

**BOARD OF SELECTMEN**  
**MEETING AGENDA**  
**Middleton, MA 01949**  
**Tuesday, April 21, 2020**  
**7:00 PM**

*NOTE: Due to the state of emergency in Massachusetts due to the COVID-19 outbreak, this meeting will be held via ZOOM, an internet based meeting space. It is the intent that the virtual meeting space will be made accessible to the public; however, if this is not possible despite best efforts, the full and complete transcript of the meeting will be posted on the Town's website as soon as practicable upon the conclusion of the proceedings. To join the meeting, go to <https://zoom.us/j/92838134000?pwd=RFVMSzlRekVRcHJZQ2dRbjBtTVdmUT09>*

Meeting ID: 928 3813 4000

Password: 793621

One tap mobile

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+19292056099,,92838134000#,,793621# US (New York)

*This meeting is being recorded*

1. 7:00 PM Warrant: #2022  
Minutes: Open Session: April 7 & 14, 2020  
Town Administrator updates and reports
2. 7:15 PM Public Comment Period
3. 7:25 PM Discussion of citizens petition with petitioner Eric Cudmore with respect to Annual Town Meeting warrant article 22
4. 7:40 PM Review and vote to create COVID-19 Donation Fund and further; vote to adopt COVID-19 Donation Policy
5. 7:50 PM Review and vote to accept donation from Falck Renewables in the amount of \$40,000 to be used for the Council On Aging's meals on wheels and outreach activity
6. 7:55 PM Vote to close and sign the June 20, 2020 Annual Town Election warrant
7. 8:00 PM Continue review and discussion of the June 10, 2020 Annual Town Meeting warrant
8. 8:05 PM Vote to close the June 10, 2020 Annual Town Meeting warrant pending finalization of Article 20 by the Planning Board and subject to non-substantive edits
9. 8:20 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

Upcoming Meetings: May 5: Regular BOS meeting  
May 7: Joint Budget Hearing/Warrant Reading  
May 12: Regular BOS meeting  
June 2: Regular BOS meeting  
June 10: Annual Town 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.*

## BOARD OF SELECTMEN MEETING MINUTES

Tuesday, April 7, 2020 7:00 PM

This meeting is being recorded.

Meeting Law, GL c. 30A, s. 18, and the Governor's Order imposing strict limitations on the number of people who may gather in one place, this meeting of the Middleton Board of Selectmen may be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town's website, [www.middletonma.gov](http://www.middletonma.gov). For this meeting, Board members intend to gather in person while maintaining responsible social distancing. The Board, collectively or individually, may elect to participate remotely. No in-person attendance by the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings. Members of the public who wish to listen to or watch this meeting may do so by watching a rebroadcast of the meeting on local access cable or on the Town's website, [www.middletonma.gov](http://www.middletonma.gov).

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

*Absent: None*

*Others Attending: Town Administrator Andy Sheehan, Assistant Town Administrator Tanya Shallop, Minutes Secretary Judi Stickney, Town Clerk Eileen Twiss, Town Planner Katrina O'Leary, Asst. Town Clerk Carmelina Fiore, Therese Fontaine, Paul Pellicelli, and others.*

7:05 PM With a quorum present, Chair Tim Houten called the meeting to order.

### ROUTINES

- **Warrant #2021 Approval:** Town Administrator Andy Sheehan provided a brief review of Warrant #2021 (Payroll: \$697,557 and Bills Payable: \$256,642), 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 Prentakis, second by Cresta, the Board of Selectmen VOTED unanimously to approve Warrant #2021 as presented.
- **Minutes:** After a brief review of the minutes of March 24, 2020, they were approved by a unanimous vote. Cresta, Prentakis  
On a MOTION made by Cresta, second by Prentakis, the Board of Selectmen VOTED unanimously to approve the minutes of March 24, 2020, as submitted.
- **Town Administrator's Report:** Town Administrator Andy Sheehan provided information and updates on the following:
  - **Transfer Station:** Sheehan advised the Board that they have started to limit the amount of people into the transfer station which will continue. He advised residents to leave extra time for visits to the Transfer Station.

- **Brush Collection:** The date of the brush collection at the Transfer Station has been changed to April 18<sup>th</sup>, from 8am-4pm.
- **Street Sweeping and Catch Basin Cleaning:** Sheehan advised the Board that street sweeping and catch basin cleaning will begin this week.
- **Ball Fields Maintenance:** Sheehan added that ball fields maintenance will continue this week, adding that they are hoping to have a little league season.
- **Paving:** Sheehan advised that Devonshire and Ryer roads are scheduled for repaving in May, weather dependent.
- **COVID-19 Update:** Sheehan advised there are 16 cases in Middleton currently; one more case today, adding that they've been updating the cases daily. He added that they will begin doing updating twice a week.
- **Thank you to Department Heads and Volunteers:** Sheehan publicly thanked all department heads and volunteers for all their help with the logistical challenges the town has been dealing with during the COVID-19 pandemic.
- **Revising the Web Site:** Sheehan advised the Board that they've got some ideas on revising the Town's web site, adding that Katrina O'Leary and Michelle Creasi are working on that project.
- **Charitable Work:** Sheehan provided information on the following COVID-19 charities for those desiring to donate:
  - **MACOVID19relieffund.org:** Sheehan advised that the governor's wife with help from Eastern Bank has started the MACOVID19relieffund.org. They are accepting donations and are currently up to \$8M.
  - **Food Pantry:** Food pantry donations are being accepted in monetary form.
  - **ECCF.org:** Sheehan advised that the Essex County Community Foundation is collecting funds and distributing to non-profits.
- **Federal Census:** Sheehan advised the Board that Phil D'Agati was scheduled to come in to talk about the census. When they are able to have him in, he'll be rescheduled.
- **Annual Town Census:** Sheehan advised that the first mailing went out around New Years. The Town Clerk will be sending a follow-up.
- **COVID-19:** Sheehan expressed his sincere thanks to all residents and employees for their patience with all the inconveniences that everyone is enduring, noting that we'll get through this.

**7:20 PM Public Comment Period:** There were no comments.

**7:20 PM Review and sign Bond Anticipation Notes in the amount of \$3,745,000 for acquisition and master planning of 105 South Main Street:** Town Administrator Andy Sheehan advised the Board that this is the renewal of the bond and anticipation notes. The original was done about a year ago and it's coming due now, at 1.46 % on the coupon. It is a substantial savings over last year. Sheehan advised that the Board needs to take a formal vote.

