

# MIDDLETON BOARD OF SELECTMEN

## MEETING AGENDA

**TUESDAY, MAY 5, 2020**

**7:00 PM**

*This meeting is being recorded*

*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://us02web.zoom.us/j/84955022228?pwd=cmdOdmpuOUVvVUIzNjluMXBLUUVJUT09>

Meeting ID: 849 5502 2228

Password: 454869

One tap mobile

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1. 7:00 PM Warrant: #2023  
Minutes: Open Session: April 21, 2020  
Town Administrator updates and reports
2. 7:15 PM Public Comment Period
3. 7:25 PM Continue review and discussion of the June 10, 2020 Annual Town Meeting, including form and publication of warrant, notification, venue, and quorum
4. 7:40 PM Discussion and vote on revised Oakdale Cemetery rules
5. 7:50 PM Discuss and vote to appoint an Alternate member to the Zoning Board of Appeals for a term through June 30, 2010
6. 7:55 PM Vote to accept the following donations from:
  - Essex County Community Foundation \$1,000 for the COVID-19 Response Fund
  - Marion & Gerald Bojas in the amount of \$500 for the Middleton Food Pantry
  - Susan Muzichuk in the amount of \$500 for the Middleton Food Pantry
7. 8:00 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

Upcoming Meetings: May 7: Joint Budget Hearing/Warrant Reading  
May 19: Regular BOS meeting  
June 2: Regular BOS meeting  
June 10: Annual Town Meeting  
June 16: 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.*

**MEETING MINUTES**  
**BOARD OF SELECTMEN**  
**Tuesday, April 21, 2020 7:00 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/i/92838134000?pwd=RFVMSzlRekVRcHJZQ2dRbiBtTVdmUT09>**

**Meeting ID: 928 3813 4000**

**Password: 793621**

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*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, Eric Cudmore, Director of Public Health Derek Fullerton, Paul Pellicelli, Town Planner Katrina O'Leary, Town Moderator Barbara Piselli, Town Clerk Ilene Twiss*

7:09 PM    With a quorum present, Chair Tim Houten called the meeting to order.

**ROUTINES**

- **Warrant #2022 Approval:** Town Administrator Andy Sheehan provided a brief review of Warrant #2022 (Payroll: \$670,760.00 and Bills Payable: \$5,298,737.00), 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 #2022 as presented.
- **Minutes:** After a brief review of the minutes of April 7, 2020, and April 14, 2020 (Joint with Finance Committee), the Board took the following action:  
On a **MOTION** made by **Prentakis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to approve the minutes of April 7, 2020 and April 14, 2020, as submitted.
- **Town Administrator's Report:** Town Administrator Andy Sheehan provided information and updates on the following:
  - **Small Business Assistance:** Sheehan advised the Board that they have been doing what they can to support local businesses who have been most impacted by the stay-at-home order.

They are providing updated information on State and Federal loan programs that are available. Sheehan added that some of the businesses are taking advantage of the down time, like Maggie's Farm who is replacing the septic system in the parking lot. They have asked the Town if they could use some of the golf course property for parking, if the parking lot isn't completed by the time the restaurant is ready to reopen. Selectman Cresta suggested that those restaurants that are remaining open with take-out options should be listed on the Town website. Sheehan and Assistant Town Administrator Tanya Shallop will look into providing that.

- **Board of Appeals Resignation:** Sheehan advised the Board that Richard Nazzaro has resigned from the Board of Appeals and the Board will be asked to appoint a replacement later in the meeting. Sheehan thanked Nazzaro for his service to the Town over the past several years and as chairman for the past few years.
- **COVID-19 Update:** Sheehan advised the Board that the town's Public Health Director, Derek Fullerton, will provide a report to the Board in the Public Comment period, but he wanted to clarify the numbers that the Mass. DPH releases, which includes everybody that's considered a resident. In Middleton that number includes the population of the jail. Sheehan added that they've split the numbers up on the town's website, and Middleton's cases are 33 at-large cases and 52 at the jail.
- **Website Updates:** Sheehan advised the Board that Katrina O'Leary and Michelle Creasi have updated the COVID-19 page on the town's website.
- **MassDEP Order:** Sheehan reported that last year MassDEP issued an Order to Complete associated with renewal of the town's water management and water withdrawal permit, which is issued jointly to Middleton and Danvers. Sheehan added that they worked cooperatively with Danvers to respond. Sheehan noted that warrant Article 20 applies directly to the water management withdrawal permit and the order to complete, which they will be discussing later in the meeting.
- **Thank You:** Sheehan publicly thanked the Department Heads, all employees, and all the volunteers, who have been delivering meals, handing out food at the food pantry, and many other things. Thank you also to residents and business owners in addressing the corona virus and practicing social distancing. We'll get through this.

#### 7:23 PM Public Comment Period

- **COVID-19 Update from Public Health Director Derek Fullerton:** Fullerton provided an update on the current Coronavirus pandemic as it effects Middleton. Since day 1, their response has been specifically related to contact tracing with the town's public health nurse. When a new case is discovered, she calls to follow up on who they have been in contact with. They are now also starting to deal with release with quarantine and release notices for employment, noting that there is a lot of disease surveillance. Fullerton reported that we have 33 at-large residents and 52 in the jail population, for a total of 85 to date. Out of that number there are some that have been released from quarantine. Fullerton advised that they keep the total active number on the

website, to emphasize that this is a serious issue and he hopes that residents will continue to be vigilant with social distancing, masks, etc. Fullerton provided an update on the PPE availability, noting that they are now getting more PPE. Fullerton noted that they are able to tap into over 1,000 contact traces that can assist in follow-up on community contact tracing. Of the 3 mortalities we have had in Middleton, all had other underlying health issues. The data matches up in our community, as reported by the state. Houten asked how many were hospitalized currently. Fullerton thought there were 3 in the hospital.

**7:37 PM Discussion of Citizens Petition: Annual Town Meeting Warrant Article 21:**

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.

Petitioner Eric Cudmore addressed the Board with his petition, explaining that he's been trying to get an assisted living facility built in town for some time. The first shot he had was behind Angelica's and that fell through. The second proposal for Hawthorne, behind Angelica's, also fell through. He feels the only place one of these could go in town is a place with sewerage, which would mean on Locust Street. He is a local real estate agent and the older people selling their houses do not have anywhere to go. A lengthy discussion ensued, and the Board encouraged Cudmore to get his backers to go to the meeting to support the article.

**7:54 PM Review and Vote to Create COVID-19 Donation Fund and Policy:** Town Administrator Andy Sheehan provided the Board with background information on the COVID-19 Donation Fund proposal, as well as the policy for donating, noting that there were inquiries from residents on where to donate. Sheehan provided the Board with a policy drafted by the Assistant Town Administrator to view as he explained its contents. After a brief discussion on edits to the policy, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously to accept the donation policy as amended.

**8:02 PM Review and Vote to Accept Donation:** Town Administrator Andy Sheehan provided the Board with information on a donation the Town received from Falck Renewables to be used for the Council on Aging's Meals on Wheels program and outreach activities. The Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to accept with thanks the donation from Falck Renewables for the Council on Aging's Meals on Wheels program and outreach activities.

**8:03 PM Vote to Close and Sign the June 20, 2020 Annual Town Election Warrant:** 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 close the June 20, 2020 Annual Town Election warrant.

After the vote, there was a question on early voting. Town Clerk Ilene Twiss was in attendance and advised the ballots are ready to be sent out for printing, noting that they will be printed with the May 19<sup>th</sup> voting date. Due to the pandemic, the state has authorized the ballots could go out with the original election date printed on them, regardless of when the actual voting takes place. Twiss added that as soon as she gets the ballots, she will be promoting early voting.

**8:05 PM    Continued Review of the June 10, 2020 Annual Town Meeting Warrant:** Town Administrator Andy Sheehan advised the Board that the first 16 articles are mostly finance articles that are on the warrant every year. However, there were a couple he felt needed more explanation. Sheehan provided additional information to the Board on the following articles:

*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...*

*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 1A...*

*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...*

*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...*

Sheehan asked the Board, if they were comfortable with the personnel policies, to vote on approving them. The Board took the following action:

On a **MOTION** made by **Kassiotis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to approve the personnel policies as presented, subject to the vote of Town Meeting to repeal and replace the personnel bylaw, which policies shall become effective upon Town Meeting approval or July 1, 2020, whichever shall occur last.

*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 4/16/2020 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...*

**8:21 PM Vote to Close the June 10, 2020 Annual Town Meeting Warrant:** Town Administrator Andy Sheehan explained that the Board may want to hold off on closing the Town Meeting warrant, as there are still a few loose ends to tie up. The Planning Board's pending finalization of Article 20 and any non-substantive edits. Sheehan doesn't expect anything new coming in, other than the date may change. A lengthy discussion ensued, and the Board decided to hold off on closing the Town Meeting Warrant at this time.

**8:32 PM Review and Vote to Appoint Craig Hartwell to the Zoning Board of Appeals:** The Town Administrator explained that Richard Nazzaro has resigned his position on the Zoning Board of Appeals. He publicly thanked Nazzaro for his lengthy service to the Town and asked the Board to appoint Craig Hartwell to finish Nazzaro's unexpired term, with an appointment until June 30, 2021. The Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously to appoint Craig Hartwell to the Zoning Board of Appeals for a term ending June 30, 2021.

