

MIDDLETON BOARD OF SELECTMEN

MEETING AGENDA

TUESDAY, MAY 19, 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/84613448083?pwd=ZGFOM3dhNnltcjM0RlhlQmMvcDdrZz09>

Meeting ID: 846 1344 8083

Password: 405890

One tap mobile

+19292056099,,84613448083#,,1#,405890# US (New York)

1. 7:00 PM Warrant: #2024
Minutes: Open Session: May 5, 2020
Town Administrator updates and reports
2. 7:15 PM Public Comment Period
3. 7:25 PM Applications under Massachusetts General Laws Chapter 138, Section 15A: Amendment-Alteration of Premises for the All Alcohol Beverages Restaurant Liquor Licenses for Serenitee Catering Corp. d/b/a Maggie's Farm, by Atty. Jill Mann, located at:
A. 119 South Main Street
B. 189 South Main Street
4. 7:45 PM Discussion of COVID-19 State of Emergency, stay at home order, and Town of Middleton re-entry planning
5. 7:55 PM Town Clerk Ilene Twiss to discuss Annual Town Election on June 20, 2020, including last day to register, early voting, and absentee voting
6. 8:05 PM Continue review and discussion of the June 10, 2020 Annual Town Meeting, including whether to keep the date
7. 8:15 PM Vote to accept donations for the Middleton Food Pantry
8. 8:20 PM Discussion of summer meeting schedule: normal dates are June 2, 16, and 30; July 14 and 28; and August 11 and 25; normal schedule resumes on September 8
9. 8:30 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

Upcoming Meetings: June 2: Regular BOS meeting
June 10: Annual Town Meeting
June 16: Regular BOS meeting
June 30: 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, May 5, 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.

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, Paul Pellicelli, Alice Tierney, Town Moderator Barbara Piselli, Town Clerk Ilene Twiss, Rich Benevento

7:07 PM With all members present, Chair Tim Houten called the meeting to order.

ROUTINES

- **Warrant #2023 Approval:** Town Administrator Andy Sheehan provided a brief review of Warrant #2023 (Payroll: \$697,340.00 and Bills Payable: \$247,340.00), 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 **Cresta**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously by roll call vote to approve Warrant #2023 as presented.
Roll Call: Prentakis: Yes; Cresta: Yes, Houten: Yes; Moreschi: Yes; Kassiotis: Yes
- **Minutes:** After a brief review of the minutes of April 21, 2020, the Board took the following action:
On a **MOTION** made by **Kassiotis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously by roll call vote to approve the minutes of April 21, 2020, as submitted.
Roll Call: Prentakis: Yes; Cresta: Yes, Houten: Yes; Moreschi: Yes; Kassiotis: Yes
- **Town Administrator's Report:** Town Administrator Andy Sheehan provided information and updates on the following:
 - **Budget Hearing with FinCom:** Sheehan reported that the Board of Selectmen and the Finance Committee will meet jointly Thursday, May 7th by Zoom to conduct the budget hearing, and read-through of the Town Meeting Warrant. Zoom meeting information is available on the agenda posted online.
 - **Catch Basin Cleaning and Street Sweeping:** Sheehan reported that there's been some catch basin payments made, adding that street sweeping and catch basin cleaning is ongoing, noting that Ryer and Devonshire are scheduled for this week.
 - **Coronavirus Update:**