On a **MOTION** made by **Moreschi**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously that as the Clerk of the Board of Selectmen of the Town of Middleton, Massachusetts, certify that at a meeting of the board held April 7, 2020, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

**Voted:** to approve the sale of \$3,745,000 1.46 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated April 24, 2020, and payable April 23, 2021, to JPMorgan Chase Bank, NA at par and accmed interest, if any.

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen further **VOTED** that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 27, 2020, and a final Official Statement dated April 2, 2020, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further **VOTED:** that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further **VOTED:** that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Except for the town meeting called pursuant to G.L. c.39, §10, all proceedings essential to the issue of the Notes and the authorization of the bonds and deliberations of a quorum relating thereto have been taken at a meeting or meetings open to the public; notice of each such meeting was filed in my office and publicly posted in the time and manner set forth in the General Laws, as amended, in effect at the time of each such meeting (Chapter 30A, §§1825) and as further suspended, supplemented, amended or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020 (the "Executive Order"), or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b); no deliberations, decision or vote in connection with the Notes or bonds were taken in executive session and no vote was taken by secret ballot; and the official record of each such meeting was made available to the public and remains available to the public as set forth in G.L. c.30A, §§18-25, as further suspended, supplemented, amended or modified by the Executive Order.

**7:28 PM** **Discuss and review Annual Town Meeting warrant; review revised Town Meeting and Budget calendar; and vote to set Wednesday, June 10, 2020 as the new date, contingent on the lifting of the stay at home order:** The Town Administrator provided the Town Meeting Warrant for the Board to view as he made his brief presentation, noting that they have not been able to do all the things that need

to be done by the Annual Town Meeting, if it were held on May 12<sup>th</sup>. Working with the Town Clerk, the Moderator, and Town Counsel, they identified the date of June 10<sup>th</sup>, a Wednesday, for the rescheduled Annual Town Meeting. The rescheduled budget hearing will be on May 7<sup>th</sup>. The Board took the following action:

On a **MOTION** made by **Cresta**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously to set the Town Meeting date of Wednesday, June 10, 2020, as the new date, contingent on the lifting of the stay at home order.

After the vote, the Town Administrator reviewed the Town Meeting Warrant with the Board, explaining any updates to the Warrant. Town Planner Katrina O'Leary contributed to the discussion regarding the warrant article on the Groundwater Protection Overlay District.

**7:57 PM Discuss and vote to postpone the Annual Town Election to Saturday, June 20, 2020 with hours of 10AM-4PM, contingent on the lifting of the stay at home order:** After a brief discussion, where the Town Clerk contributed to the discussion regarding the date of the election, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to move the Annual Town Election date to Saturday, June 20, 2020, with the hours of 10AM-4PM, contingent on the lifting of the stay at home order by Governor Baker.

**8:07 PM Discussion and vote to adopt the provisions of House Bill 4598 providing taxpayer relief during the COVID-19 pandemic. Note, this legislation is currently being debated:** The Town Administrator explained the provisions of House Bill 4598 and, 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 adopt section 10(a)(i) through 10(a)(iii) of Chapter 53 of the Acts of 2020 to extend the due date for property taxes to June 10, 2020, and to adopt section 10(a)(iv) of Chapter 53 of the Acts of 2020 to extend the due date for exemption and deferral applications to June 10, 2020, and to adopt section 11 of Chapter 53 of the Acts of 2020 to waive interest on certain payments made after due dates.

**8:14 PM Discussion of hearings and meetings by public bodies during the stay at home order:** Town Administrator Andy Sheehan began a discussion on holding meetings during the stay at home order, noting that Zoom has been working fairly well for most attendants. Town Planner Katrina O'Leary added to the discussion with her experience on public hearings and the information she has added to the legal ads.

**8:26 PM Discussion of personnel policies, charter and bylaw amendments:** Town Administrator Andy Sheehan provided the Board with a draft of the personnel policies, charter and bylaw amendments that they had discussed previously. Board members provided their input on the updated policies and amendments, and expressed their support.

**8:30 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed:**

**Masconomet Update:** Selectman Prentakis reported that the Masco school committee voted to have the last day of school for Tuesday, June 16<sup>th</sup> and that remote learning would be scheduled for April vacation.

**Any Concerns:** Selectman Houten encouraged residents who had any questions or concerns regarding the pandemic, to use the Town website to contact the Selectmen. They will answer all emails.

**Services During the Pandemic:** Selectman Houten advised residents with elderly members of the family, to do their shopping and keep them out of the stores for the next two weeks. The Assistant Town Administrator added that if anyone needs any kind of service during the pandemic to contact the Council on Aging (COA). They are providing a lot of services not only to elderly but for anyone who is unable to get out.

**Thanks to Our Town Administrator and Others:** Selectman Houten publicly thanked the Town Administrator and the Assistant Town Administrator, all the Town staff members for all their work in getting information out to residents and for keeping the town operating during this pandemic. Selectman Cresta added his thanks to all employees.

**8:34 PM ADJOURN**

With no further business, on a **MOTION** made by Cresta, the Board of Selectmen's meeting of April 7, 2020 adjourned at 8:34 PM.

**Upcoming Meetings:**

**April 21: Regular BOS meeting**

**May 5: Regular BOS meeting**

**May 7: Joint Budget Hearing/Warrant Reading**

**May 12: Regular BOS meeting**

**June 2: Regular BOS meeting**

**June 10: Annual Town Meeting**

**June 16: Regular BOS meeting**

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

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Todd Moreschi, BOS Clerk

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

- Agenda: April 7, 2020
- Warrant #2021 (Payroll: \$697,557 and Bills Payable: \$256,642)
- Minutes:
  - March 24, 2020
- Town of Middleton General Obligation Bond Anticipation Notes
- Vote of the Board of Selectmen
- CALENDAR FY2021 OPERATING AND CAPITAL BUDGETS WEDNESDAY, JUNE 10, 2020 ANNUAL TOWN MEETING SATURDAY, JUNE 20, 2020 ANNUAL TOWN ELECTION
- Annual Town Meeting Warrant for Fiscal Year 2021

- H.4598: HOUSE FURTHER AMENDMENT (Text Contained in H.4617)
- MMA Announcement: Summary of An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19
- 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...
- An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-10, Chapter 53 of the Acts of 2020 and recommended vote
- Annual Town Meeting date change motion