**8:33 PM New Business:**

- **Masconomet Budget Reduced:** Selectman Prentakis announced to the Board that the Masconomet School Committee were able to reduce their budget by \$643,333, reducing Middleton's assessment by \$62,500.

**8:35 PM ADJOURN**

With no further business, on a **MOTION** made by Cresta, the Board of Selectmen's meeting of April 21, 2020 adjourned at 8:35 PM.

**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**

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 21, 2020
- Warrant #2022:
- Minutes:

- April 7, 2020
- April 14, 2020
- Town of Middleton Massachusetts COVID-19 RELIEF GIFT & DONATION POLICY: ADOPTED APRIL 21, 2020
- E-Mail from Falck Renewables to COA Director, Re: Charitable Donation, 4/14/20
- Notice to Town Constable to notify qualified voters of the Town Election on June 20, 2020
- Town of Middleton Massachusetts Annual Town Meeting Warrant

# Town of Middleton

## Massachusetts

3.



### 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 Dedication**

**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:**

**Robert Currier**      Police Sergeant

**Charles Costigan**      Reserve Police Officer

**Robert Ambrefe**      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>\$ 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.

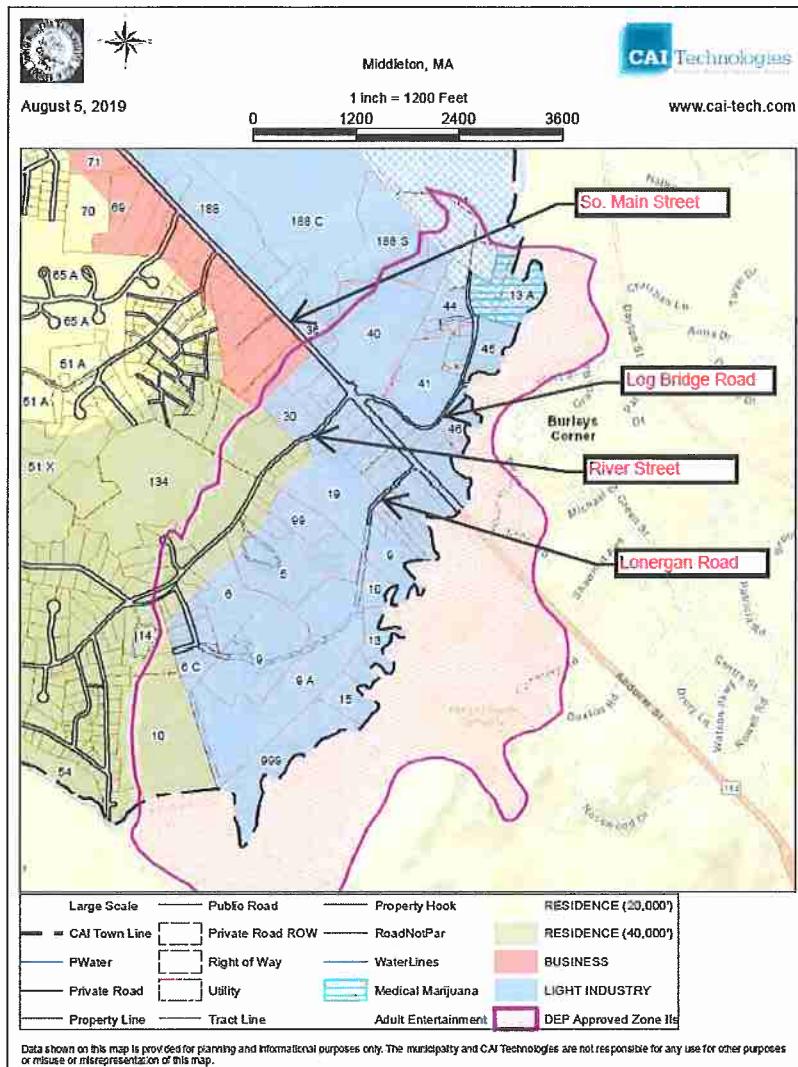
1. The Special Permit Granting Authority (SPGA) under this bylaw shall be the Board of Appeals. A special permit shall be granted if the SPGA determines, in conjunction with the Middleton Conservation Commission, that the intent of this bylaw, as well as its specific criteria, is met. The SPGA shall 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.

**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.

### **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

A

## Chapter 378

### Oakdale Cemetery

[HISTORY: Adopted by the Board of Selectmen of the Town of Middleton 3-19-1991. Amendments noted where applicable.]

**§ 378-1 General provisions.**

- A. The adoption and enforcement of the following rules and regulations are necessary to maintain good order within the Cemetery, to protect the interests of proprietors and to preserve the beauty of the grounds. All persons are urgently requested to report immediately any act of courtesy or other breach of propriety.
- B. The Cemetery Commission reserves the right to temporarily suspend or modify a regulation, but such act shall not be construed as affecting the general application or enforcement of such rule.
- C. The rules and regulations and schedule of prices as established by the Cemetery Commission are subject to change without notice.
- D. All provisions of MGL c. 114 shall be adhered to, including penalties for infringement of the law.
- E. The Superintendent of Public Works is in full charge of the Cemetery and is responsible for the enforcement of the rules and regulations and for maintaining the Cemetery in conformance with the principals to which it was dedicated.

**§ 378-2 Cemetery hours.**

- A. The gates of the Cemetery will be open daily from 8:00 a.m. to 8:30 p.m., except from November 1 to March 1, when they will close at 4:30 p.m.
- B. Any unauthorized person found within the Cemetery outside the prescribed opening hours will be deemed a trespasser and as such will be liable to prosecution.
- C. The term "gate" as used herein shall mean any or all the established entrances to the Cemetery, whether or not equipped with moveable barriers.

**§ 378-3 Office hours.**

All business related to the Oakdale Cemetery may be done through the Superintendent of Burials whose office is located at the Department of Public Works office, 195 North Main Street, during normal business hours, Monday through Friday, ~~7:30 a.m. to 4:00 p.m.~~ ~~7:00AM-3:00PM~~. The office ~~will be~~ is closed on all legal holidays and weekends. [5-5-2020]

**§ 378-4 Sale of lots.**

Sale of lots at Oakdale Cemetery shall be restricted to residents or former residents of the Town of Middleton, with the following restrictions to former residency purchases:

- A. Any former resident of the Town of Middleton must show satisfactory proof of former residency before said sale of lot and be restricted to the sale of no more than a two-grave lot. Satisfactory proof may include but is not limited to the personal knowledge of Public Works staff, birth or marriage certificate, tax or utility bill, or similar. [5-5-2020]
- B. Former residency purchases shall be subject to the fee structure established by the Board of Selectmen/Cemetery Commissioners which may be adjusted from time to time. All graves are sold with perpetual care.

(1) The fee structure is as follows:

- (a) Single-grave lot: \$600.
- (b) Double-grave lot: \$1,200.

(2) All other interment fees shall apply at the time of interment.

C. ~~Lots are sold for cash only and payment is to be made~~ Payment for sale of lots shall be payable to the Town of Middleton. The deed of a lot shall not be delivered, no stone or marker may be erected, and no work will be done on the lot until the purchase price is fully paid. **[5-5-2020]**

D. A maximum of four graves may be purchased by any one household. Any requests for more than four graves must be first approved by the Board of Selectmen after a recommendation received in writing by the Superintendent of Public Works. **[Added 3-15-2016; amended 3-29-2016]**

E. No lot or grave at the Oakdale Cemetery shall be sold to anyone who is not a current or former resident of the Town of Middleton at the time of such sale. ~~Nonresidents may be interred if they are the owner of the lot or are related by blood or marriage to the owner of such lot or a member of the immediate family (parent, spouse, grandparent, sibling, daughter, son, grandchildren, son-in-law or daughter-in-law) of such owner. There is an additional charge for the interment of a nonresident.~~ **[Added 3-15-2016; amended 3-29-2016; 5-5-2020]**

F. No lot or grave shall be sold to anyone who was a Middleton resident solely as a result of incarceration at any detention facility located in Middleton. **[5-5-2020]**

§ 378-5 Lots.

- A. Cemetery lots shall not be used for any other purpose than as a place of burial for the human dead, and all burials therein shall be under the personal charge of the Superintendent of Burials, to whom shall be paid such fees for opening a grave as shall be established by the Cemetery Commissioners.
- B. All lots will be defined by a suitable corner marker and numbered by the Department of Public Works, hereinafter referred to as the "Department," and it is unlawful for any person to remove or tamper with said marker.
- C. No lot will be deeded to more than one owner, nor will a lot be divided. No objections exist to an agreement between or among families as to the parts of the lots to be used by each, but the Department will not undertake to record or enforce such agreements.
- D. In case of the decease of a proprietor, it shall be the duty of the heirs or devisee to file with the Department satisfactory proof of ownership (MGL c. 114, § 29).
- E. If any monument or effigy or any structure whatsoever or any inscription is placed in or upon any lot which shall be determined by the Cemetery Commissioners to be improper or offensive, they shall have the right and it shall be their duty to instruct the Superintendent of Public Works to enter upon said lot and remove such improper or offensive objects.
- F. No fence, curbing, railing, wall, hedge, embankment, ditch or other lot enclosure shall, at any time, be erected or placed in or around any lot, and the establishment of the grade of any lot shall be subject to the approval of the Superintendent of Public Works, and the work of grading shall be done by employees of the Department.
- G. Residents purchasing new graves or lots must make said purchase in the section open for sale at that time, e.g., if purchase is for a two-grave lot, it must be made in the section and row being sold at that particular time. No exceptions will be made.

