedures

2-4-1 The Town Meeting shall meet regularly on the second Tuesday in May to consider and adopt an annual operating and capital budget, and to act on other financial matters, to consider and act on matters of planning, zoning, subdivision control, building codes, and all other matters of a By-law nature, as well as to consider and act upon such other business as may properly come before the meeting.

2-4-2 In all procedural matters, the Town Meeting shall follow the latest edition of "Robert's Rules of Order," except as provided by General Law, this Charter, or by By-law.

2-4-3 The Warrant for each Town Meeting shall be prepared by the Board of Selectmen.

2-4-4 All warrants for Town Meeting shall be served by posting up attested copies thereof, in at least three public places in the Town and at such places as the Selectmen may designate, at least seven days before the time of holding such meeting.

2-4-5 A copy of the Warrant for any Town Meeting shall be made available to each residence in the Town at least seven days prior to the commencement of said meeting.

2-4-6 The order of consideration of the articles on the Warrant may be changed only by a four-fifths vote of the Town Meeting.

2-4-7 All proposed operating expenditures shall be included in a single, omnibus-type article in the Town Warrant.

2-4-8 The Town Meeting shall not consider financial matters without Finance Committee recommendations.

2-4-9 Articles involving planning, zoning, subdivision control, land acquisition, conservation, extension of sewer lines, and all other matters relating to the environment shall not be voted on by the Town Meeting unless they have been considered previously and a recommendation issued thereon by the Planning Board.

2-4-10 The substance of any article defeated at a Town Meeting shall not again be placed on the warrant for the period of one year, except and unless in compliance with General Laws, Chapter 39, Section 10 as amended.

2-4-11 The substance of any article entailing planning, zoning, subdivision control, which has been defeated at any town meeting shall not again be voted on by the Town Meeting for a period of two years thereafter, unless the planning board shall have recommended resubmission of the article.

2-4-12 The date, time, and place for any emergency Town Meeting shall be established by the Board of Selectmen, but, the calling of such shall be in accordance with the General Law provisions for calling a Special Town Meeting.

2-4-13 Any ten voters of the Town may secure by written petition to the Board of Selectmen, the inclusion of an article for the warrant of any duly scheduled Annual Town Meeting, and at least one hundred registered voters may secure the same for any duly scheduled Special Town Meeting.

Section 5 Presiding Officer

2-5-1 A Moderator shall be elected for a 3-year term at the regular election of Town officials. The Moderator shall not hold any other office or accept Town employment during the term for which the Moderator is elected.

2-5-2 The Moderator shall preside at all Town Meetings and shall swear in the Town Clerk. He shall enforce procedural rules as set forth in General Law, this Charter, and By-law.

2-5-3 The Moderator shall appoint the Finance Committee in accordance with Chapter 7, Section 3 of this Charter.

2-5-4 The Moderator shall appoint any ad hoc committee created by the Town Meeting, unless another appointive authority shall be specified in the language of the article establishing such committee.

CHAPTER 3 ELECTIONS

Section 1 Town Elections

3-1-1 The regular election for all Town offices shall be by official ballot held on the third Tuesday in May of each year.

3-1-2 Any person duly elected to any office or board shall take up the duties of his office immediately, provided that he first shall have been sworn to the faithful performance of his duties.

3-1-3 All General Law provisions with regard to Town elections shall apply.

Section 2 Elections to be Nonpartisan

3-2-1 All elections for Town officers shall be nonpartisan, and election ballots for Town officers shall be printed without any political party mark, emblem, vignette, or designation whatsoever.

Section 3 Eligibility of Town Voters

3-3-1 Any registered voter of the Town shall be eligible for election to any elective office or Board of the Town.

Section 4 Recall of Elective Officers

3-4-1 An elected officer of the Town may be recalled and removed from public office by the voters of the Town as herein provided. Any voter of the Town may file with the Board of Selectmen a petition containing the name and title of the elective officer whose removal is sought together with a statement of the grounds for his removal. Said petition shall be filed with said Board and shall be signed in ink or indelible pencil by qualified voters of the Town equal in number to at least twenty percent of the voters registered at the last regular municipal election, provided that no recall petition may be filed against any officer until he shall have held his office for at least six months. Said petition shall be accompanied by affidavits as to authenticity of signatures, signed and sworn to by each circulator, and certified by the Board of Registrars or Town Clerk.

3-4-2 If, within five days after receipt of the petition the Board of Selectmen shall determine the petition and affidavits to be sufficient, a recall vote shall be taken within one hundred and ten days but not sooner than ninety days after such final determination, provided that no such vote shall be taken if the term of office of such elective official shall expire within one hundred and

fifty days after such determination, or if such elective officer shall resign from such office before the taking of such vote. Said recall vote shall be called and conducted in the same manner as is provided by general law for the call and conduct of a special election.

3-4-3 The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officer whose recall is sought) be recalled?" A majority vote of the voters to recall such elective officer shall not be effective unless a total of at least thirty percent of the electorate entitled to vote on the question shall have voted. Recall of such elective officer shall become effective upon certification of the results of the voting thereon, regardless of any technical deficiency in the recall petition. If any elective officer shall be recalled, the vacancy created thereby shall be filled in accordance with the provisions of this charter and of general law.

3-4-4 No person, having been recalled or having resigned from office while recall proceedings were pending against him, shall be appointed to any Town office within two years following said recall or resignation.