**MEETING MINUTES**  
**BOARD OF SELECTMEN AND FINANCE COMMITTEE**  
**Tuesday, April 14, 2020 5:00 PM**  
**This meeting is being recorded.**

**NOTE: Due to the state of emergency in Massachusetts due to the COVID-19 outbreak, this meeting will be held via ZOOM, an internet-based meeting space. It is the intent that the virtual meeting space will be made accessible to the public; however, if this is not possible despite best efforts, the full and complete transcript of the meeting will be posted on the Town's website as soon as practicable upon the conclusion of the proceedings. To join the meeting, go to <https://zoom.us/j/877454841?pwd=VHFNVzdFaStwb0hyK0FGN1o2K1Zldz09>**

**Meeting ID: 877 454 841 Password: 352939**

**One tap mobile**

**+19292056099,,877454841#,,#,352939# US (New York)**

**+13126266799,,877454841#,,#,352939# US (Chicago)**

*Present: Chair Tim Houten, Brian Cresta, Kosta Prentakis, Todd Moreschi, Rick Kassiotis  
Finance Committee Members Present: John Erickson, George Dow, Michelle Cresta, Jason Vining, Richard Gregorio*

*Absent: Toni Mertz, John Mahoney (Finance Committee)*

*Others Attending: Town Administrator Andy Sheehan, Assistant Town Administrator Tanya Shallop, Minutes Secretary Judi Stickney, Town Accountant/CFO Sarah Wood, Chief Tom Martinuk, Paul Pellicelli*

**5:03 PM** With a quorum present, Chair Tim Houten called the meeting to order.

**5:04 PM Town Administrator Updates and Reports:** There were no updates, other than the following agenda item, which the Town Administrator brought up for discussion.

**5:04 PM Discuss and Review Annual Town Meeting Warrant Article:** Town Administrator Andy Sheehan provided both committees with information on the Annual Town Meeting Warrant article and capital outlay exclusion to replace the Fire Department's Engine 1 (pumper truck). He explained that tonight's meeting was made necessary by the Town Clerk's print deadline for the Town election Warrant. He noted that they had previously discussed funding the pumper with a capital exclusion, raising the entire \$710,000 in one year, which would go off the tax rate the following year. However, due to the current volatility in the economy, the Board last week expressed a desire to revisit the issue. The committee members discussed all options for funding the fire truck, including putting it off a year, when the economy improves. Town Accountant/CFO Sarah Wood contributed to the discussion, explaining the status of debt service and anticipated impacts. Members of the Finance Committee also contributed to the discussion, each providing their opinion. The Fire Chief was also in attendance and provided information on the proposed fire truck purchase and that they have applied for an Assistance to Firefighters Grant. He did not know if the current COVID-19 pandemic is affecting the processing and/or approvals of grant applications. Normally grant awards would be made in the summer. After a lengthy discussion, the Board of Selectmen and Finance Committee took the following action:

On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to remove Engine 1, the pumper, from this year's warrant and reconsider it next year. The members of the Finance Committee voted unanimously in favor of the motion.

**5:24 PM    New Business:**

**Budget Update:** Town Administrator Andy Sheehan provided the Board with a brief update on the capital and operating budgets, noting that the Town Accountant has been working on it. Sheehan added that they are waiting for information from the State on the Local Aid numbers.

**Annual Budget Hearing:** Sheehan advised the Board that the Annual Budget Hearing is currently scheduled for May 7<sup>th</sup>. He recommends that they hold that meeting, whether or not the stay-at-home order is lifted. The meeting can be conducted with Zoom, if necessary.

**Town Meeting Date(s):** At Selectman Prentakis' request, the Town Administrator advised the Board that extending the date for the Annual Town Meeting will be difficult, as Town Counsel cannot commit to more than one date. However, if necessary, they could fit it in the week of June 21<sup>st</sup>, or even an odd day, like a Sunday.

**Masconomet Update:** At Selectman Cresta's request, Selectman Prentakis provided a brief update on the Masconomet budget proposal, noting that Boxford requested a 0% increase and Topsfield requested no more than a 3% increase. Prentakis suggested that both requests are shortsighted, noting that they have no idea what impact remote learning will have on the budget. Prentakis added that he didn't see regular school resuming until September. They have discussed not changing the proposed budget this year and making a firm commitment to limiting the FY22 budget.

**Middleton Unemployment Rate:** At Finance Committee member John Erickson's request for information on Middleton's current unemployment rate, the Town Administrator advised that he has not been able to get any data on it. When he does, he'll pass it along.

**COVID-19 News:** Selectman Prentakis reported that there is some good news on the COVID-19 front, noting that on Sunday, the highest number of new cases in Massachusetts was reported at 2,615, adding that the last two days have seen 1,392 and 1,296 new cases reported, respectively.

**5:33 PM    ADJOURN**

With no further business, on a **MOTION** made by Cresta, the Board of Selectmen's meeting of April 14, 2020 adjourned at 5:33 PM.

**Upcoming Meetings:**

**April 21: Regular BOS meeting**

**May 5: Regular BOS meeting**

**May 7: Joint Budget Hearing/Warrant Reading**

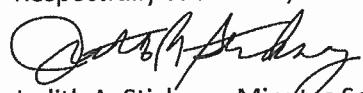
**May 12: Regular BOS meeting**

**June 2: Regular BOS meeting**

**June 10: Annual Town Meeting**

**June 16: Regular BOS meeting**

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

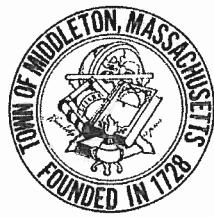
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Todd Moreschi, BOS Clerk

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

- Agenda: April 14, 2020
- Town of Middleton Massachusetts \$710,000 G.O. Fire Pumper Truck BANs dated November 2020, then G.O. Bonds, dated April 1, 2021, 5 Years – Equal Principal: Proposed Debt Service Schedule
- Town of Middleton Massachusetts \$710,000 G.O. Fire Pumper Truck BANs dated November 2020, then G.O. Bonds, dated April 1, 2021, 10 Years – Equal Principal: Proposed Debt Service Schedule
- Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section: Tax Impact Calculator
- Town of Middleton Massachusetts \$308,000 G.O. Equipment BANs dated November 2020, then G.O. Bonds, dated April 1, 2021: Aggregate Issues Summary
- Town of Middleton Massachusetts Annual Town Meeting Warrant
- Town Election Warrant

## BOARD OF SELECTMEN



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

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## **COVID-19 RELIEF GIFT & DONATION POLICY ADOPTED APRIL 21, 2020**

As of April 21, 2020, the Town has adopted a COVID-19 Relief Gifts and Donations Account pursuant to General Law chapter 44, section 53A. The purpose of this account is to enable the Town to accept and separately hold gifts and donations which may then be directed toward the needs of local individuals and organizations affected by the COVID-19 pandemic. Funds may be expended without further appropriation, but subject to the procedures described below.