- H. No proprietor shall suffer the remains of any person to be interred within his lot for hire.
- I. All interments or other work shall be under the personal charge of the Superintendent or ~~his assistants~~ designee(s). [5-5-2020]
- J. No sale, transfer or assignment of any lot shall be valid without the approval of the Cemetery Commission.
- K. Proprietors may erect a memorial structure on their lot subject to the regulations set forth under **§ 378-11, Memorial structures**.
- L. Proprietors may cultivate plants on their lots subject to the approval of the Department, but if such planting becomes neglected or is deemed objectionable or detrimental, the Superintendent reserves the right to remove such planting. If done on lots under perpetual care, the owner must bear the expense of putting the ground in proper condition again.
- M. On lots or graves where no monument has been erected the sod under no condition shall be allowed to be broken.
- N. The Superintendent shall remove from lots and graves flowers or emblems whenever, in his opinion, the same have become so withered or decayed as to render their removal desirable. Floral emblems so removed will be put in a common dump and employees shall refuse to attempt to find them after they have been disposed of.
- O. The Cemetery Commission reserves the right to alter the plot of walks, avenues and unsold areas.
- P. No lights of any kind shall be allowed in the Cemetery.
- Q. Lot owners making improvements on lots that are under perpetual care will be charged with any necessary expense of putting lots in order, after such improvements are made.

#### **§ 378-6 Trees and shrubs. [5-5-2020]**

- A. If any trees or shrubs on any lot shall by means of their roots or branches, or otherwise, become detrimental to the adjacent lots, avenues or paths, or dangerous or inconvenient to passengers, it shall be the duty of the Department, for the time being, and it shall have the right to enter into said lot and remove said trees and shrubs or such part thereof as are thus detrimental, dangerous or inconvenient.
- B. No person shall trim or remove any tree or shrub, whether or not it is on his own lot. The Department will on request perform all such work at no cost.
- C. The Department will use constant care in examining trees, removing such parts thereof as appear to be dangerous or detrimental, but expressly disclaims responsibility for damage to either persons or property resulting from falling trees or parts thereof.
- ~~D. No person shall plant a tree or shrub without approval of the Superintendent of Public Works, and all such work will be done by the Department. A tree or shrub may in a few years, because of its roots or branches, become a nuisance or render the ground unfit for burial purposes and no such planting will be allowed if in the opinion of the Superintendent it would be undesirable.~~

#### **§ 378-7 Grounds.**

- A. Operators of vehicles within the Cemetery must drive with care and at a low rate of speed because of poor visibility and sharp turns.
- B. On Memorial Day no vehicle except those accompanying and a part of a memorial procession will be allowed in the Cemetery before 12:00 noon.

- C. Motorcycles, bicycles, go-carts, three- or four-wheel all-terrain vehicles and snowmobiles are excluded from the Cemetery at all times.
- D. All persons are forbidden to injure or molest any bird or wild animal, or to molest its nest or other habitation.
- E. The taking of firearms into the Cemetery is forbidden except by authorized persons on military occasions.
- F. No tree or shrub shall be removed, except by the Department, and all persons are forbidden to gather flowers, either wild or cultivated, or to break or injure any tree, shrub or plant.
- G. No employee of the Department will be allowed to receive any fee or other compensation whatsoever for service rendered to any person.
- H. Persons within the Cemetery conducting themselves improperly will be requested to leave and upon refusal will be compelled to do so.
- I. Dogs and horses are not allowed in the Cemetery at any time.
- J. All work done within the Cemetery shall be performed by employees of the Department or by permission of and under the supervision of the Superintendent.
- K. No hunting is allowed within the Cemetery property and no vehicles are to be left unattended within Cemetery property for the purpose of hunting on adjacent properties. Vehicles found violating this regulation will be towed at the owner's expense.
- L. No private vehicles will be allowed to plow out the Cemetery roads at any time. Any damage done to stones and/or the grounds, roads, trees, shrubs, etc., will be at the expense of the violator of this subsection.
- M. The Department reserves the right to open the Cemetery at a reasonable time after any winter storm.
- N. All water faucets located in the Cemetery are to be used for the sole purpose of filling buckets/jugs with water for the caring of flowers and shrubs on one's lot. In no instance is a hose or sprinkler to be hooked up to these faucets. Care in making sure water faucets are completely shut down after use is requested. Any misuse or damage to these faucets should be reported immediately to the Department of Public Works office.

#### § 378-8 Funerals.

All funerals must enter the Cemetery through the main gate and upon entering shall be under the charge of the Superintendent or his assistants designee(s). [5-5-2020]

#### § 378-9 Interments.

- A. Undertakers are required to provide the Public Works Department with a minimum twenty-four (24) hour notice in advance of interment. Undertakers are required to have all interment orders signed by the proprietor or representative of a lot, or grave, and presented at the Department of Public Works office at least eight working hours before the time set for the interment. [5-5-2020]
- B. All interments must be made in permanent containers.
- C. The Department will receive telephone orders for opening a grave but disclaims liability of error in such cases. In no case will a grave which contains a body be opened until a properly signed order has been received and verified.

- D. No interment will be made without a regular order and burial permit.
- E. As the liability of error in names and dates is so great, undertakers must have all orders plainly and correctly written in ink. It is important that the proprietor should personally designate the grave to be opened in a multigrave site.
- F. No interment will be made until all fees charged for the same have been paid. There is an additional charge for the interment of a nonresident. [5-5-2020]
- G. Not more than one interment will be permitted in any one grave site other than what is provided for under § 378-14, Cremation, of these rules and regulations.
- H. Interments will not be made on Sundays or legal holidays. Interments on Saturday Saturdays and legal holidays will be charged extra. [5-5-2020]
- I. In case of emergency arising from extreme weather conditions or other cause beyond human control, or because of any other extenuating circumstances, the Superintendent may at his discretion postpone making a scheduled interment and shall deposit the body in the receiving tomb without charge until conditions permit interment.

**§ 378-10 Receiving tomb.**

- A. Bodies may be placeplaced in the receiving tomb at any time, but the Superintendent reserves the right to remove and inter the body whenever it may be deemed necessary to do so. [5-5-2020]
- B. While bodies are deposited in the receiving tomb, the Superintendent is forbidden to allow any casket to be opened, except on written request from the immediate family of the deceased and in the presence of an undertaker. In no case will a casket be opened when in the opinion of the Superintendent the condition of the body is such as to render it improper.

**§ 378-11 Memorial structures.**

- A. Proprietors should consult with the Superintendent before placing orders for stonework, due to the fact that there are restrictions in various sections of the ground.
- B. All stonework must rest on a foundation of cement masonry which will be built by the Department. In no case will a foundation be built either in whole or in part over the remains of a previous interment.
- C. Applications for this work must be filed with the Department and shall give full particulars, including size.
- D. Monument Dimensions:

1. In single-grave sections, single stonesmonuments shall not exceed two feet, six inches (2' 6") long by one foot, zero inches (1' 0") wide at the base and two feet, six inches in height; the The base shall not be higher thanexceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3'2") in overall height. [5-5-2020]
2. On two-grave lots, Double stonesmonuments shall not exceed three feet, zero inches (3' 0") long by one foot, zero inches (1' 0") wide at the base. The base shall not exceed eight inches (8") in heightand two feet, six inches in height; base stones shall not be higher than eight inches. The monument shall not exceed three feet, two inches (3'2") in overall height. [5-5-2020]
3. On four-grave lots, the stonemonuments shall not exceed three feet, seven inches (3' 7") long by one foot, one inch (1' 1") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3'2") in overall height. and two feet, six

inches in height; base stones shall not exceed eight inches in height. [5-5-2020]

4. All other monuments other than headstones or headstones greater than the dimensions stated must first receive approval of the Cemetery Commission.
- E. No foundations will be constructed and no stonework will be set between May 25 and June 1 or between November 15 and April 1, or when the ground is not in the proper condition for such work.
- F. No person shall deliver any material within the Cemetery except under the direction of the Superintendent or his assistants designee(s). [5-5-2020]
- G. All work must be done during the normal working hours of the Cemetery, and all, All contractors will be held responsible for the protection of other stones, paths, avenues, graves, trees and shrubs. [5-5-2020]
- H. Definitions. As used in this section, the following terms shall have the meanings indicated:

#### **FOOT STONE**

A stone to mark the locations of a particular grave and shall be set at or below ground level at the foot of the grave. No more than one foot stone measuring no more than two feet, zero inches (2' 0") long by one foot, zero inches (1' 0") wide by eight inches (8") deep is allowed on each grave. [5-5-2020]

#### **GRAVE MARKER**

A one-piece stone set at one or all four corners of a lot to mark the location of a particular grave. Grave markers are prohibited in single grave lots. [5-5-2020]

#### **HEADSTONE**

A stone to mark the location of a particular grave and shall be erected at the head of the grave.

#### **MONUMENT**

Any memorial structure other than a tomb, mausoleum, headstone, foot stone or grave marker.

- I. No raised letters or designs will be allowed on the base of any stonework where it can be damaged by grass-cutting implements.
- J. No more than one headstone or monument will be allowed on any one lot.

#### **§ 378-12 Perpetual care.**

The term "perpetual care" shall mean the maintenance of the lot or grave in reasonable condition. This include cutting the grass at proper intervals, pruning trees and shrubs, raking and cleaning the grounds and raising the sunken graves. Under this agreement the Department does not bind itself to maintain, repair or replace any structure erected thereon, nor plant ornamental flowers or shrubs, nor to regularly water the grass or flowers.