- **Stay-at-Home Order Extended:** Sheehan reported that the Governor extended the stay-at-home order until May 18th. Sheehan added that they are developing their own reopening plans with a task force working on that, so that the Town will be ready when the Governor lifts the order.
- **Updated Numbers:** Sheehan reported that there are 55 COVID cases in the at-large population, 70 at the jail, for a total of 125 in town. There have been five deaths in Middleton.
- **Community Events Cancelled:** Sheehan reported that the virus is starting to effect community events, noting that the Memorial Day parade has been canceled; Chief Wills day has been canceled. Sheehan added that similar events in other communities have been canceled.
- **Drop in Crime Statewide:** Sheehan reported that as a result of the Corona virus, there is less traffic than usual. Nationwide traffic is down about 50%, which results in fewer traffic stops and fewer arrests. Sheehan added that Middleton Police Department has taken only two people into custody in the past 7 weeks.
- **Falck Renewables Donation:** Sheehan reminded the Board that at the time they accepted the donation from Falck Renewables at the last meeting, there was no specific dollar amount. Sheehan added that the Town has received the donation in the amount of \$40,000, noting that it is a remarkably generous gift which will support meals on wheels and other assistance to residents during the COVID pandemic. The COA director has already sent a thank you and Sheehan will also follow up with a letter from the Board.
- **Mask Distribution:** Selectman Cresta asked if the Town was planning on supplying masks to residents now that it is a requirement. Sheehan advised that there was no formal plan in place. He will discuss it with the COA tomorrow and will see if they have enough masks to distribute. Cresta added that he has a source at a very reasonable price if the Town wants to purchase some.

7:20 PM Continued Review and Discussion of the June 10, 2020 Annual Town Meeting: Town Administrator Andy Sheehan advised the Board that he met with the Town Clerk and Town Moderator recently and one thing they decided they should do is strip down the warrant to the bare minimum, eliminating unnecessary articles. He also reported the Moderator is considering using a consent calendar in which articles that don't generally cause much debate can be lumped together and disposed of in one action. Sheehan provided the Board members with suggested articles to eliminate, noting that he will be meeting again with the Town Moderator and Town Clerk to discuss Town Meeting logistics, including form and publication of the warrant, public notification, venue, seating arrangements, and quorum. A lengthy discussion ensued on what they'll do if the Governor's stay-at-home order has not been lifted in time for the scheduled date of June 10th. Also discussed briefly was the 1/12th budget option. There was a brief discussion on current legislation that would allow the Board to adopt a lower quorum requirement of not less than 10% of what the quorum usually is. Discussion turned to the Town's budget and how the anticipated lack of revenues will affect the development of the FY21 budget.

8:03 PM Discussion and Vote on Revised Oakdale Cemetery Rules: The Town Administrator provided the Board with a brief history on the work they've done on the Oakdale Cemetery rules, providing the Board with a draft of the revised rules they've put together. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously by roll call vote to approve the revised Oakdale Cemetery rules, as presented.

Roll Call: Prentakis: Yes; Cresta: Yes; Houten: Yes; Moersch: Yes; Kassiotis: Yes

8:09 PM Discuss and Vote to Appoint an Alternate Member to the Zoning Board of Appeals: The Town Administrator advised the Board that Rich Benevento has expressed interest in serving as an alternate member on the Zoning Board of Appeals. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Kassiotis**, the Board of Selectmen **VOTED** unanimously by roll call vote to appoint Rich Benevento as an alternate on the Zoning Board of Appeals for a term through June 30, 2020.

Roll Call: Prentakis: Yes; Cresta: Yes; Houten: Yes; Moersch: Yes; Kassiotis: Yes

8:11 PM Vote to Accept the Following Donations to the Food Pantry:

- **Essex County Community Foundation COVID-19 Response Fund in the amount of \$1,000**
- **Marion & Gerald Bojas in the amount of \$500**
- **Susan Muzichuk in the amount of \$500**

Town Administrator Andy Sheehan explained that the COVID-19 Response Fund is a fund that supports food pantries, and the donation from Essex County Community Foundation will be going to the Middleton Food Pantry. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Cresta**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously by roll call vote to accept with thanks the donations totaling \$2000 to the Middleton Food Pantry.

Roll Call: Prentakis: Yes; Cresta: Yes; Houten: Yes; Moersch: Yes; Kassiotis: Yes

8:13 PM ADJOURN

With no further business, on a **MOTION** made by Cresta, the Board of Selectmen's meeting of May 5, 2020 adjourned at 8:13 PM.