Donations valued at less than \$500 may be accepted by the Town Administrator. Donations valued at more than \$500 shall be accepted by vote of the Board of Selectmen. All gifts and donations shall promptly be deposited with the Treasurer-Collector.

Gifts and donations shall not be used for any purpose other than those specified in this policy. The Town Administrator or his or her designee shall identify specific needs for which gifts and donations may be used as a funding source. The Town Administrator shall develop an internal policy for distribution of gifts and funds.

Expenditures less than \$5,000 may be approved by the Town Administrator. Expenditures in excess of \$5,000 shall be approved in advance by the Board of Selectmen.

All donations and expenditures shall be documented based upon the direction of the Town Accountant/Chief Financial Officer.

This policy shall remain in effect for the duration of the State of Emergency as declared by Governor Baker on March 10, 2020 and may be extended as necessary.

Any funds remaining in the COVID-19 Relief Account at the cessation of the policy period shall be distributed equally among the Veterans Services Donation Account, Food Bank Donation Account, and Senior Center/Community Center Donation Account.

**MIDDLETON BOARD OF SELECTMEN**

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Timothy P. Houten, Chairman

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Brian M. Cresta

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Richard Kassiotis

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Todd Moreschi, Clerk

---

Kosta E. Prentakis

---

Andrew J. Sheehan, Town Administrator

----- Original message -----

From: Lundy Jaimie <[Jaimie.Lundy@falckrenewables.com](mailto:Jaimie.Lundy@falckrenewables.com)>  
Date: 4/14/20 10:13 AM (GMT-05:00)  
To: Jillian Smith <[Jillian.Smith@middletonma.gov](mailto:Jillian.Smith@middletonma.gov)>  
Cc: Koch Jonathan <[jonathan.koch@falckrenewables.com](mailto:jonathan.koch@falckrenewables.com)>  
Subject: RE: Charitable Donation

5.

Good Morning Jillian,

It was a pleasure speaking with you yesterday, as we are excited to provide The Council of Aging with a \$40,000 charitable donation to help feed the elderly during this difficult time.

As discussed, below are some items that we will need you to confirm you can provide to our company:

1. A letter from the bank (on bank letterhead) with directions on how to make the contribution: online; check or wire transfer to specific account;
2. A letter from the Council on Aging that will state clearly that “the donation is related to Coronavirus (COVID-19) emergency and, in particular, to the Meals on Wheel related initiative”;
3. A receipt (in the form of letter from The Council of Aging) for the donated amount;
4. Acknowledgement of our donation in board meeting notes.

Please feel free to call or email me with any questions you may have.

Sincerely,  
Jaimie

**To the Town Constable:**

You are hereby ordered to notify and warn said qualified voters to meet at the Fuller Meadow School on **Saturday, June 20, 2020**, next for the following purposes, VIZ: To choose by ballot the following Town Officers for the ensuing year:

One Town Clerk for three years  
One Board of Selectmen member for three years  
One Board of Assessors member for three years  
One Elementary School Committee member for three years  
Two Regional School Committee members for three years  
One Planning Board member for five years  
Two Electric Light Commissioners for three years  
Two Library Trustees for three years  
Two Housing Authority members for five years

6.

**The Polls open at 10:00 a.m. and close at 4:00 p.m. Voting takes place at the Fuller Meadow School gymnasium, 143 South Main Street, Middleton.**

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

Memorial Hall  
Post Office

Flint Public Library  
Howe Station Market

Ferncroft Towers  
Fuller Pond Village

If, due to the COVID-19 pandemic, this Warrant cannot be posted at the above named locations, you are hereby directed to post an attested copy in at least one location per precinct.

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

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

**MIDDLETON BOARD OF SELECTMEN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A true copy Attest:

\_\_\_\_\_  
Constable of the Town of Middleton

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

# Town of Middletor Massachusetts

1.



## Annual Town Meeting

**Wednesday, June 10, 2020, 7:00 P.M.**

**Annual Town Meeting Warrant for  
Fiscal Year 2021**

**Meeting to be held at Howe Manning School Gymnasium  
26 Central Street, Middleton, MA**

## **Town Warrant Dedications**

**Thank you to the workers, businesses, and residents impacted by the COVID-19 pandemic!!!**

### **Dedication to Those Who Have Left Us:**

**Donna Innis, Administrative Assistant to the Town Administrator (Retired)**

**Francis Masse, Co-Founder of the Middleton Stream Team**

**Jeffrey Barber, Firefighter (Retired)**

### **Congratulations to the following recent retirees from Town service:**

<b>Robert Currier</b>	Police Sergeant
<b>Charles Costigan</b>	Reserve Police Officer
<b>Robert Ambrefe</b>	Board of Health

We appreciate all those who serve the Town and thank our retirees for your outstanding dedication and service to the residents of Middleton.

### **Middleton Board of Selectmen**

Timothy P. Houten, Chairperson

Todd Moreschi, Clerk

Kosta E. Prentakis

Brian M. Cresta

Rick Kassiotis

Andrew J. Sheehan, Town Administrator

Tanya Stepasiuk, Assistant Town Administrator/Human Resources Director

**TOWN OF MIDDLETON  
ANNUAL TOWN MEETING  
THE COMMONWEALTH OF MASSACHUSETTS  
JUNE 10, 2020**

ESSEX s.s.

To the Constable of the Town of Middleton in the County of Essex:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs, to meet at the Howe Manning School Gymnasium, 26 Central Street in said Middleton on Wednesday, June 10th, 2020 next, at 7:00 p.m., then and there to act on the following articles:

To transact any other business that may lawfully come before this meeting.