#### **§ 378-13 Disclaimer.**

The Department of Public Works will take every reasonable precaution to protect the private property of lot and grave owners within the Cemetery from loss or damage, but it disclaims all responsibility for loss or damage from causes beyond its control, especially from the acts of thieves, vandals, malicious mischief makers and from the acts of Providence, including wind, hail, snow and frost.

§ 378-14 Cremations.

- A. Six cremations will be allowed per single grave where the right of burial has not been used. Since the Commission feels that cremations do not disturb the remains of a person already interred it will allow up to six cremations to be placed around the headstone area.
- B. Cremations must be placed in permanent containers when delivered to the Cemetery via parcel post.

§ 378-15 Fees.

[Amended 3-15-2016; 3-29-2016; 5-5-2020]

- A. Grave openings:
  - (1) Residents: \$700.
  - (2) Nonresidents: \$2,000.
- B. Weekend funeral or (excavation):
  - (1) Residents: \$1,400.
  - (2) Nonresidents: \$2,500.
- C. Cremation interment (with service):
  - (1) Residents: \$300.
  - (2) Nonresidents: \$900.
- D. Cremation Weekend cremation interment (without service): \$50. \$200 in addition to regular interment fee
- E. Foundations: \$200.
- F. Flush markers: \$100.
- G. Compressor for frost: \$30100.
- H. Single-grave lot: \$600.
- I. Double-grave lot: \$1,200.
- J. Four-grave lot: \$2,0002,400.
- K. In addition to lot costs there is an additional fee of \$5 for recording of deed.

# Chapter 378

## Oakdale Cemetery

**[HISTORY: Adopted by the Board of Selectmen of the Town of Middleton 3-19-1991. Amendments noted where applicable.]**

### § 378-1 General provisions.

- A. The adoption and enforcement of the following rules and regulations are necessary to maintain good order within the Cemetery, to protect the interests of proprietors and to preserve the beauty of the grounds. All persons are urgently requested to report immediately any act of courtesy or other breach of propriety.
- B. The Cemetery Commission reserves the right to temporarily suspend or modify a regulation, but such act shall not be construed as affecting the general application or enforcement of such rule.
- C. The rules and regulations and schedule of prices as established by the Cemetery Commission are subject to change without notice.
- D. All provisions of MGL c. 114 shall be adhered to, including penalties for infringement of the law.
- E. The Superintendent of Public Works is in full charge of the Cemetery and is responsible for the enforcement of the rules and regulations and for maintaining the Cemetery in conformance with the principals to which it was dedicated.

### § 378-2 Cemetery hours.

- A. The gates of the Cemetery will be open daily from 8:00 a.m. to 8:30 p.m., except from November 1 to March 1, when they will close at 4:30 p.m.
- B. Any unauthorized person found within the Cemetery outside the prescribed opening hours will be deemed a trespasser and as such will be liable to prosecution.
- C. The term "gate" as used herein shall mean any or all the established entrances to the Cemetery, whether or not equipped with moveable barriers.

### § 378-3 Office hours.

All business related to the Oakdale Cemetery may be done through the Superintendent of Burials whose office is located at the Department of Public Works office, 195 North Main Street, during normal business hours, Monday through Friday, 7:00AM-3:00PM. The office is closed on all legal holidays and weekends. **[5-5-2020]**

### § 378-4 Sale of lots.

Sale of lots at Oakdale Cemetery shall be restricted to residents or former residents of the Town of Middleton, with the following restrictions to former residency purchases:

- A. Any former resident of the Town of Middleton must show satisfactory proof of former residency before said sale of lot and be restricted to the sale of no more than a two-grave lot. Satisfactory proof may include but is not limited to the personal knowledge of Public Works staff, birth or marriage certificate, tax or utility bill, or similar. **[5-5-2020]**
- B. Former residency purchases shall be subject to the fee structure established by the Board of Selectmen/Cemetery Commissioners which may be adjusted from time to time. All graves are sold with perpetual care.

- (1) The fee structure is as follows:
  - (a) Single-grave lot: \$600.
  - (b) Double-grave lot: \$1,200.
- (2) All other interment fees shall apply at the time of interment.
- C. Payment for sale of lots shall be payable to the Town of Middleton. The deed of a lot shall not be delivered, no stone or marker may be erected, and no work will be done on the lot until the purchase price is fully paid. **[5-5-2020]**
- D. A maximum of four graves may be purchased by any one household. Any requests for more than four graves must be first approved by the Board of Selectmen after a recommendation received in writing by the Superintendent of Public Works. **[Added 3-15-2016; amended 3-29-2016]**
- E. No lot or grave at the Oakdale Cemetery shall be sold to anyone who is not a current or former resident of the Town of Middleton at the time of such sale. **[Added 3-15-2016; amended 3-29-2016; 5-5-2020]**
- F. No lot or grave shall be sold to anyone who was a Middleton resident solely as a result of incarceration at any detention facility located in Middleton. **[5-5-2020]**

**§ 378-5 Lots.**

- A. Cemetery lots shall not be used for any other purpose than as a place of burial for the human dead, and all burials therein shall be under the personal charge of the Superintendent of Burials, to whom shall be paid such fees for opening a grave as shall be established by the Cemetery Commissioners.
- B. All lots will be defined by a suitable corner marker and numbered by the Department of Public Works, hereinafter referred to as the "Department," and it is unlawful for any person to remove or tamper with said marker.
- C. No lot will be deeded to more than one owner, nor will a lot be divided. No objections exist to an agreement between or among families as to the parts of the lots to be used by each, but the Department will not undertake to record or enforce such agreements.
- D. In case of the decease of a proprietor, it shall be the duty of the heirs or devisee to file with the Department satisfactory proof of ownership (MGL c. 114, § 29).
- E. If any monument or effigy or any structure whatsoever or any inscription is placed in or upon any lot which shall be determined by the Cemetery Commissioners to be improper or offensive, they shall have the right and it shall be their duty to instruct the Superintendent of Public Works to enter upon said lot and remove such improper or offensive objects.
- F. No fence, curbing, railing, wall, hedge, embankment, ditch or other lot enclosure shall, at any time, be erected or placed in or around any lot, and the establishment of the grade of any lot shall be subject to the approval of the Superintendent of Public Works, and the work of grading shall be done by employees of the Department.
- G. Residents purchasing new graves or lots must make said purchase in the section open for sale at that time, e.g., if purchase is for a two-grave lot, it must be made in the section and row being sold at that particular time. No exceptions will be made.
- H. No proprietor shall suffer the remains of any person to be interred within his lot for hire.

- I. All interments or other work shall be under the personal charge of the Superintendent or designee(s).  
[5-5-2020]
- J. No sale, transfer or assignment of any lot shall be valid without the approval of the Cemetery Commission.
- K. Proprietors may erect a memorial structure on their lot subject to the regulations set forth under § 378-11, Memorial structures.
- L. Proprietors may cultivate plants on their lots subject to the approval of the Department, but if such planting becomes neglected or is deemed objectionable or detrimental, the Superintendent reserves the right to remove such planting. If done on lots under perpetual care, the owner must bear the expense of putting the ground in proper condition again.
- M. On lots or graves where no monument has been erected the sod under no condition shall be allowed to be broken.
- N. The Superintendent shall remove from lots and graves flowers or emblems whenever, in his opinion, the same have become so withered or decayed as to render their removal desirable. Floral emblems so removed will be put in a common dump and employees shall refuse to attempt to find them after they have been disposed of.
- O. The Cemetery Commission reserves the right to alter the plot of walks, avenues and unsold areas.
- P. No lights of any kind shall be allowed in the Cemetery.
- Q. Lot owners making improvements on lots that are under perpetual care will be charged with any necessary expense of putting lots in order, after such improvements are made.

#### **§ 378-6 Trees and shrubs. [5-5-2020]**

- A. If any trees or shrubs on any lot shall by means of their roots or branches, or otherwise, become detrimental to the adjacent lots, avenues or paths, or dangerous or inconvenient to passengers, it shall be the duty of the Department, for the time being, and it shall have the right to enter into said lot and remove said trees and shrubs or such part thereof as are thus detrimental, dangerous or inconvenient.
- B. No person shall trim or remove any tree or shrub, whether or not it is on his own lot. The Department will on request perform all such work at no cost.
- C. The Department will use constant care in examining trees, removing such parts thereof as appear to be dangerous or detrimental, but expressly disclaims responsibility for damage to either persons or property resulting from falling trees or parts thereof.

#### **§ 378-7 Grounds.**

- A. Operators of vehicles within the Cemetery must drive with care and at a low rate of speed because of poor visibility and sharp turns.
- B. On Memorial Day no vehicle except those accompanying and a part of a memorial procession will be allowed in the Cemetery before 12:00 noon.
- C. Motorcycles, bicycles, go-carts, three- or four-wheel all-terrain vehicles and snowmobiles are excluded from the Cemetery at all times.
- D. All persons are forbidden to injure or molest any bird or wild animal, or to molest its nest or other habitation.