CHAPTER 4 BOARD OF SELECTMEN

Section 1 The Board of Selectmen

4-1-1 A Board of Selectmen of five members shall be elected for three year overlapping terms. The regular election for the office of Selectman shall be held in accordance with Chapter 3 of this Charter.

4-1-2 Vacancies in the office of Selectman shall be filled by special election in accordance with the provisions of General Law.

Section 2 General Powers

4-2-1 All executive powers of the Town, except as otherwise provided in this Charter, shall be vested in the Board of Selectmen. It is the intent of this section that the Board shall exercise control over Town affairs by recommending major courses of action to the Town Meeting and by setting policies to be carried out by the Town Administrator and other officers, boards, and commissions appointed by the Board of Selectmen.

4-2-2 The Board shall have the power to enact rules and regulations relating to the conduct of Town elections and for the establishment of Town policies, not otherwise governed by Statute, this Charter, or By-law, provided however, that whenever an appropriation shall be necessary to implement such action, the vote of the Board shall be effective only if such appropriation shall be made by the Town Meeting.

Section 3 Powers of Appointment

4-3-1 The Board shall have the powers of appointment as provided in Chapter six of this Charter.

Section 4 Powers of Investigation

4-4-1 The Board of Selectmen may make investigations and may authorize the Town Administrator or other agent to investigate the affairs of the Town and the conduct of any Town department, office or agency, including any doubtful claims against the Town. For this purpose the board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of such investigation shall be placed on file in the office of the Town Clerk and a report of such investigation shall be printed in the next Annual Town Report.

Section 5 Administrative Reorganization

4-5-1 Subject only to express prohibitions in the Constitution and General Laws and provisions of the Charter, the Town Meeting may, by By-law, reorganize, consolidate, or abolish any Town agency, in whole or in part; establish such new Town agencies as it deems necessary or advisable and may prescribe the functions of any such Town agency; provided however, that no function assigned by the Charter to a particular Town agency may be discontinued except by Charter amendment.

CHAPTER 5 OTHER ELECTED TOWN BOARDS

Section 1 General Provisions

5-1-1 Beginning with the first Town Election held after the adoption of this Charter, the other Town Boards to be elected by vote of the Town shall be: An Elementary School Committee, a Regional School Committee, a Planning Board, a Board of Assessors, a Board of Library Trustees, a Town Clerk, a Housing Authority, Electric Light Commissioners and a Constable.

5-1-2 Boards and commissions established under this Charter shall perform their functions and duties in accordance with the Constitution, General Law, this Charter, or By-law.

5-1-3 During the term for which he is elected, and for one year following expiration of his term, no member of any board or commission established under this Charter shall be eligible to accept any appointed paid full-time Town position.

5-1-4 Members of boards and commissions established under this Charter who serve without compensation may receive actual and necessary expenses incurred in the performance of their duties, within limits of an appropriation made for that purpose.

Section 2 Vacancies

5-2-1 Vacancies in the Town Boards or offices established under this Charter shall be filled by the Board of Selectmen together with the remaining members of the respective board, in accordance with the provisions of General Law.

Section 3 School Committee

5-3-1 An elementary School Committee of five members shall be elected for three year overlapping terms.

5-3-2 A regional School Committee membership of three shall be elected for three year overlapping terms.

5-3-3 At least two weeks prior to submitting a budget to the Town Accountant, the school committee shall conduct a public hearing on the school budget. Said committee shall have preliminary summaries of its recommendations available at said hearing, which shall be distributed to those who request them.

Section 4 Planning Board

5-4-1 A Planning Board of five members shall be elected for five year overlapping terms.

5-4-2. Two alternate members shall be appointed jointly by the board of selectmen and the planning board for one-year terms. The chairperson of the planning board may designate an alternate member to sit on the planning board to vote and act on all matters in the event of a board member's absence, inability to act, conflict of interest or a vacancy on the board.

Section 5 Board of Assessors

5-5-1 A Board of Assessors of three members shall be elected for three-year overlapping terms.

Section 6 Library Trustees

5-6-1 A Board of Library Trustees of five members shall be elected for three year overlapping terms.

5-6-2 The Board shall be responsible for the administration and operation of the Town Library.

Section 7 Electric Light Commissioners

5-7-1 A Board of five Commissioners shall be elected for three-year overlapping terms.

Section 8 Town Clerk

5-8-1 A Town Clerk shall be elected for a three year term.

Section 9 Constable

5-9-1 A constable shall be elected for a three year term.

CHAPTER 6 APPOINTMENTS BY THE BOARD OF SELECTMEN

Section 1 Powers to Appoint Town Officers

6-1-1 The Board of Selectmen shall have the power to appoint:

(a) The following officers each for a term of three years; a Town Counsel, a Town Accountant.

(b) The following officers for a term or succession of terms, no one term of which shall be in excess of three years; a Town Administrator, a Superintendent of Public Works, and a Treasurer-Collector, ~~all division and/or department heads.~~

Commented [KF1]: Thoughts?

(c) The following officers for an indefinite term: a Police Chief, a Fire Chief.

Section 2 Duties

6-2-1 Officers appointed under this chapter shall perform their duties in accordance with General Law, this Charter, and By-law.