**CURRENT AND PRIOR YEAR FINANCIAL ARTICLES**

**ARTICLE 1.** To hear Committee Reports:

**ARTICLE 2.** On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to be used to fund the deficit incurred in the Department of Public Works (snow removal and winter road maintenance) budget; or take any other action relative thereto.

**Purpose:** This article will transfer funds to close the deficit for snow and ice removal for the 2019-2020 winter. The snow and ice deficit is typically funded through a transfer from Free Cash. At the time of printing the snow and ice deficit was \$0. If the deficit remains at \$0, Town Meeting will be asked to pass over the article.

**ARTICLE 3.** On petition of the Board of Selectmen, to see if the Town will vote to raise and appropriate, transfer between and among various accounts, or transfer from available funds to supplement the Fiscal Year 2020 operating budget; or take any other action relative thereto.

**Purpose:** This article is to transfer funds and supplement monies, if necessary, to meet departmental expenses in the current fiscal year ending on June 30, 2020.

## FY2021 FINANCIAL ARTICLES

**ARTICLE 4.** On petition of the Board of Selectmen acting in the capacity of the Personnel Board, to see if the Town will vote to set the salaries of elected officials pursuant to Massachusetts General Law Chapter 41, Section 108 and the Town Consolidated Personnel Plan, Section 9-5 as follows; or take any other action relative thereto.

**Purpose:** This article establishes the compensation of elected officials. The Personnel Plan which shows the compensation of all employees is located in the back of the warrant book.

**ARTICLE 5.** On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Omnibus Budget for Fiscal Year 2021; or take any other action relative thereto.

**Purpose:** This article requests approval of the Town operating budget for the coming fiscal year beginning on July 1, 2020 and running through June 30, 2021.

**ARTICLE 6.** On petition of the Board of Selectmen and Community Preservation Committee, to see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues or available funds the amounts recommended by the Community Preservation Committee for debt service, and community preservation projects and other expenses in Fiscal Year 2021 with each item to be considered a separate appropriation; or take any other action relative thereto.

### Proposed Fiscal Year 2021 Community Preservation Budget

The Community Preservation Committee recommends that the following amounts be appropriated or reserved from Fiscal Year 2021 Community Preservation Fund Revenues, unless otherwise specified for Fiscal Year 2021 Community Preservation purposes with each item considered to be a separate appropriation:

<u>Purpose</u>	<u>Recommended</u>	<u>Funding Source</u>
	<u>Amount</u>	
A) Reserves: Open Space	\$37,133.63	FY 2021 Estimated CPA Receipts
Reserves: Historic Resources	\$37,133.63	FY 2021 Estimated CPA Receipts
Reserves: Community Housing	\$37,133.63	FY 2021 Estimated CPA Receipts
B) Flint Library Debt Service	\$74,375	\$38,885.80 from Historic Resources Reserve and \$35,489.20 from Fund Balance
C) 11 South Main St. Debt Service	\$44,000	\$38,885.81 from Open Space Reserve and \$5,114.19 from Fund Balance
D) CPA Committee Admin. Expenses	\$1,150	From Fund Balance
<b>Community Preservation Total</b>	<b>\$230,926</b>	

**Purpose:** Each year the Town Meeting must appropriate or reserve for future appropriation at least 10% of the estimated annual fund revenues for acquisitions and initiatives in each of the following three categories of allowable community preservation purposes:

- Open space (excluding recreational uses)
- Historic resources
- Community housing

The term “annual fund revenues” in Fiscal Year 2021 are estimated at \$297,500 and is composed of the estimated receipts from the local surcharge of \$240,000 and monies from the State Trust Fund, which will make its sixteenth payment in October of 2021 providing an additional estimated \$57,500 in matching funds based upon the local share raised in FY 2020.

**ARTICLE 7.** On petition of the Board of Selectmen and Community Preservation Committee, to see if the Town will vote to appropriate from the Community Preservation Fund annual revenues the following amounts recommended by the Community Preservation Committee for new Community Preservation projects in Fiscal Year 2021 with each item to be considered a separate appropriation; or take any other action relative thereto.

<u>Purpose</u>	<u>Recommended Amount</u>	<u>Funding Source</u>
Digitizing Historic Records	\$5,000	Fund Balance
<b>Community Preservation Total</b>	<b>\$5,000</b>	

**ARTICLE 8.** On petition of the Board of Selectmen to see if the Town will vote to authorize the spending limits of the following revolving funds established under the Town Bylaw and General Laws Chapter 44, Section 53E ½:

<b>Revolving Fund</b>	<b>Spending Limit</b>
Firearms License and Permits	\$10,000
Council on Aging	\$35,000
Recreation	\$15,000
Recreation Field Use	\$15,000
Stormwater Management	\$5,000
Sidewalk & Pedestrian Improvements *	\$30,000

\*To be added by amendment to the Revolving Fund Bylaw under Article 17

Or take any other action relative thereto.

**ARTICLE 9.** On petition of the Town Accountant, Public Works Superintendent, Board of Selectmen, and Finance Committee, to see if the Town will vote to appropriate a certain sum from the Sewer Enterprise receipts to pay expenses and contractual services required to operate the Sewer Enterprise Fund for Fiscal Year 2021; or take any other action relative thereto.

**Direct Costs**

SESD Assessment	\$105,000
Expenses	\$100
Extra/Unforeseen	\$1,000
Total Direct Costs:	\$106,100

**Indirect Costs \***

Salaries and Wages	\$4,346
Insurance & Benefits	\$ 502
Total Indirect Costs:	\$4,848

**Total FY2021 Budget      \$110,961**

*\*(to be raised and appropriated in the General Fund Operating Budget)*

Town shall raise the sum of \$106,100 or any other sum from the Sewer Enterprise Revenues and to approve the sum of \$4,848 of indirect costs appropriated in the general fund under article 5 to be funded from Sewer Enterprise Revenues.

**ARTICLE 10.** On petition of the Town Accountant, Public Works Superintendent, Board of Selectmen, and Finance Committee, to see if the Town will vote to appropriate a certain sum from the Water Enterprise receipts to pay expenses and contractual services required to operate the Water Enterprise Fund for Fiscal Year 2021; or take any other action relative thereto.