- E. The taking of firearms into the Cemetery is forbidden except by authorized persons on military occasions.
- F. No tree or shrub shall be removed, except by the Department, and all persons are forbidden to gather flowers, either wild or cultivated, or to break or injure any tree, shrub or plant.
- G. No employee of the Department will be allowed to receive any fee or other compensation whatsoever for service rendered to any person.
- H. Persons within the Cemetery conducting themselves improperly will be requested to leave and upon refusal will be compelled to do so.
- I. Dogs and horses are not allowed in the Cemetery at any time.
- J. All work done within the Cemetery shall be performed by employees of the Department or by permission of and under the supervision of the Superintendent.
- K. No hunting is allowed within the Cemetery property and no vehicles are to be left unattended within Cemetery property for the purpose of hunting on adjacent properties. Vehicles found violating this regulation will be towed at the owner's expense.
- L. No private vehicles will be allowed to plow out the Cemetery roads at any time. Any damage done to stones and/or the grounds, roads, trees, shrubs, etc., will be at the expense of the violator of this subsection.
- M. The Department reserves the right to open the Cemetery at a reasonable time after any winter storm.
- N. All water faucets located in the Cemetery are to be used for the sole purpose of filling buckets/jugs with water for the caring of flowers and shrubs on one's lot. In no instance is a hose or sprinkler to be hooked up to these faucets. Care in making sure water faucets are completely shut down after use is requested. Any misuse or damage to these faucets should be reported immediately to the Department of Public Works office.

#### **§ 378-8 Funerals.**

All funerals must enter the Cemetery through the main gate and upon entering shall be under the charge of the Superintendent or designee(s). [5-5-2020]

#### **§ 378-9 Interments.**

- A. Undertakers are required to provide the Public Works Department with a minimum twenty-four (24) hour notice in advance of interment. Undertakers are required to have all interment orders signed by the proprietor or representative of a lot, or grave, and presented at the Department of Public Works office at least eight working hours before the time set for the interment. [5-5-2020]
- B. All interments must be made in permanent containers.
- C. The Department will receive telephone orders for opening a grave but disclaims liability of error in such cases. In no case will a grave which contains a body be opened until a properly signed order has been received and verified.
- D. No interment will be made without a regular order and burial permit.
- E. As the liability of error in names and dates is so great, undertakers must have all orders plainly and correctly written in ink. It is important that the proprietor should personally designate the grave to be opened in a multigrave site.

- F. No interment will be made until all fees charged for the same have been paid. There is an additional charge for the interment of a nonresident. [5-5-2020]
- G. Not more than one interment will be permitted in any one grave site other than what is provided for under § 378-14, Cremation, of these rules and regulations.
- H. Interments will not be made on Sundays. Interments on Saturdays and legal holidays will be charged extra. [5-5-2020]
- I. In case of emergency arising from extreme weather conditions or other cause beyond human control, or because of any other extenuating circumstances, the Superintendent may at his discretion postpone making a scheduled interment and shall deposit the body in the receiving tomb without charge until conditions permit interment.

**§ 378-10 Receiving tomb.**

- A. Bodies may be placed in the receiving tomb at any time, but the Superintendent reserves the right to remove and inter the body whenever it may be deemed necessary to do so. [5-5-2020]
- B. While bodies are deposited in the receiving tomb, the Superintendent is forbidden to allow any casket to be opened, except on written request from the immediate family of the deceased and in the presence of an undertaker. In no case will a casket be opened when in the opinion of the Superintendent the condition of the body is such as to render it improper.

**§ 378-11 Memorial structures.**

- A. Proprietors should consult with the Superintendent before placing orders for stonework, due to the fact that there are restrictions in various sections of the ground.
- B. All stonework must rest on a foundation of cement masonry which will be built by the Department. In no case will a foundation be built either in whole or in part over the remains of a previous interment.
- C. Applications for this work must be filed with the Department and shall give full particulars, including size.
- D. Monument Dimensions:
  - 1. In single-grave sections, monuments shall not exceed two feet, six inches (2' 6") long by one foot, zero inches (1' 0") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3'2") in overall height. [5-5-2020]
  - 2. On two-grave lots, monuments shall not exceed three feet, zero inches (3' 0") long by one foot, zero inches (1' 0") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3'2") in overall height. [5-5-2020]
  - 3. On four-grave lots, monuments shall not exceed three feet, seven inches (3' 7") long by one foot, one inch (1' 1") wide at the base. The base shall not exceed eight inches (8") in height. The monument shall not exceed three feet, two inches (3'2") in overall height. [5-5-2020]
  - 4. All other monuments other than headstones or headstones greater than the dimensions stated must first receive approval of the Cemetery Commission.
- E. No foundations will be constructed and no stonework will be set between November 15 and April 1, or when the ground is not in the proper condition for such work.
- F. No person shall deliver any material within the Cemetery except under the direction of the

Superintendent or designee(s). [5-5-2020]

G. All work must be done during the normal working hours of the Cemetery. All contractors will be held responsible for the protection of other stones, paths, avenues, graves, trees and shrubs. [5-5-2020]

H. Definitions. As used in this section, the following terms shall have the meanings indicated:

**FOOT STONE**

A stone to mark the locations of a particular grave and shall be set at or below ground level at the foot of the grave. No more than one foot stone measuring no more than two feet, zero inches (2' 0") long by one foot, zero inches (1' 0") wide by eight inches (8") deep is allowed on each grave. [5-5-2020]

**GRAVE MARKER**

A one-piece stone set at one or all four corners of a lot to mark the location of a particular grave. Grave markers are prohibited in single grave lots. [5-5-2020]

**HEADSTONE**

A stone to mark the location of a particular grave and shall be erected at the head of the grave.

**MONUMENT**

Any memorial structure other than a tomb, mausoleum, headstone, foot stone or grave marker.

I. No raised letters or designs will be allowed on the base of any stonework where it can be damaged by grass-cutting implements.

J. No more than one headstone or monument will be allowed on any one lot.

**§ 378-12 Perpetual care.**

The term "perpetual care" shall mean the maintenance of the lot or grave in reasonable condition. This include cutting the grass at proper intervals, pruning trees and shrubs, raking and cleaning the grounds and raising the sunken graves. Under this agreement the Department does not bind itself to maintain, repair or replace any structure erected thereon, nor plant ornamental flowers or shrubs, nor to regularly water the grass or flowers.

**§ 378-13 Disclaimer.**

The Department of Public Works will take every reasonable precaution to protect the private property of lot and grave owners within the Cemetery from loss or damage, but it disclaims all responsibility for loss or damage from causes beyond its control, especially from the acts of thieves, vandals, malicious mischief makers and from the acts of Providence, including wind, hail, snow and frost.

**§ 378-14 Cremations.**

A. Six cremations will be allowed per single grave where the right of burial has not been used. Since the Commission feels that cremations do not disturb the remains of a person already interred it will allow up to six cremations to be placed around the headstone area.

B. Cremations must be placed in permanent containers when delivered to the Cemetery via parcel post.

**§ 378-15 Fees.****[Amended 3-15-2016; 3-29-2016; 5-5-2020]**

A. Grave openings:

- (1) Residents: \$700.
- (2) Nonresidents: \$2,000.

B. Weekend funeral or excavation:

- (1) Residents: \$1,400.
- (2) Nonresidents: \$2,500.

C. Cremation interment:

- (1) Residents: \$300.
- (2) Nonresidents: \$900.

D. Weekend cremation interment: \$200 in addition to regular interment fee

E. Foundations: \$200.

F. Flush markers: \$100.

G. Compressor for frost: \$100.

H. Single-grave lot: \$600.

I. Double-grave lot: \$1,200.

J. Four-grave lot: \$2,400.

K. In addition to lot costs there is an additional fee of \$5 for recording of deed.

*Richard J. Benevento  
56 Peaslee Circle  
Middleton, MA 01949  
Telephone: 617.835.3401  
Email: rbenevento@verizon.net*

5.

April 21, 2020

Mr. Andrew Sheehan  
Town Administrator  
48 South Main Street  
Middleton, MA 01949

Reference: Board of Appeals - Letter of Interest

Dear Mr. Sheehan:

I believe that it is important for the members of a community to participate in making it a great place to live, work and play. Tapping into the local resources of the Town's citizens provide value to our community. It has come to my attention that there may be a vacancy on the Middleton Board of Appeals. Please accept my Letter of Interest in filling this vacancy.

Over the years I have become very involved in the communities I have resided in. I am always interested on how we can improve the quality of life for us and our children. Likewise, I am also sensitive to the difficult decisions that must be made to balance the challenges of progress while maintaining the character of a community. It is with this in mind that I would like to submit this Letter of Interest to serve the Town of Middleton in the areas of finance, planning or zoning associated with the work of the Board of Appeals; however I am willing to serve in any capacity that you believe would benefit the Town.

As the former Chairman of the Town of Danvers Conservation Commission (seven years) and the Danvers Balanced Growth Committee and a six year member of the City of Beverly Conservation Commission I am sensitized to the importance of addressing local issues and keenly aware of the importance of community outreach. Currently, I continue to serve as the Chairman of the City of Beverly Parking and Traffic Commission, a position I have held since 2008. I find that giving back to the community is both rewarding and a civic obligation.

Throughout my professional career I have focused on serving municipal government in the areas of funding programs, transportation improvements, municipal infrastructure, and urban planning. I have assisted cities and towns throughout Massachusetts with grant and funding assistance utilizing Federal and State funding programs, particularly in the areas of municipal traffic and safety improvement projects, roadway reconstruction projects and municipal infrastructure improvements. My experience and success in securing funding for municipal public works projects has earned me the recognition as an authority on federal and state funding programs. I am also considered an expert in the public participation process and have addressed many distinguished groups on this subject, including the American Public Works Association and the Massachusetts Municipal Association. In addition, in my professional career I have been intimately involved in municipal development and redevelopment, often

Mr. Andrew Sheehan  
Town Administrator  
April 21, 2020  
Page 2

providing development peer review services to municipalities. I am the owner and president of WorldTech Engineering LLC, located in Woburn, Massachusetts.