Section 3 Power to Appoint Town Boards and Commissions

6-3-1 The Board of Selectmen shall have the power to appoint:

(a) Five members of a Zoning Board of Appeals for five year overlapping terms, and two alternate members for one year terms.

(b) Five members of a Board of Health, for three year overlapping terms.

(c) Three members of a Board of Registrars of Voters for three year overlapping terms.

(d) A ~~Personnel Board,~~ a Conservation Commission, a Recreation Commission, an Historical Commission, such boards to be composed of five members each, who shall be appointed for three year overlapping terms.

Section 4 Other Appointive Powers

6-4-1 The Board shall have the power to appoint ~~such individual Town officers and~~ members of Boards and Commissions as are authorized by General Law, this Charter, or By-law, and for whom appointment is not otherwise provided.

Section 5 Removals and Suspensions

6-5-1 Any appointed officer or full-time salaried employee of the Town, not subject to the provisions of the state Civil Service law, whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term good cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

6-5-2 Any appointed officer or full-time salaried employee of the Town may be suspended from office by the appointing authority if such action is deemed to them to be necessary to protect the interests of the Town. However, no suspension shall be for more than fifteen days. Suspension may be concurrent with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

6-5-3 The appointing authority when removing any such officer or employee shall act in accordance with the following procedure:

a. A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by registered mail to the last known address of the person sought to be removed.

b. Within five days of delivery of such notice the officer or employee may request a public hearing at which he may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

c. Between one and ten days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing between six and fifteen days after delivery of the notice of the intent to remove, the appointing authority shall take final action either removing the officer or employee or notifying him that the notice is rescinded.

6-5-4 Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when his original term expires.

6-5-5 Said power should not apply to the Zoning Board of Appeals, nor to any other body which the Town Counsel has determined to be quasi-judicial.

Section 6 Qualifications of Town Administrator

6-6-1 The Town Administrator shall have executive and administrative qualifications and shall have education by training, experience or scholastic achievement to perform the duties of the office.

Section 7 Duties of the Town Administrator

6-7-1 The Town Administrator shall be directly responsible to the Board of Selectmen for the performance of his duties, and shall be the principal full-time administrative officer of the Town.

6-7-2 He shall represent the Town, in the absence of the Selectmen, at all Federal, State, Regional, or Municipal meetings which may affect the present or future status of the Town.

6-7-3 He shall attend all meetings of the Board of Selectmen except when excused and shall have the right to speak, but not to vote.

6-7-4 He shall assemble and present to the Board of Selectmen the annual budget of the town and shall also be responsible for the development and annual revision of the capital improvements program, in accordance with chapter seven of this Charter.

6-7-5 He shall keep the Board of Selectmen fully informed regarding all departmental operations, fiscal affairs, problems, and administrative actions, and to this end, shall submit quarterly reports to the Board of Selectmen.

6-7-6 He shall keep the Board of Selectmen fully informed on the long range needs of the Town and shall provide the Board with data to support suggested alternative courses of action.

6-7-7 He shall be responsible for purchasing all material, equipment, and supplies for the Town except as otherwise provided for by law. He shall award all contracts for the Town except those which Town Bylaw requires competitive bids. A vote of the Board of Selectmen is required to award a contract other than to the lowest bidder.

6-7-9 He shall keep a full and complete inventory of Town property both real and personal.

6-7-10 He shall appoint, subject to the provisions of any collective bargaining agreements as may be applicable, all other department heads, officers, and employees for whom no other method of selection is provided by this Charter. Such appointments shall become effective on the fifteenth (15th) day following the day on which such notice of appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it.

Formatted: Superscript

6-7-11 He shall perform such other duties as may be required by this Charter, By-law, vote of the Town, or vote of the Board of Selectmen.

Section 8 Removal of the Town Administrator

6-8-1 The Town Administrator may be removed in the course of his term, in accordance with the following procedures.

6-8-2 The removal of the Town Administrator shall be by a resolution of the Board of Selectmen to this effect, provided that no such resolutions shall be adopted within sixty days after any Town election that shall have caused a change in the composition of the Board.

6-8-3 The adoption of said resolution shall serve to suspend the Administrator for a period of not more than forty-five days, during which his salary shall continue to be paid. A copy of such resolution shall be delivered to the Town Administrator who shall have five days in which to request a public hearing. If a hearing shall be requested, the Board shall schedule it within two weeks, to be held in a public place. The Board shall advertise the hearing in a newspaper of local circulation and cite its purpose, location, time and date.

6-8-4 The Moderator, or if he is unable to be present, such person as he shall designate, shall preside at such hearing.

6-8-5 At any such hearing, the reasons for the removal shall first be read aloud. The Town Administrator shall then be allowed to respond, either personally or through counsel. The Board of Selectmen and the Town Administrator shall be allowed to call witnesses, and to subpoena any and all Town records.

6-8-6 Final removal of the Town Administrator shall be effected by the affirmative vote of the Board of Selectmen, at a public meeting of the Board held within seven days of such public hearing, if the Town Administrator shall have requested one. Or, if he shall not have requested one, final removal may be effected by the affirmative vote of three members of the Board held not sooner than fourteen days after the vote initiating the removal. The salary of the Town Administrator shall continue to be paid for a period of thirty days after the vote effecting his removal from office.