**Direct Costs**

Salaries and Wages	\$117,053
Capital Outlay	0
Debt Service	\$10,795
Expenses	\$113,600
Total Direct Costs:	\$241,448

**Indirect Costs \***

Salaries and Wages	\$13,558
Insurance & Benefits	\$30,042
Total Indirect Costs:	\$43,600

**Total FY2021 Budget      \$285,048**

*\*(to be raised and appropriated in the General Fund Operating Budget)*

Town shall raise the sum of \$241,448 from the Water Enterprise Revenues and to approve the sum of \$43,600 of indirect costs appropriated in the general fund under article 5 to be funded from Water Enterprise Revenues.

**ARTICLE 11.** On petition of the Commissioners of the Middleton Electric Light Department, to see if the Town will vote to accept a sum of money from the earnings of the Electric Light Department, said sum to be used for the reduction of taxes; or take any other action relative thereto.

**ARTICLE 12.** On petition of the Commissioners of the Middleton Electric Light Department, to see if the Town will vote to authorize the appropriation of all income of the Municipal Light Department, the whole to be expended by the Manager thereof under the direction and control of the Commissioners, for the expenses of the Department for the Fiscal Year as defined in Section 57 of Chapter 164 of the General Laws of the Commonwealth, and the excess to be transferred to the Depreciation Fund of said Department to be used as the Commissioners may direct hereto; or take any other action relative thereto.

**ARTICLE 13.** On petition of the Superintendent of Public Works, Finance Committee, and Board of Selectmen, to see if the Town will vote to raise and appropriate such sums of monies as may be received from the Commonwealth of Massachusetts for the fiscal year commencing July 1, 2020 to install drainage, widen, pave, and otherwise improve any public way in accordance with the provisions of Chapter 90 of the Massachusetts General Laws; or take any other action relative thereto.

**ARTICLE 14.** On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Capital expenditures for Fiscal Year 2021; and to authorize the Town Administrator to sell or trade items rendered surplus by such purchases; or take any other action relative thereto.

Department/Location	Project	Expenditure
<u>Dept. of Public Works</u>	John Deere 4720 Tractor or similar	60,000 *
	Garage Heaters	11,000
	F550 1 Ton Truck or similar	75,000 *
	7400 International Dump Truck or similar	173,000 *
	Roll Off Containers, Repair/Replace	12,000
	<b><i>Public Works subtotal</i></b>	
		<b><i>331,000</i></b>
<u>Police Department</u>	Cruiser Radios	4,100
	Radar Guns	2,500
	Vests (reimbursable)	21,000
	Taser Replacement	18,750
	Bicycles	4,800
	Court Vehicle	37,000
	Digital Sign Board	21,800
	Station Upgrades	10,000

		<b><i>Police subtotal</i></b>	<b>119,950</b>
<u>Fire Department</u>	Engine 4 Cabinets	10,000	
	Alarm Box Decoder	60,000	
	Replace Ambulance 1	384,710	
	Outfit/Train New Firefighters/Paramedics	75,930	
		<b><i>Fire subtotal</i></b>	<b>530,640</b>
<u>Information Technology</u>	Fiber Optic Network	100,000	
	UBS Backup Devices	8,000	
	Warranty Renewal Mem. Hall Network Storage	4,000	
	Replace Police Computers	6,000	
	Multifunction Copier-Printers: MH, Fire, DPW, Lib.	36,000	
		<b><i>Information Technology subtotal</i></b>	<b>154,000</b>
<u>Facilities</u>	Memorial Hall Handicap Ramp Replacement	20,000	
	Carpet Replacement	15,000	
		<b><i>Facilities subtotal</i></b>	<b>35,000</b>
<u>Administration</u>	Digitizing of Inspectional Services Records	45,000	
		<b><i>TA/BOS subtotal</i></b>	<b>45,000</b>
<u>Senior Center</u>	Replace Heating/Cooling System	11,000	
	Meals on Wheels Delivery Vehicle	35,000	
		<b><i>Senior Center subtotal</i></b>	<b>46,000</b>
<u>Middleton Public Schools</u>	Fuller Meadow End-User Technology	80,833	
	Fuller Meadow Math Curriculum	39,162	
	Fuller Meadow Math Curriculum	45,258	
	Howe Manning End User Technology	144,048	
		<b><i>Middleton schools subtotal</i></b>	<b>309,301</b>
<u>Essex No. Shore Tech</u>	Capital contribution	20,626	
		<b><i>Essex Tech subtotal</i></b>	<b>20,626</b>
	<b>Capital Projects Total</b>		<b>\$ 1,591,517</b>

\*Indicates items for which borrowing is the funding source; requires 2/3 vote

**Purpose:** This article requests approval of the capital budget for the coming fiscal year. Capital items are assets that have a useful life of five (5) or more years and a cost of more than \$5,000. Regular capital investment is critical to maintaining the Town's infrastructure, including the vehicle fleet, buildings, equipment, and acquisition of land. Annually, a capital improvement plan (CIP) is developed looking ahead for the next five years. Year one of the CIP is the ensuing year's capital budget.

**ARTICLE 15.** On petition of the Middleton School Committee and Superintendent, to see if the Town will vote pursuant to General Law chapter 30B, section 12 to authorize the Superintendent of Schools to solicit and award transportation contracts for terms exceeding three years, but not longer than five years, including any renewal, extension, or option, provided in each instance the longer term is found by vote of the School Committee to be in the best interest of the Town; or take any action relative thereto.

**Purpose:** This article authorizes the Middleton School Committee to enter into a five year contract for student transportation. Under Massachusetts General Law chapter 30B, contracts in excess of three years require the approval of Town Meeting.

**ARTICLE 16.** On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$75,000 to the Other Post-Employment Benefits Liability Irrevocable Trust Fund; or take any other action relative thereto.

**Purpose:** This article authorizes the transfer of funds to the Town's Other Post-Employment Benefits (OPEB) Trust. The OPEB Trust is set up to fund the Town's future liabilities for things such as retiree health and disability insurance.

## **CITIZEN PETITIONS, BYLAW ADOPTIONS, AND REAL PROPERTY**

**ARTICLE 17.** On petition of the Board of Selectmen, to see if the Town will vote to amend Chapter 79 Revolving Funds, of the By-Laws of the Town by inserting a new Revolving Fund, Sidewalks and Pedestrian Improvements:

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Sidewalks and Pedestrian Improvements	DPW Superintendent, Town Administrator	Contributions and payments in lieu of construction for developments permitted by Planning Board, Zoning Board, and other permitting authorities	Design, construction, and related costs associated with construction of sidewalks and pedestrian improvements			Fiscal Year 2021 and subsequent years

\*See Article 8 for annual spending limit.