Additionally, I am currently a member of several trade organizations that work directly and indirectly with municipal government, including Past Chapter President, and currently National Delegate to the American Public Works Association. I am also a voting member of the Commonwealth of Massachusetts State Transportation Innovation Council (STIC) and a member of the Massachusetts Municipal Association Policy Committee on Public Works, Transportation and Public Utilities. Below is a brief summary of my other civic involvement, including positions in a leadership role for your consideration:

Middleton – Public Facilities Planning & Building Committee (2016)  
Beverly - Parking and Traffic Commission, Chairman (2008 - Present)  
Beverly Conservation Commission (1995 - 2001)  
Beverly - Lynch Park Advisory Committee, Chairman (2001 - 2014)  
Danvers Conservation Commission, Chairman (1989 - 1995)  
Danvers Balanced Growth Committee (1990 – 1994)  
Clearbrook Homeowners Association Roadway Committee, Chairman  
Clearbrook Homeowners Association, President 2011 - Present  
Beverly Little League - Manager (2000 - 2005)  
Beverly Little League - Minor League Coordinator (2004)  
St. Richard's Church, Danvers - Parish Council (1988 - 1992)  
St. Richard's Church, Danvers - Finance Committee (1990 - 1992)  
St. Richard's Church, Danvers - Lector (1988 - 2002)  
Essex County Highway Association, Executive Board – Secretary (2000 – 2014)  
Essex County Highway Association, Equipment and Trade Show, Chairman (2001 - 2005)  
Essex County Highway Association, Spring Meeting 2002, Chairman  
Massachusetts Highway Association, Member (1986 – Present)  
Norfolk Bristol Middlesex County Highway Association - Member  
Plymouth County Highway Association - Member  
Worcester County Highway Association - Member  
Professional Ski Patrol Association – Certified Patroller 2007  
Professional Ski Patrol Association – Examiner 2009  
Notary Public - Commonwealth of Massachusetts (1986 - Present)

I am happy to provide additional work experience, community service and professional association involvement. If you believe that my qualifications could benefit the Town of Middleton, I would be willing to serve. As a Middleton resident I am very interested in seeing the quality of life improved throughout our Town. If I can, in a small way, contribute to that effort then I will have assisted in making Middleton an even better place.

Sincerely,



Richard J. Benevento



**Council on Aging**  
Old Town Hall  
38 Maple Street  
Middleton, MA. 01949  
978-777-4067  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

6.

April 14, 2020

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

Re: Middleton Food Bank Donation / Essex County Community Foundation COVID-19 Response Fund

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

Thank you,

*Jillian Smith*

Jillian Smith  
COA Director

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

Date: 4/7/20

Name: Essex County Community Foundation COVID-19 Response Fund

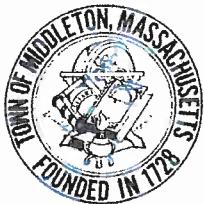
Donation: \$1,000.00

Check Number 101958

This donor would like to remain anonymous

Yes

XX No



**Council on Aging**  
Old Town Hall  
38 Maple Street  
Middleton, MA. 01949  
978-777-4067  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

April 28, 2020

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

Re: Middleton Food Bank Donation / Marion & Gerald Bojas

Please add the following donation to your agenda for acceptance by the Board of Selectmen for the Middleton Food Pantry and notify me when the check has been accepted so that it can then be deposited.

Thank you,

*Jillian Smith*

Jillian Smith  
COA Director

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

Date: 4/20/20

Name: Marion & Gerald Bojas

Donation: \$500.00

Check Number 134

This donor would like to remain anonymous

Yes

XX No



**Council on Aging**  
**Old Town Hall**  
**38 Maple Street**  
**Middleton, MA. 01949**  
**978-777-4067**  
**[www.townofmiddleton.org](http://www.townofmiddleton.org)**

April 15, 2020

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

Re: Middleton Food Bank Donation / Susan Muzichuk

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

Thank you,

*Jillian Smith*

Jillian Smith  
COA Director

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

Date: 4/2/20

Name: Susan Muzichuk

Donation: \$500.00

Check Number 4286

This donor would like to remain anonymous

Yes

XX No

## **Correspondence and informational materials**



**Council on Aging**  
Old Town Hall  
38 Maple Street  
Middleton, MA. 01949  
978-777-4067  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

April 29, 2020

Ms. Jaimie Lundy  
Falck Renewables North America Inc.  
One Bridge Street, Suite 11  
Irvington, NY 10533

Re: Falk Renewables Charitable Donation to the Middleton Council on Aging

Dear Ms. Lundy,

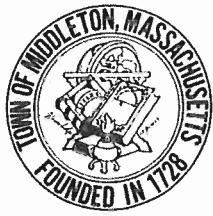
On behalf of the Middleton Council on Aging, the seniors we serve, the Middleton Food Pantry and the Town of Middleton, I would like to thank you and Falck Renewables North America Inc. for your generous donation. This donation will support our Meals on Wheels Home Meal Delivery Program, allowing us to serve more meals to more seniors. It will also allow us to increase our Outreach Efforts to Fight Isolation by providing the supplies needed to expand our effort to engage seniors during a time of social distancing. Additionally, it will allow us to maintain ample food supplies for our Middleton Food Pantry during the Coronavirus (COVID-19) pandemic crisis.

Your generous donation is greatly appreciated and extremely helpful during this challenging time.

Thank you so much.

My sincere appreciation,

Jillian G. P. Smith, Director  
Middleton Council on Aging  
38 Maple St.  
P.O. Box 855  
Middleton, MA 01949



**Council on Aging**  
Old Town Hall  
38 Maple Street  
Middleton, MA. 01949  
978-777-4067  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

**4.29.2020**

**Donation was made to and received by:**

Town of Middleton Council on Aging  
38 Maple St./P.O. Box 855  
Middleton, MA 01949

**Receipt of charitable donation received from:**

Falck Renewables North America  
One Bridge Street, Suite 11  
Irvington, NY 10533  
[www.falckrenewables.com](http://www.falckrenewables.com)

Invoice #	Amount	Payment Amount	Deposit received Date
2020-04	\$40,000.00	\$40,000.00	04/29/20
<b>Total received:</b>		<b>\$40,000.00</b>	

**\*\*\*THANK YOU FOR YOUR DONATION \*\*\***

**On behalf of the Town of Middleton, Middleton's Senior Residents,  
the Middleton Food Pantry and the Middleton Council on Aging**



**Public Health**  
Prevent. Promote. Protect.

# COVID-19

## WEEKLY REPORT

### MIDDLETON BY THE NUMBERS

**TOTAL CONFIRMED  
COVID CASES TO  
DATE- 5/1/2020:** **50\***

**\*Number of cases excludes  
cases within Correctional  
Facility (63).**

SEX	
Male	26
Female	24
Unknown	N/A
AGE GROUP	
<19 years of age	0
20-29 years of age	7
30-39 years of age	6
40-49 years of age	7
50-59 years of age	19
60-69 years of age	2
70-79 years of age	6
>80-89 years of age	3
DEATHS	
Attributed to COVID-19	5

The **Middleton Health Department** continues to participate in weekly conference calls with the Massachusetts Department of Public Health (MDPH) to discuss COVID-19 planning and upcoming expectations. As we wait for the Governor's guidance related to many operations and roll out phased plans for businesses, please note that Middleton does not expect to permit or open any **recreational camps, semi-public pools, or indoor recreational facilities** until otherwise directed by the MDPH. It is anticipated that camps and semi-public pools (that are subject to local permitting) will not be allowed to open in the month of June. Each month after, will depend on the collective approach across the commonwealth of MA as directed by the Governor and MDPH.

### COVID-19 TESTING

Middleton's own Middleton Family Medicine has been set up for almost two months to perform COVID-19 testing at their facility located at 147 South Main Street in Middleton (Back of Teresa's Eatery Parking Lot). The testing is performed through a drive through process on the outside of the building (See pics below). They are expecting to have rapid testing approval very soon; however, test results for COVID-19 for their facility provides results typically in less than 48 hours. Visit their website at <https://familymedicinemiddleton.com/covid-19/> to find information on how to be tested. All testing is performed from your vehicle without having to leave your vehicle. All testing must be approved by their facility prior to visiting the testing center.



### REMINDERS

To Screen Symptoms Visit: [www.bouyhealth.com](http://www.bouyhealth.com)

Be especially careful around high-risk individuals, such as the elderly and individuals with underlying health conditions.

**Call 211**   
Need Help Fast?  
Get the answers you need! It's Free. Confidential. Multilingual.  
Dial 2-1-1 or search online at [mass211.org](http://mass211.org)



## COMMUNITY INFORMATION

### Rolling Parade to Appreciate our First Line Workers at Market Basket

On Wednesday April 29th, the Town of Middleton performed a rolling parade to appreciate all the employees at Market Basket for their dedication to the community and public for providing consistent services to ensure a food supply during the COVID-19 pandemic. The Town of Middleton and many many others are thankful for them and we all appreciate their hard work and dedication during this difficult season!