Section 9 Acting Town Administrator

6-9-1 In the event of temporary absence, disability, suspension, or vacancy in the office of the Administrator, the Board of Selectmen by an affirmative vote of at least three members may appoint an acting Town Administrator. The term of the acting Administrator shall not exceed 90 days. If necessary the Board of Selectmen by an affirmative vote of at least three members may extend the temporary appointment for an additional term not to exceed 90 days. An acting Administrator appointed under this section shall receive compensation as set by the affirmative vote of at least three selectmen, but, it shall not exceed the rate of compensation, approved for the Administrator by the town meeting.

CHAPTER 7 FINANCES AND FISCAL PROCEDURES

Section 1 Fiscal Year

7-1-1 The fiscal year of the Town shall be as required by the General Laws.

Section 2 Annual Audit

7-2-1 At least ninety days before the end of each fiscal year, the Board of Selectmen shall request the auditing agency of the Commonwealth to conduct an audit of all accounts, books, records, and financial transactions of every department, board, and commission of the Town government, including the school department.

7-2-2 All auditor's reports shall be public records and shall be filed with the Town Administrator, Town Clerk, and a summary thereof shall be published in the next Annual Town Report.

Section 3 Finance Committee

7-3-1 A Finance Committee of seven members shall be appointed by the Moderator for three year overlapping terms. Appointments shall be made annually, within 30 days after the Town elections.

7-3-2 Vacancies in the committee shall be filled for the unexpired portion of the term by the Moderator, within 30 days thereafter.

7-3-3 The Moderator shall have the power to rescind, for cause, any appointment made by him to the Finance Committee, provided that the appointee shall first have been served with a written notice specifying the Moderator's intention, specifying his reasons therefore, and informing the appointee of his right to be heard at a public hearing, if requested.

Section 4 Submission of Budget and Budget Message

7-4-1 At least 120 days prior to the Annual Town Meeting, every Department, Board, Commission and Committee shall prepare and submit to the Town Accountant, operating budget estimates for the ensuing fiscal year.

7-4-2 The Town Accountant shall, within 14 days present to the Town Administrator the operating budget estimates.

7-4-3 At the next regular meeting of the Board of Selectmen, the Town Administrator shall submit to the Board of Selectmen the proposed budgets for the ensuing fiscal year.

7-4-4 Not later than 14 days after the receipt from the Town Administrator the Selectmen shall submit the budget for the ensuing year to the Finance Committee.

7-4-5 The Finance Committee shall prepare and present the budget message at the Annual Town Meeting. The budget message shall also be included in the annual Town Report.

7-4-6 The budget message shall explain the budget both in fiscal terms and in terms of work programs. It shall: (1) outline the proposed financial policies of the Town for the ensuing fiscal year; (2) describe the features of the budget; (3) indicate any major changes from the current year in financial policies; expenditures, and revenues together with the reasons for such changes; (4) summarize the Town's debt position; (5) estimate the impact of the total budget upon the ensuing tax rate; (6) include such other material as the Finance Committee shall deem desirable.

Section 5 Capital Improvements Program

7-5-1 The Town Administrator shall submit a capital improvement program to the Board of Selectmen and the Finance Committee at least one hundred fifty days before the start of each fiscal year. It shall be based on material prepared by the Capital Planning Committee of the Town, including (1) a clear concise general summary of its contents; (2) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each such capital improvements; (3) cost estimates, methods of financing and recommended time schedules for each improvement; and, (4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. This information is to be annually revised by the Capital Planning Committee with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

7-5-2 The Capital Planning Committee shall be composed of the Town Administrator and the Town Accountant, ex-officio, one member of the Finance Committee appointed by and from it, one member of the Planning Board appointed by and from it and three additional members to be appointed by the Moderator. The members from the Finance Committee and Planning Board shall be appointed for one-year terms. The other members shall be appointed for three-year terms, such that one will expire each year. Vacancies shall be filled for the unexpired terms and in the manner of the original appointments.

Section 6 Action on Proposed Budgets

7-6-1 The Finance Committee shall publish, in one or more newspapers of general circulation in the Town, a notice stating: (1) the time and places where copies of the operating budgets and capital improvements program are available for inspection; and (2) the date, time and place, not less than seven days after such publication, when the Finance Committee and the Board of Selectmen jointly shall conduct one or more public hearings on the proposed operating budget and the capital improvements program.

7-6-2 The Finance Committee shall have summaries of its preliminary recommendations available at said hearings which shall be distributed to those who request them.

7-6-3 The Finance Committee shall then issue its final recommendations in print on both the operating budget and the capital improvements program, together with the warrant as provided in 2-4-5; and make copies available to the voters at least fourteen days prior to the annual Town Meeting. In preparing its recommendations, the Finance Committee may require any Town department, board, or office to furnish it with appropriate financial reports and budgetary information.

Section 7 Financial Public Records

7-7-1 Statements summarizing the budget and the capital improvement program and related warrant articles, as adopted by the Town Meeting, shall be made available at the office of the Town Administrator and Town Clerk for examination by the public not more than twenty days after their adoption.

Section 8 Collections & Disbursements

7-8-1 All monies received by the Town or by any department or officer thereof, shall, upon their receipt by such department or officer, be paid forthwith into the town treasury except as provided otherwise by General Law, By-Law, or this Charter.

7-8-2 Warrants for the payment of town funds, prepared and signed by the Town Accountant in accordance with General Law procedures shall be submitted to the Board of Selectmen, and their approval thereof shall be sufficient authorization for payment by the Town Treasurer.