Or take any other action relative thereto.

**ARTICLE 18.** On petition of the Board of Selectmen, 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 Applicability**

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 and Light 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.
- 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.

Or take any other action relative thereto.

**Purpose:** This article proposes changes to the personnel bylaw to make the personnel bylaw consistent with the historic and current practice of personnel management.

**ARTICLE 19.** On petition of the Board of Selectmen, to see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for legislation in the form set forth below adopting with respect to personnel matters, 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 (15<sup>th</sup>) 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)”

Provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or take any action relative thereto.

**Purpose:** This article would amend the Charter with respect to personnel matters. The changes would make the Charter consistent with the current and historic practice of personnel management and with the changes proposed under Article 18, above. Charter changes require the affirmative vote of Town Meeting followed by approval of the Massachusetts legislature and the Governor.

**ARTICLE 20.** On petition of the Planning Board to see if the Town will vote to amend the Middleton Zoning Bylaw and Map by amending Section 2.2 “Overlay Districts” by adding the following new Section 8.7 “Groundwater Protection Overlay District” and that non-

substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Middleton:

- 1) Add the following to Section 2.2 “Overlay Districts”:

Groundwater Protection Overlay District (GPOD)

- 2) Add the following Section 8.7 “Groundwater Protection Overlay District”:

## 8.7. Groundwater Protection Overlay District

**8.7.1. Purpose of District.** The purpose of this Groundwater Protection District is to:

1. promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and business of the Town of Middleton and adjacent towns;
2. preserve and protect existing and potential sources of drinking water;
3. conserve natural resources in the Town of Middleton; and
4. prevent temporary and permanent contamination of the environment.

**8.7.2. Scope of authority.** The Groundwater Protection District is an overlay district superimposed on the other zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Groundwater Protection District must additionally comply with the requirements of this bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

### 8.7.3. Definitions.

**AQUIFER:** A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

**CMR:** Code of Massachusetts Regulations.

**COMMERCIAL FERTILIZER:** Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.

**DISCHARGE:** The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.

**DRY WELL:** A subsurface pit with open-jointed lining or holes through which storm-water drainage from roofs, basement floors, foundations or other areas seep into the surrounding soil.

**GROUNDWATER PROTECTION DISTRICT:** The land area consisting of aquifers and Zone II recharge areas as identified on a map and adopted pursuant to this bylaw.

**HAZARDOUS MATERIAL:** Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil.

**HISTORICAL HIGH GROUNDWATER TABLE ELEVATION:** A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

**HAZARDOUS WASTE:** A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

**IMPERVIOUS SURFACE:** Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

**LANDFILL:** A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.

**MassDEP:** Massachusetts Department of Environmental Protection.

**MGL:** Massachusetts General Law.

**PETROLEUM PRODUCT:** Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

**NON-SANITARY WASTEWATER:** Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

**OPEN DUMP:** A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

**RECHARGE AREAS:** Land areas, such as a Zone II, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.

**SEPTAGE:** The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.

**SLUDGE:** The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the head-works of a facility

**TREATMENT WORKS:** Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

**UTILITY WORKS:** Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

**VERY SMALL QUANTITY GENERATOR:** Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

**WASTE OIL RETENTION FACILITY:** A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21. s.52A. .6

**ZONE II:** The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.7

**8.7.4. Establishment and Delineation of Groundwater Protection District.** For the purposes of this bylaw, there are hereby established within the Town of Middleton, certain groundwater

protection areas consisting of aquifers or recharge areas. These areas are delineated on the Zoning Map, which is hereby made part of the Groundwater Protection District Bylaw and is on file in the office of the Town Clerk.

#### 8.7.5. District Boundary Disputes.

1. If the location of the Groundwater Protection District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit application to the Special Permit Granting Authority. Any application for a special permit for this purpose shall be accompanied by adequate documentation.
2. Burden of proof shall be upon the land owner to demonstrate that the location of the Groundwater Protection District with respect to a particular parcel(s) of land is uncertain. At the request of the land owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Groundwater Protection District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation. Changes to the Groundwater Protection District require town meeting approval.

#### 8.7.6. Permitted Uses.

This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

1. normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
2. maintenance, repair, and enlargement of any existing structure, subject to Section 7 and Section 8 of this bylaw;
3. construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels; and
4. any use permitted in the underlying zoning except for those uses specifically prohibited in Sections 7 and 8 of this bylaw.

#### 8.7.7. Prohibited Uses.

The following land uses and activities are prohibited unless designed in accordance with the specified performance standards:

1. landfills and open dumps;
2. automobile graveyards and junkyards;
3. landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7; 10
4. facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
  - a. very small quantity generators as defined under 310 CMR 30.000;
  - b. household hazardous waste centers and events under 310 CMR 30.390;

- c. waste oil retention facilities required by MGL c. 21, s.52A;
- d. water remediation treatment works approved by MassDEP for the treatment of contaminated waters.

5. petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.

6. storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:

- a. in container(s) or above ground tank(s) within a building; or
- b. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater;

however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;

7. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

8. storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

9. storage of animal manure unless contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

10. earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, s.40;15 and

11. non-sanitary wastewater discharges from industrial and commercial facilities, except for:

- a. replacement or repair of an existing treatment works that will not result in a design capacity greater than the existing treatment works;
- b. treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
- c. publicly owned treatment works.

12. stockpiling and disposal of snow and ice containing deicing chemicals, if snow and ice is brought in from outside the Groundwater Protection District;

13. storage of commercial fertilizers unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

8.7.8. **Uses and Activities Requiring a Special Permit.** The following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:

1. Changes to lawfully existing nonconforming uses and structures shall comply with the requirements of Section 3.3 "Nonconforming Uses & Structures" as well as the Ground water Protection Overlay District Bylaw;
2. except as prohibited under Section 7 of this bylaw, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use and which are permitted in the underlying zoning district;
3. rendering impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater; unless artificial recharge, that will not degrade water quality, is provided using methods demonstrated to be capable of removing contaminants from storm water and which are consistent with methods described in MassDEP's Stormwater Handbook, Vol. I, II and III, as amended.