# Riverview Park Condominium Trust

---

April 27, 2020

Mr. Anthony Tierno, Chairman  
Middleton Planning Board  
Town of Middleton  
48 S. Main Street  
Middleton, MA 01949

Reference: Proposed Commercial Subdivision  
26-30 River Street  
Middleton Assessor Map 32, Parcels 1 and 2 and Assessor Map 33, Parcel 99

Dear Chairman Tierno and Planning Board Members:

It has come to the attention of the residents of Riverview Park Condominiums that a proposed commercial subdivision of land adjacent to Riverview Park has been filed with the Town of Middleton (the "Town"). It is our understanding that the subdivision filing will be reviewed, and a decision rendered, by the Middleton Planning Board.

The purpose of this letter is to respectfully request your support to assure that adequate and comprehensive safety measures along River Street are included in this project in the event it is authorized by the Town. Likewise, given the potential of 9.29 acres of light industrial development immediately adjacent to Riverview Park, we also respectfully request that adequate and comprehensive measures, such as noise and visual screening, be taken to ensure the peaceful enjoyment of the Riverview Park residential community.

As you may know the proposed subdivision includes the construction of a 350 foot, 40-foot-wide, roadway with access from River Street. River Street is a public way owned by the Town with variable width, although its narrow width in many areas does not meet current design or safety standards. Safety along River Street has been a concern of Town officials and residents for many years. Increased traffic, including truck traffic, create a hostile and unsafe environment for non-vehicular modes of transportation. In 2018 the Town applied to the Massachusetts Department of Transportation (MassDOT) for a Heavy Commercial Vehicle Exclusion (HCVE) for River Street to eliminate truck traffic. On July 25, 2018 Permit No. 184-7217 (attached) was granted to the Town to restrict Heavy Commercial Vehicles from Natsue Way to Boston Street. While this measure was a step in the right direction the segment of River Street from South Main Street (Route 114) to Natsue Way remains unsafe.

The Town of Middleton's adopted Complete Streets policy (attached) includes provisions to provide accommodations for all roadway users, including, vehicles, pedestrian, and bicycles. The core commitment and best practices of the policy is to accommodate all roadway users:

*The Town of Middleton recognizes that users of various modes of transportation, including, but not limited to, pedestrians, cyclists, transit and school bus riders, motorists, delivery and service personnel, freight haulers, and emergency responders are legitimate users of roadways and deserve safe facilities. "All Users" includes users of all ages, abilities, and income levels.*

*The Town of Middleton Complete Streets policy will focus on developing a connected, integrated network that serves all road users. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of transportation facilities on streets and redevelopment projects. As practicable, recommendations from the Complete Streets Committee for incorporating complete streets elements will occur in projects' beginning stages prior to design.*

*Implementation of the Town of Middleton Complete Streets Policy will be carried out cooperatively within all relevant departments in the Town, among private developers, and state, regional, and federal agencies.*

Although some recent developments on River Street have provided sidewalks, including Magical Beginnings and Riverview Park, there is limited accommodation for pedestrians and no accommodation for bicycles elsewhere. We are hopeful that the current proposal to redevelop the former Main Street Pub to a 99 Restaurant will provide sidewalks along the perimeter of that property and connect to the sidewalks at Magical Beginnings. If the definitive subdivision plan for 26-30 River Street advances and is approved, we implore the Town's permit granting officials to mandate that sidewalks along the entire River Street frontage also be included and connect to the sidewalks along Riverview Park. The combination of existing sidewalks already in place, new sidewalks along the proposed 99 Restaurant and new sidewalks along this proposed development will further advance the creation of a pedestrian network that provides safe access from Route 114 to Natsue Way.

In addition, we expect that the project will require utility infrastructure connections as well as roadway and safety improvements on River Street. It is our hope that the Town will require that the developer to safeguard the integrity of the roadway pavement, which was repaved in 2016, by restoring any part of the Town's transportation infrastructure effected by this project to equal or better condition. Likewise, it is also vitally important to implement safety measures along River Street to accommodate the potential increased traffic that may be generated by this project, particularly truck traffic associated with a commercial (light industrial) development. This is especially important at the River Street at South Main Street (Route 114) intersection and overall pedestrian safety.

While we are not necessarily opposed to this project, this appeal is to respectfully request that the Town ensure that the project will enhance the community, improve safety, and not infringe on the peaceful enjoyment of its residential neighbors.

On behalf of the Riverview Park Condominium Trust

Sincerely,

Riverview Park Board of Trustees



Marilyn B. Durkin Chuck Losinger Richard J. Benevento William Brehm Edward H. Ray

c. Middleton Board of Selectmen

Mr. Andrew Sheehan, Town Administrator

Mr. Craig Hartwell, Chairman, Middleton Board of Appeals

Ms. Katrina O'Leary, Town Planner

Riverview Park Community

Town of Middleton <b>COMPLETE STREET POLICY</b>	
Effective Date	November 18, 2014
Expiration Date	None
Date Last Revised	November 18, 2014
Selectmen vote to adopt policy	November 18, 2014

## **COMPLETE STREETS POLICY**

### Vision and Purpose:

Complete Streets are designed and operated to provide safety, comfort, and accessibility for all the users of our streets, including pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles and for people of all ages, abilities, and income levels. Furthermore, Complete Streets principles contribute toward the safety, health, economic viability, and quality of life in a community by improving the pedestrian and vehicular environments in order to provide, safe, accessible, and comfortable means of travel between home, school, work, recreation, and retail destinations. Complete Streets also furthers equity objectives by providing safe forms of travel for Middleton residents of all income levels. The purpose of the Town of Middleton's Complete Streets Policy, therefore, is to accommodate all road users by creating a roadway network that meets the needs of individuals utilizing a variety of transportation modes. It is the intent of the Town of Middleton to formalize the plan, design, operation, and maintenance of streets so that they are safe for users of all ages, all abilities and all income levels as a matter of routine. This Policy directs decision-makers to consistently plan, design, construct, and maintain streets to accommodate all anticipated users including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, and freight and commercial vehicles.

### Core Commitment:

The Town of Middleton recognizes that users of various modes of transportation, including, but not limited to, pedestrians, cyclists, transit and school bus riders, motorists, delivery and service personnel, freight haulers, and emergency responders are legitimate users of roadways and deserve safe facilities. "All Users" includes users of all ages, abilities, and income levels.

The Town recognizes that all roadway projects – including new construction, maintenance and reconstruction – are potential opportunities to apply Complete Streets design principles. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets to provide for a comprehensive and integrated street network of facilities for people of all ages and abilities.

Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects, as appropriate. All transportation infrastructure and street design projects requiring funding or approval by the Town of Middleton, as well as projects funded by the State and Federal government, including but not limited to Chapter 90 funds, Town improvement grants, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), Capital Funding, and other state and federal funds for street and infrastructure design shall adhere to the Town of Middleton Complete Streets Policy. Private developments and related roadway design components shall adhere to the Complete Streets principles. In addition, to the extent practical, state-owned roadways will comply with the Complete Streets Policy, including the design, construction, and maintenance of such roadways within Town boundaries.

Town Departments, in consultation with a Complete Streets Committee (described below), will use best judgment regarding the desirability and feasibility of applying Complete Streets principles for routine roadway maintenance and projects, such as repaving, restriping, and so forth.

Transportation infrastructure projects, including but not limited to roadway reconstruction, roadway reconfigurations, or subdivisions may be excluded upon approval by the Complete Streets Committee and the Board of Selectmen, where documentation and data indicate that any of the following apply:

1. Roadways where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases, for accommodations elsewhere.
2. Cost or impacts of accommodation are excessively disproportionate to the need or probable future use.
3. Other Town policies, regulations, or requirements contradict or preclude implementation of Complete Streets principles.

Best Practices:

The Town of Middleton Complete Streets policy will focus on developing a connected, integrated network that serves all road users. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of transportation facilities on streets and redevelopment projects. As practicable, recommendations from the Complete Streets Committee for incorporating complete streets elements will occur in projects' beginning stages prior to design.

Implementation of the Town of Middleton Complete Streets Policy will be carried out cooperatively within all relevant departments in the Town and, to the greatest extent possible, among private developers, and state, regional, and federal agencies.

Complete Streets principles include the development and implementation of projects in a context-sensitive manner in which project implementation is sensitive to the community's physical, economic, and social setting. The context-sensitive approach to process and design includes a range of goals by giving significant consideration to stakeholder and community values. It includes goals related to livability with greater participation of those affected in order to gain project consensus. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

The Town of Middleton recognizes that "Complete Streets" may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.

The latest design guidance, standards, and recommendations available will be used in the implementation of Complete Streets, including but not limited to the most up-to-date versions of:

- The Massachusetts Department of Transportation [Project Design and Development Guidebook](#)
- Pioneer Valley Planning Commission's [Healthy Community Design Toolkit](#)
- The latest edition of American Association of State Highway Transportation Officials (AASHTO) [A Policy on Geometric Design of Highway and Streets](#)
- The United States Department of Transportation Federal Highway Administration's [Manual on Uniform Traffic Design Controls](#)
- The Architectural Access Board (AAB) 521CMR Rules and Regulations

- Documents and plans created for the Town of Middleton, including: The 1999 Master Plan, the 2013 Open Space & Recreation Plan, and the 2014 Sidewalk Improvement Policy.

Implementation:

A Complete Streets Committee comprised of stakeholders, including members of relevant Town departments will be created to implement this initiative. The Complete Streets Committee will be a multidisciplinary team and members will include representation from: Department of Public Works (DPW), Board of Health, Planning, Inspection Department, Town Administrator's office and other committees, departments or organizations as appropriate. The focus of this Committee will be ensuring the implementation of the Complete Streets Policy and, where necessary, altering existing practices and overcoming barriers that may act as impediments to implementation. In addition, this Committee will regularly update and solicit feedback on potential projects with the general public to ensure that the perspectives of the community are considered and incorporated, as appropriate.