Section 9 Emergency Appropriations

7-9-1 To meet a public emergency affecting life, health, property, or the public peace, the Board of Selectmen may make emergency appropriations, to the extent that there shall be available unappropriated revenues to meet such appropriations, subject to provisions of G.L. 44 Section 31, as amended.

Section 10 Lapse of Appropriations

7-10-1 Every appropriation, except an appropriation made by a separate warrant article, shall lapse at the close of the fiscal year to the extent that it shall not have been expended or encumbered by contract. An appropriation made by a separate warrant article shall continue in force until the purpose for which it was made shall have been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three years shall pass without any disbursement from or encumbrance by contract of the appropriation.

Section 11 Prohibitions

7-11-1 In addition to the prohibitions prescribed by law, the submission of a bid by any compensated town officer or employee on any contract to be awarded by the Town shall serve to vacate his office, unless otherwise authorized by General Law.

CHAPTER 8 ENVIRONMENTAL MATTERS

Section 1 Powers and Duties of Planning Board

8-1-1 The Planning Board established under Chapter 5, Section 4 of this Charter shall make recommendations to the Board of Selectmen on all matters concerning the physical, economic, and environmental development of the town, as prescribed by General Law, and this Charter.

8-1-2 The Board shall be responsible for the development and periodic updating of a comprehensive plan, which shall be utilized as the basis of all planning activities, procedures, and recommendations in the Town.

8-1-3 A copy of the comprehensive plan shall be kept available for inspection at the office of the Town Administrator, Town Clerk and Public Library.

Section 2 Condemnation Powers

8-2-1 The Board of Selectmen shall have the authority to condemn and compel to be removed, shacks and dilapidated buildings, or other undesirable, detrimental exposed material wherever the same mar the beauty of the Town, provided that such action shall be undertaken in accordance with due process of law, and that such resolution shall have been recommended previously by the Planning Board, or by the Town's chief inspecting officer.

CHAPTER 9 ADMINISTRATION

Section 1 Division & Departments Established

9-1-1 This Charter establishes the following divisions, each of which shall be under the supervision of the Board of Selectmen: (1) a Division of Public Works, (2) a Division of Zoning Enforcement and Inspection, (3) a Department of Police, (4) a Department of Fire.

9-1-2 Each division and/or department head shall be appointed by, and ultimately responsible to the Board of Selectmen unless otherwise provided by this Charter or General Laws.

Section 2 Division of Public Works

9-2-1 The Division of Public Works shall be responsible for: (1) the design, construction, maintenance, repair, cleaning and all essential duties affecting roads, sidewalks, storm drains, sewers, bridges and other public way related structures, (2) the maintenance, repair, and cleaning of all buildings owned or leased by the Town, except those of the School Department, (3) the development and maintenance of all cemeteries, parks and recreational facilities, (4) snow removal; (5) the supervision, care and replacement of trees, including those functions previously undertaken by the tree warden and the moth superintendent, (6) the custody, maintenance and repair of all equipment, tools, machinery and related devices necessary and incidental to the performance of the division's functions.

9-2-2 The Division of Public Works shall assume all of the duties and responsibilities and perform all of the functions including, but not limited to, those which prior to the adoption of this Charter, were performed by or under the authority of the Water and Sewer Commission.

Section 3 Division of Zoning Enforcement and Inspection

9-3-1 The Division of Zoning Enforcement and Inspection shall be responsible for all inspecting functions, including building, wire, plumbing, and those functions assigned by law to all inspectors and to the Sealer of Weights and Measures.

Section 4. Municipal Light Department.

9-4-1 The Municipal Light Department shall assume all the duties and responsibilities of operating and maintaining the functions of the Electric Light and Power Department under the provisions of the General Laws and the Department of Public Utilities.

Section 5 Personnel System

9-5-1 All appointments and promotions of Town officers and employees shall be made on the basis of merit and fitness demonstrated by examination or other evidence of competence.

9-5-2 The ~~Personnel Board~~Town Administrator, shall propose, and the ~~Town Meeting~~Board of Selectmen may adopt personnel rules relating to all Town positions, ~~except those provided for by General Law~~except as otherwise provided by law or as may be superseded by collective bargaining agreement(s). Such rules shall provide for: (1) the classification of all positions based on the duties, responsibility and authority of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances, (2) a salary and pay plan for all positions, (3) methods of determining the merit and fitness of candidates for appointment and promotion, (4) policies and procedures regulating the removal of employees, (5) hours of work, attendance regulations, and provisions for sick, vacation, military and other leave of absence, (6) policies and procedures governing persons holding provisional appointments, (7) policies and procedures governing relationships with employee organizations, (8) policies regarding in service training programs, (9) grievance procedures, including procedures for the hearing of such grievances, and (10) such other practices and procedures as may be necessary for the administration of the personnel system.

CHAPTER 10 GENERAL PROVISIONS

Section 1 Amendment of Charter

10-1-1 This Charter may be replaced, revised, or amended in accordance with the provisions of the Constitution and General Law.

Section 2 Specific Provisions shall Prevail

10-2-1 To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 3 Severability of Charter

10-3-1 If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter of any of its provisions to any person or circumstance shall be held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 4 Revision and Publication of By-Laws

10-4-1 It shall be the responsibility of the Board of Selectmen to insure, through an appointed By-law Committee, that the By-laws of the Town shall be reviewed, codified, and republished at least every five years, and that copies shall be made available to all registered voters requesting them.