#### 8.7.9. Procedures for Issuance of Special Permit.

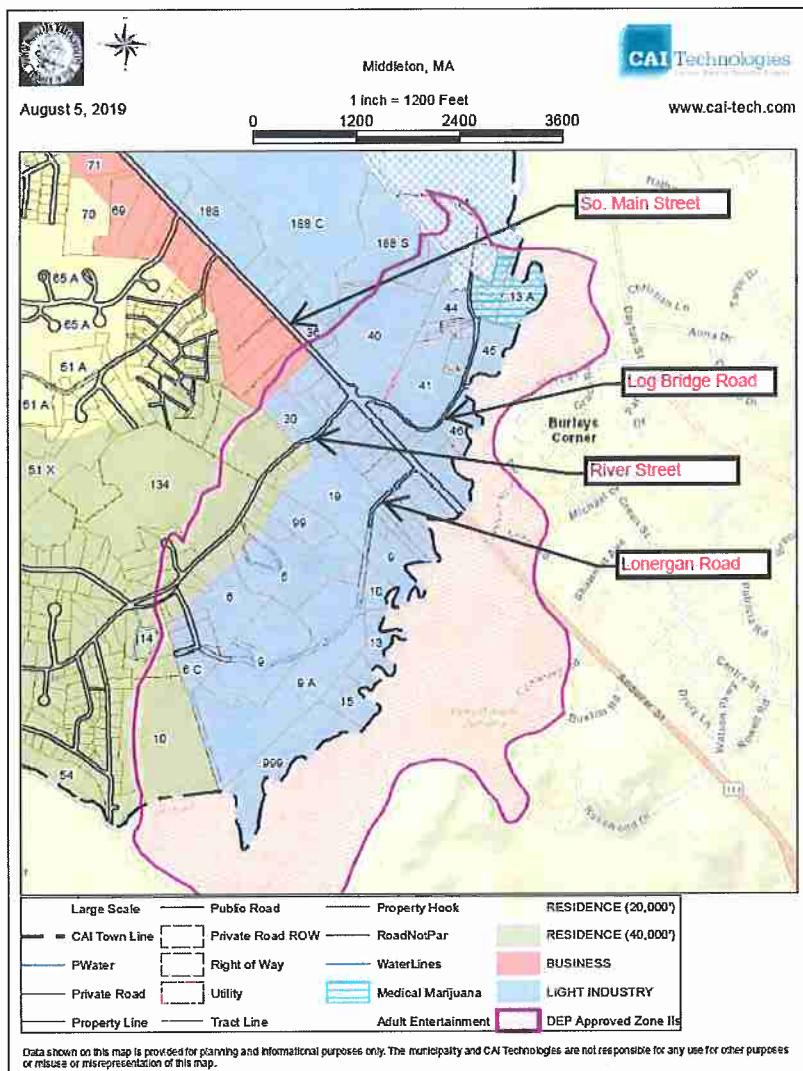
1. The Special Permit Granting Authority (SPGA) under this bylaw shall be the Board of Appeals. A special permit shall be granted if the SPGA determines, in conjunction with the Middleton Conservation Commission, that the intent of this bylaw, as well as its specific criteria, is met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other municipal boards, departments or commissions in its decision.
2. In addition to the plan requirements contained in Section 9.4 of the Zoning Bylaw, the applicant shall file a site plan and attachments that shall, at a minimum, include the following information where pertinent:
  - a. a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; and
  - b. for activities using or storing hazardous materials or wastes, a management plan shall be prepared and filed with the Fire Chief and Board of Health. The plan will be consistent with the requirements of Section 7 and shall include:
    1. provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
    2. provisions for indoor, secured storage of hazardous materials or wastes with impervious floor surfaces;
    3. evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000; and

- 4.proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.
3. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Conservation Commission. Failure by the Conservation Commission to respond in writing within 35 days of receipt shall indicate approval, or no desire to comment.
4. The SPGA, with advice from the Middleton Conservation Commission, may grant the required special permit only upon finding that the proposed use meets the applicable general criteria found under Section 9.4 of the Zoning Bylaw and the specific criteria below. The proposed use must:
  - a. in no way, during construction or thereafter, adversely affect the quality or quantity of the water supplies protected by the Groundwater Protection District; and
  - b. be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

8.7.10 Enforcement. Written notice of any violations of this bylaw shall be given by the Building Commissioner to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Board of Appeals, Conservation Commission, Department of Public Works, Fire Department, and Board of Health. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

8.7.11 Severability. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.

3) Add a new Groundwater Protection Overlay District to the Middleton Zoning Bylaw Map:



Or take any other action relative thereto.

**Purpose:** Massachusetts Drinking Water Regulations, 310 CMR 22.00, require public water systems (PWS) to protect Zone II recharge areas with municipal controls (bylaws and/or health regulations). Local controls must meet MassDEP Wellhead Protection Regulations 310 CMR 22.21(2), which forbid certain land uses from being sited within the Zone II public water supply well area. The above proposed overlay district bylaw is based on the MassDEP Model Groundwater Protection Overlay District Bylaw. If the Town does not adopt a bylaw that protects the Zone II Well area according to 310 CMR 22, it would make the town non-compliant, which could jeopardize the town's Water Management Act permit renewal for withdrawal from the Ipswich River Basin. Part of the Zone II Wellhead area falls within the Town of Danvers. Danvers adopted a Groundwater Protection Overlay District to protect this area in 2001.

**Planning Board Recommendation:** The Planning Board voted        to recommend in favor/opposed.

**Master Plan Committee Recommendation:** The Master Plan Committee voted \_\_\_\_\_ to recommend in favor/opposed.

**ARTICLE 21.** On petition of Eric R. Cudmore and 10 or more registered voters, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$20,000 to pay for the costs associated with the acquisition or disposal of real property.

**Purpose:** The town has acquired land for public facilities and to sell Town-owned land on Locust Street. The town needs to engage professionals to conduct assessments such as appraisals, environmental assessments, and surveys. Funds appropriated under this article would not be used for the acquisition of any real property.

**End of Annual Town Meeting Warrant**

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

Memorial Hall  
Post Office

Flint Public Library  
Howe Station Market

Ferncroft Towers, and  
Fuller Pond Village

If, due to the COVID-19 pandemic, this Warrant cannot be posted at the above named locations, you are hereby directed to post an attested copy in at least one location per precinct.

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

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

**MIDDLETON BOARD OF SELECTMEN**

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A true copy Attest:

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Constable of the Town of Middleton

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Date Posted