The Town shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.

The Town, with input from the Complete Streets Committee shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plan, etc.), zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all Street Projects on streets.

The Town shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will highlight projects that eliminate gaps in the sidewalk and bikeway network.

The Town will evaluate projects within the Capital Improvement Plan to encourage implementation of this Policy.

The Town will secure training for pertinent Town staff and decision-makers on both the technical content of Complete Streets principles and best practices, as well as community engagement methods for implementing the Complete Streets Policy. Training may be accomplished through workshops and other appropriate means.

The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

Evaluation of Effectiveness:

The Complete Streets Committee will develop performance measures to periodically assess the rate, success, and effectiveness of implementing the Complete Streets Policy. The Committee will determine the frequency of assessment and utilize appropriate metrics for analyzing the success of this policy. These metrics may include the total number of new bicycle lanes, the linear feet of new pedestrian accommodation, number of retrofitted pedestrian facilities or amenities, number of intersection improvements made to improve Level of Service (LOS) and safety for vehicles, pedestrians and bicyclists, rate of crashes by mode, rate of children walking or bicycling to school, and/or number of trips by mode.



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, Secretary & CEO  
Jonathan L. Gulliver, Highway Administrator



July 25, 2018

Mr. Andrew Sheehan  
Town Administrator  
48 S Main Street  
Middleton, MA 01949

Dear Mr. Sheehan:

This is relative to a recent request received by MassDOT for a twenty-four hour, two and one-half ton capacity Heavy Commercial Vehicle Exclusion for a portion of River Street in the Town of Middleton.

Please find attached a copy of Traffic Regulation Permit No. 184-7217 for River Street, dated July 25, 2018. The Town may now proceed with installing signs indicating "*COMMERCIAL VEHICLES OVER 2 1/2 TONS CAPACITY EXCLUDED*" at the Town's convenience.

Please inform this office as to the date these signs are installed.

Sincerely,

Neil E. Boudreau  
State Traffic Engineer

RFW/  
Dist. 4 Traffic



**TRAFFIC ENGINEERING & OPERATIONS**  
**HEAVY COMMERCIAL VEHICLE EXCLUSION**  
**TRAFFIC REGULATION PERMIT**

City/Town: **MIDDLETON**

Date: **July 25, 2018**

Permit No. **184-7217**

Under the authority of MASS. GEN. LAWS Ch. 85, § 2, the Commonwealth of Massachusetts Department of Transportation Highway Division hereby approves the Traffic Rule and Regulation enacted by the Board of Selectmen of the Town of Middleton with such stipulations and exceptions, if any, as are noted herein.

The validity of this permit is contingent upon the conformity of the signs erected or used in connection with this Traffic Rule and Regulation, with the standards and specifications prescribed by MassDOT.

**EXCLUDED ROUTE**– River Street (Natsue Way to Boston Street)

**EXCLUSION TYPE** – Two and one half (2 ½) Tons

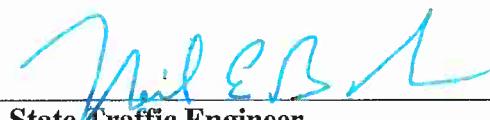
**HOURS OF EXCLUSION** – 24 hours

**DAYS OF EXCLUSION** – 7 Days

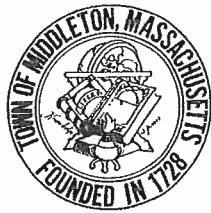
**ALTERNATE ROUTE**– South Main Street, Boston Street

**EXEMPTION:** *This exclusion does not apply to heavy commercial vehicles going to or coming from any of the above excluded routes for the purpose of making deliveries of goods, materials or merchandise to or similar collections from abutting land or buildings or adjacent streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities herein; or to Federal, State, Municipal or public service corporation owned vehicles.*

**FOR MASSDOT HIGHWAY DIVISION**

A handwritten signature in blue ink, appearing to read "Neil E. B." followed by a stylized initial.

State Traffic Engineer



## BOARD OF SELECTMEN

Town of Middleton  
48 South Main Street  
Middleton, Massachusetts  
01949-2253  
978-777-3617

### RIVER STREET HEAVY COMMERCIAL VEHICLE EXCLUSION JULY 17, 2018

It is hereby voted to amend the Traffic Regulations of the Town of Middleton by adding a 24-hour heavy commercial vehicle exclusion for vehicles exceeding 2 ½ ton carrying capacity on the portion of River Street from Natsue Way to Boston Street.

#### MIDDLETON BOARD OF SELECTMEN

---



Kosta E. Prentakis, Chairman

---



Richard Kassiotis

---



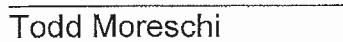
Timothy P. Houten

---



Brian M. Cresta

---



Todd Moreschi



## MIDDLETON

Heidi T. Riccio, Ed.D., Superintendent-Director  
Alexandra Liteplo, Representative

Essex North Shore Agricultural and Technical School (ENSATS) is Massachusetts' premier regional technical and agricultural high school, serving 17 member communities on the North Shore and 38 surrounding communities. Our mission is to create a culture of excellence, encourage continuous growth, and promote professionalism and citizenship for all students, as they develop into architects, artisans, and authors of the 21st century community.

Twenty-six career, technical, and agricultural programs are available to students from member communities whereas students from surrounding communities select from 8 agricultural areas. Enrollment at ENSATS is 1,493 for the 2019-2020 school year. Moreover, over 1,384 students applied for 440 openings in our current 9th grade. Our school was designed for 1,500 students and is currently organized into two academies.



### MIDDLETON at a glance

As of October 1, 2019  
42 Total Student Population

<b>Grade</b>	<b>9 – 6</b>
<b>Grade</b>	<b>10 – 13</b>
<b>Grade</b>	<b>11 – 16</b>
<b>Grade</b>	<b>12 – 7</b>

Future Architect, Jillian Mumley, Grade 10 from Middleton

## **East Academy**

Advanced Manufacturing, Automotive Collision, Repair & Refinishing, Automotive Technology, Companion Animals, Culinary Arts, Design & Visual Communications, Engineering Technology, Equine Studies, Graphic Communications, Natural Resources, Sustainable Horticulture, Veterinary Science

## **West Academy**

Arboriculture, Biotechnology, Environmental Technology, Carpentry, Cosmetology, Construction Craft Laborer, Dental Assisting, Electrical, Health Assisting, HVAC-R, Masonry, Landscaping, Plumbing

**CREATE.**

**ENCOURAGE.**

**PROMOTE.**

**DEVELOP.**

We are a leader within the state of Massachusetts, creating opportunities for more students throughout our region to have access to high quality career technical and agricultural education. Partnering with our districts, we have enrolled 28 additional students in our CTE Programs that are high demand career areas as a model for Governor Baker's Career Technical Initiative. We have received \$1.6 M in competitive grants.

Our Cooperative Education Program places upperclassmen in positions where they work among professionals in their field. These opportunities often lead to full-time employment upon graduation as we continue to work with our industry leaders to meet the needs of the current workforce and strengthen the economic pathways for our students. Our graduates enter the workforce with industry recognized credentials and hours toward professional licensure, which gives them an advantage and adds to future readiness. Business, industry, and labor representatives serve on our Program Advisory Committees to ensure that we meet all industry standards.

Over 70% of our students enroll in 2- or 4- year institutions with many earning articulated credit at state community colleges. Other students enroll in apprenticeship programs or directly enter the workforce upon graduation.

Several of our programs offer valued services to the residents of our communities, including the Maple Street Bistro and Café, the Salon, Pet Grooming, Automotive and Auto Collision Repair, and Blooming Designs & More. New this year, **Angell at Essex**, offers veterinary services on our campus.

ENSATS provides students with extracurricular activities including MIAA competitive sports, intramural athletics, and various clubs and service groups, including SkillsUSA, FFA, and DECA organizations that encourage students to explore and develop additional employability skills across their career and technical disciplines.

Our expanding NightHawks Adult Education Program offers industry training with credentialing as well as community enrichment courses.



**MIDDLETON  
BOARD OF SELECTMEN AND FINANCE COMMITTEE**

**MEETING AGENDA**

**FISCAL YEAR 2021 BUDGET HEARING  
AND  
ANNUAL TOWN MEETING WARRANT READING**

**MAY 7, 2020  
7:00 PM**

*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://us02web.zoom.us/j/83198286194?pwd=azZ5NnBySlkzYjJzS0pYZE55akhkQT09>

Meeting ID: 831 9828 6194

Password: 384740

One tap mobile

+13126266799,,83198286194#,1#,384740# US (Chicago)

+19292056099,,83198286194#,1#,384740# US (New York)

7:00PM Joint public hearing of the Middleton Board of Selectmen and the Middleton Finance Committee:

- Review and discuss June 10, 2020 Annual Town Meeting Warrant
- Review and discuss Fiscal Year 2021 Operating and Capital Budgets

Approval of Minutes:

- February 1, 2020 Joint Board of Selectmen and Finance Committee Fiscal Year 2021 Operating Budget meeting
- March 7, 2020 Joint Board of Selectmen and Finance Committee Fiscal Year 2021 Capital Budget meeting

*The Boards reserve 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.*