Section 5 General Responsibilities of Boards and Commissions

10-5-1 All boards, commissions, and committees of the Town shall: organize annually and elect a chairman and other necessary officers; establish a quorum requirement for their meetings; adopt rules of procedure and voting; maintain a journal of proceedings, copies of which shall be a public record.

Section 6 Executive Sessions

10-6-1 No meeting of any Town board, commission, committee, or subcommittee shall be held in executive session except by not less than a majority vote of those present.

10-6-2 Executive sessions may be held only for the purpose of discussing or voting on matters which cannot be made public by reason of law or federal grant-in-aid requirements, or which might adversely affect the public security, the financial interest of the Town (including matters relating to collective bargaining) and the reputation of any person (including normal personnel actions).

CHAPTER 11 TRANSITIONAL PROVISIONS

Section 1 Continuation of By-laws

11-1-1 All special acts, by-laws, resolutions, rules, regulations and votes of the Town Meeting in force on the effective date of this Charter not inconsistent with its provisions, shall continue in force until amended or repealed, including, if any, By-laws which shall have been passed and have been approved by the Attorney General but not published.

Section 2 Continuation of Government.

11-2-1 Appointed or elected Town officials holding office on the effective date of this Charter shall continue to serve until their successors have been qualified, unless the office and/or duties have been transferred, consolidated, or abolished.

11-2-2 Notwithstanding any conflicting provisions, the adoption of this Charter shall serve to grant tenure until age of seventy years to Allan G. Marshall and Ernest R. Gould, so long as they are willing and able to perform the duties of their respective offices as presently defined.

11-2-3 Notwithstanding any provisions to the contrary, the adoption of this Charter shall serve to grant tenure until age seventy to Patricia Jordan and Harold Tyler, so long as they are both willing and able to perform the duties of their respective offices as presently defined. In the event either shall become unwilling or unable to perform, the office of Treasurer-Collector shall be offered to the remaining officer under the provisions of Section 6-1-1.

11-2-4 The incumbent Board of three selectmen shall cause a Special Election to be held on the second Monday of September, 1974 for the purpose of electing two additional members to the Board, one to serve until the next regular election in 1976 and one until the regular election in 1977. After the qualification of the two new members, the five-man Board shall proceed to appoint the Town Administrator and take whatever other action is deemed necessary to implement the office.

Section 3 Transfer of Records and Property

11-3-1 All records, property, and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency, shall be transferred forthwith to the office, department, or agency to which such powers and duties are assigned.

Section 4 Pending Actions and Proceedings

11-4-1 No action or proceedings, civil or criminal, in law or in equity, pending, at the time this Charter shall take effect, brought by or against the Town or any office, department, or other agency thereof, shall be affected or abated by the adoption of this Charter.

ARTICLE To see if the Town will vote to amend Chapter 68 Personnel, of the By-Laws of the Town by deleting the entire chapter and substituting in its place:

Chapter 68 Personnel

§ 68-1 **Purpose and Intent.**

The purpose of the Personnel Bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensure a uniform fair and efficient application of personnel policies. The intent of this bylaw is to provide a method of recruitment, selection, development, and retention of a work force that is skilled and effective in accomplishing the service delivery mission of the Town. Personnel actions are to be made without regard to any criteria established and proscribed by any state or federal law or regulations promulgated pursuant thereto, or political affiliation or other non-job related factors, and shall be based on merit and fitness.

§ 68-2 § 68-5

All Town departments and positions shall be subject to the provisions of this bylaw, except elected officers, members of boards and commissions, and employees of the School Department. To the extent that the provisions of any collective bargaining agreement conflicts with any provisions of this bylaw or personnel policies adopted pursuant to § 68-5, the provisions of the collective bargaining agreement shall prevail. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law.

§ 68-3 **Responsibility of the Town Administrator.**

The Town Administrator shall be responsible for the establishment and maintenance of a personnel system based on merit principles. The Town Administrator shall have all the personnel management powers and duties as provided by the Middleton Town Charter and shall formulate personnel policies pursuant to § 68-5 of this bylaw, subject to the approval of the Board of Selectmen.

§ 68-4 **Contents of Personnel Policies.**

The personnel policies shall establish a personnel system which shall include, but need not be limited to, the following elements:

- A. A method of administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records; implementing effective recruitment and selection processes; maintaining the classification and compensation plans; monitoring the application of policies and periodic reviews and evaluation of the personnel system.
- B. A classification and compensation plan.
- C. A recruitment and selection policy.

- D. A centralized personnel record keeping system, and
- E. Other elements of a personnel system as deemed appropriate or necessary.

§ 68-5 Adoption of Policies.

The Town Administrator is empowered and authorized by this bylaw to prepare personnel policies **for adoption by the Board of Selectmen** defining the rights, benefits, and obligations of employees subject to this bylaw, provided however. The Town Administrator shall be responsible for the development of personnel policies. Any Board or Committee, department head, or any single employee or group of employees may recommend personnel policies to the Town Administrator for consideration. Such policies shall become effective in accordance with the following procedure:

- A. The Town Administrator shall prepare proposed personnel policies.
- B. The Town Administrator shall consult with employees that may be affected by proposed changes in personnel policies.
- C. The Town Administrator shall finalize personnel policies and transmit in writing any proposed policies to the Board of Selectmen.
- D. The Board of Selectmen shall review said policies and vote to approve, disapprove, or approve with modifications. *Alternative...* Policies shall become effective on the thirtieth day following the day on which notice of proposed policy is filed with the Board of Selectmen, unless the Board of Selectmen shall within said period vote to reject any such policy.**
- E. Copies of new or amended policies shall be posted and distributed to department heads and employees.

§ 68-6 Severability.

The provisions of this bylaw and any policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or policy shall not be affected thereby.

§ 68-7 Effective Date.

This bylaw shall take effect upon passage.

Andrew Sheehan

From: James Digianvittorio (MPD)
Sent: Wednesday, March 04, 2020 1:43 PM
To: Derek Fullerton
Cc: Andrew Sheehan; James Digianvittorio (MPD)
Subject: Narcan Project



Derek,

Pursuant to our conversation please forward me a brief description of the "Town of Middleton Narcan Project" that you are undertaking. As discussed earlier I plan on purchasing (10) extra dosages of Narcan for my staff to add to the jump kits.

I recently sent staff to a training and the State is recommending that our kit's now have two vials of Narcan based on the information that most of the narcotics in the area laced with fentanyl and we should have one dosage for the patient and the other for the officer if needed.

Once the Selectmen approve the grant in the amount of \$1,300 from the MED-Project USA I plan on purchasing what we need and the rest we will donate to your new project.

Jim

Andrew Sheehan

From: James Digianvittorio (MPD)
Sent: Friday, February 07, 2020 11:21 AM
To: Derek Fullerton; Andrew Sheehan; Tanya Shallop
Cc: James Digianvittorio (MPD)
Subject: MED-Project Grant
Attachments: Xerox Scan_02072020110450.pdf

Derek,

I was approved for this MED-Project grant today in the amount of \$1,300 a year in support of our existing unwanted household medicine collection kiosk at the police station.

I attached the information above. We chose option # 1 due to the fact that our kiosk is new and in perfect condition so getting a replacement was not needed.

My question to you is if there is any programs in our Town that we can focus on with this money. I was advised that the money will be sent in 30 days for the 2020 program.

They stated that once the check is cut they do not require receipts for what we do with the money, however, I would like it to go back to some sort of drug program.

Thanks,

Jim

Remittance Info: Inv #GA-295

MED-PROJECT USA
1800 M St NW
400S
Washington, DC 20036
8336337765

JPMorgan Chase Bank, N.A.
Verify: 888-237-9615
90-7162/3222

0041406335

2/28/2020

PAY TO THE ORDER OF MIDDLETON POLICE DEPARTMENT

\$ 1300.00

One Thousand Three Hundred and 00/100

DOLLARS

0002096 01 AB 0.416 **AUTO T9 0 5043 01949-171865 -C01-P02098-I

VOID AFTER 90 DAYS



MIDDLETON POLICE DEPARTMENT
65 NORTH MAIN STREET
MIDDLETON, MA 01949-1718



Re Zant

⑈0041406335⑈ ⑆322271627⑆ 215376176⑈

From: MED-PROJECT USA
Pay To: MIDDLETON POLICE DEPARTMENT

Date: 2/28/2020
Check #: 41406335

Invoice #	Bill Amount	Payment Amount
GA-295	\$1,300.00	\$1,300.00
Total		\$1,300.00

**GET PAID
FASTER**

Receive your next payment right in
your bank account.

Get started by going to bill.com/free
and enter the 6-character code below.

tzni0m

With a free Bill.com account, you'll get everything
you love about paper - without the clutter:

Remittance information: find everything
fast, with all the details you need

Payment history: access your payment
records, anytime, anywhere

Real-time updates: get notified about
upcoming payments

Collaboration: exchange notes and
questions with customers

MED-Project™
Medication Education & Disposal

MED-Project LLC
1200 M Street, NW | Suite 400 S | Washington, DC 20036
Phone (533) 533-7765 | Fax (566) 633-1312
info@med-project.org

Middleton Police Department
65 North Main Street
Middleton, MA 01949

SENT VIA MAIL

Re: MED-Project LLC Grant Program - Application Approval Notification

MED-Project LLC is pleased to inform you that your 2020 funding grant application for
collection and disposal of unwanted medicine is approved

Please contact Brad MacDonald, Northeast Regional Director for MED-Project, at
bradmacdonald@med-project.org with any questions concerning the funding grant award

Sincerely yours,

Victoria Travis

Dr. Victoria Travis, PharmD, MS, MBA
National Program Director



MED-Project™

Medication Education & Disposal

Law enforcement agencies interested in hosting a kiosk are invited to visit the "Apply for a Grant" page on our website at www.med-project.org or call us at 1-(833) MED-PROJECT.

Enrollment in MED-Project's Program is now open to all Law Enforcement Agencies ("LEAs") within the Commonwealth of Massachusetts to apply and receive grants for the collection and disposal of unwanted household medications.

LEAs may choose from one of three options as described below:

✚ Option 1 – Funding-Only Grant

- An annual funding grant of \$1,300 in support of the LEAs existing program for an unwanted household medicine collection kiosk at the LEA site.

✚ Option 2 – Kiosk and Funding Grant

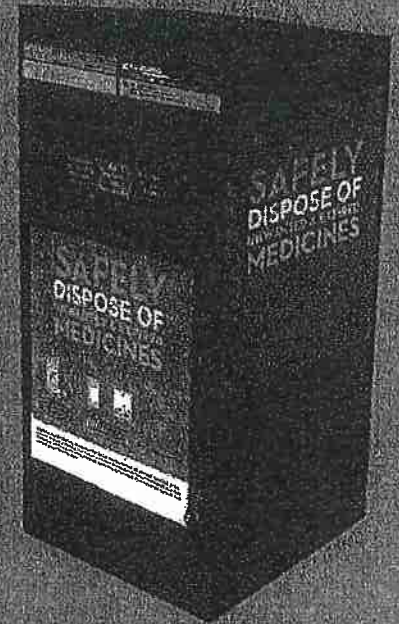
- A fully assembled unwanted medicine kiosk with signage will be provided free of charge.
- Plus, an annual funding grant of \$1,300 to pay for disposal of unwanted household medicines where the LEA will manage the disposal via LEA staff.

✚ Option 3 – Service Grant

- MED-Project will fund up to 12 unwanted household medicine collection box and liner kits per year.
- Box and liner shipping and disposal is included in the service grant.
- LEAs may request additional box and liner kits by entering into a separate self-paid agreement with the vendor.

✚ LEA Collection Site Responsibilities Include

- Provide proper placement of the collection kiosk according to Drug Enforcement Administration ("DEA") requirements.
- Ensure proper operation of the kiosk, such as periodic monitoring to determine when it is full; removing and replacing the inner box and liner; contacting carrier to arrange for pick-up; and secure storage of liner until carrier retrieval.



Kiosks are designed with safety and security features:

- Two locks on access door and lockable drop slot
- Keys that cannot be copied
- Anti-tamper protection virtually closes off access to interior of cabinet when drop slot is open
- Fastened to floor in compliant location

Kiosk size and capacity:

- Outside dimensions are 24" x 24" x 39" (back) / 43" (front) tall
- 33-gallon capacity
- Drop slot opening can accommodate bottles 5" in diameter and 12" tall

MORGAN LYNCH 7193932263



MED-Project LLC
4096 Piedmont Ave Unit 544, Oakland, CA 94611
Phone: (833) 633-7765 | Fax: (510) 686-8837
massachusetts@med-project.org

grants will be renewable each year provided a new complete application is submitted.

OR

Option 3 (Service Grant):

MED-Project will fund up to 12 unwanted household medicine collection box and liner kits per year. All box and liner shipping and disposal is included in the service grant. LEAs may request additional box and liner kits by entering into a separate self-paid agreement with the vendor. To qualify for the service grant the LEA will operate an unwanted household medicine collection kiosk, and package and ship full unwanted household medicine collection kiosk boxes and liners to authorized disposal facilities.

We anticipate that there will be many questions about this program. One of our goals is to assist interested and eligible sites in participating in the Program by making this process as streamlined as possible.

If you are interested in learning more about participating and receiving either a funding grant or service grant to support the collection and disposal of unwanted household opioid and/or benzodiazepine medications, please go to our website at www.med-project.org/massachusetts and fill out a Grant Application form by clicking on the link in the upper right corner of the web page. If you have further questions, please call us at 1 (833) MED-PROJECT or 1 (833) 633-7765.

Thank you for your interest,

Dr. Victoria Travis
National Program Director

Andrew Sheehan

From: Michael J. Jones <mjones@institutionforsavings.com>
Sent: Thursday, January 30, 2020 9:49 AM
To: Andrew Sheehan
Subject: A Gift from the Bank to Celebrate Our 200th Anniversary: RESPONSE REQUESTED!

Follow Up Flag: Follow up
Due By: Tuesday, February 04, 2020 4:00 PM
Flag Status: Flagged



INSTITUTION FOR SAVINGS

BUILDING STRONGER COMMUNITIES TOGETHER SINCE 1820.

Dear Town Administrator Sheehan:

Happy New Year!

This is an exciting year for the Institution for Savings - we are celebrating our 200th anniversary. To commemorate this milestone we are embarking on a yearlong schedule of "200-themed" activities and events to thank our customers and our communities for making our success possible.

During the month of April, to commemorate Earth Day, we will be donating a total of "200" trees to the 13 communities where we have offices... and as you know, your community is one of them!



We would like to donate 15 Princeton Elm trees (see photo, left) to your community to use as you see fit. At delivery, the trees will be approximately 15 feet tall growing and will grow to 50-70 feet at maturity - after many years.

If this is something you would like to accept, please put me in contact with the appropriate person in your office with whom I can work to coordinate the details and delivery. Delivery will be the week of April 13th.

It is important to note that at delivery, the trees will have a proper root ball but will need to be watered as the season gets warmer and drier if not planted immediately.

I look forward to hearing from you at your earliest convenience so that we can place the order for the trees.

Thanks!

Sincerely,



Michael J. Jones
President and CEO

Please Note: If you unsubscribe from all lists, you will not be informed of important information pertaining to your account(s).

Institution for Savings, 93 State Street, P.O. Box 510, Newburyport, MA 01950

[SafeUnsubscribe™ andrew.sheehan@middletonma.gov](#)

[About our service provider](#)

Sent by mjones@institutionforsavings.com