Upcoming Meetings:

May 7: Joint Budget Hearing/Warrant Reading

May 12: Regular BOS meeting

June 2: Regular BOS meeting

June 10: Annual Town Meeting

Respectfully submitted,



Middleton Board of Selectmen
May 5, 2020

Meeting Minutes
Page 3

Judith A. Stickney, Minutes Secretary

Todd Moreschi, BOS Clerk

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

- Agenda: May 5, 2020
- Warrant #2023:
- Minutes:
 - April 21, 2020
- Town of Middleton Massachusetts Annual Town Meeting Warrant
- Chapter 378: Oakdale Cemetery
- Amended Chapter 378: Oakdale Cemetery
- Letter from Richard Benevento to Town Administrator, Re: Board of Appeals - Letter of Interest, 4/21/20
- Letter from COA Director to Board of Selectmen, Re: Middleton Food Bank Donation / Essex County Community Foundation COVID-19 Response Fund, 4/14/20
- Letter from COA Director to Board of Selectmen, Re: Middleton Food Bank Donation / Marion & Gerald Bojas, 4/28/20
- Letter from COA Director to Board of Selectmen, Re: Middleton Food Bank Donation / Susan Muzichuk, 4/15/20
- Copy of Letter from COA Director to Falck Renewables, Re: Falck Renewables Charitable Donation to the Middleton Council on Aging, 4/29/20
- Middleton MA COVID-19 Weekly Report, 5/1/20
- Copy of Letter and related material from Riverview Park Condominium Trust to Middleton Planning Board, Re: Proposed Commercial Subdivision, 26-30 River Street, Middleton Assessor Map 32, Parcels 1 and 2 and Assessor Map 33, Parcel 99
- Letter and related material from MassDOT to Town Administrator, Re: Request for Heavy Commercial Vehicle Exclusion, 7/25/18
- Essex North Shore Agricultural and Technical School Middleton Report
- 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

PRICE
ESBURY
 718 Georgian, totally rege, 4 fireplaces, all newer ows, walk-in fireplace, 6 a very warm and comfortny original features and so charm. Almost a half acre rate studio/workshop and silent storage. **\$379,000**
ALLEY R.E.
 Janie Purinton
 office 800-773-9990

OLD!
 veest 7 room Victorian on harbor views. Gorgeous fir 3 bdrms, 2 full baths, first room, new windows, heat, Hill yard. Full useful base-excellent storage & condit-ter! \$397,500
ALLEY R.E.
 Janie Purinton
 office 800-773-9990

Contract!
 Some landmark 1875 farm-ooking the Parker River and rsh lands in permanent acres, 9+ rooms, four bed-ery room a river view! Dock er roof and heating plant. Walk-up attic, full basement. s, 35' heated "porch" brings a landscape into immediate dings, amazing stone walls! ale in over half a century.

VALLEY R.E.
 Il Pat Skibbee
 office 800-773-9990

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e Salem News

BUSINESSES FOR SALE & LEASE:
 Full Bar/Restaurant bus. only. For sale Derry NH \$50,000
 Gas Station, Mechanic Shop Car Lot, coming soon NH
 Pizza Take Out Restaurant.....\$89,000
 Italian Restaurant Business.....\$189,000
MULTI-FAMILY & INVESTMENT
 7 Units/Garages & Hardwood.....\$879,000
 6 Unit Residential & Commercial, NH \$579,000
 House Car lot & 4 Apts. So NH.....\$795,000
 8 Unit Office Building & 2 Acre Lot.....\$879,000

LAND, COMMERCIAL & COMMERCIAL/INDUSTRIAL
 Conway NH Land / Business Lot center Downtown.....89K
 6.24 AC So NH Downtown - Lease \$6500 /mo
 8 Acres/House Commercial needs work \$299k
 35 Acres Derry NH Bld Homes.....\$459,000
HOMES FOR SALE & APTS FOR RENT
 5 Bedroom and 3 Bedroom homes on 3 Acres Commercial Land in Londonderry.....\$1,100,000
 Studios & 1 bed.....from \$895/mo.
WAREHOUSES For Rent from 500 - 2000 sq ft
 RENT: Hwy 93, NH exit 5. Storage only.....from \$695 mo.

RETAIL & OFFICES FOR LEASE:
 Downtown Derry Retail NH.....from \$700
 Office Space 1 Room. S. NH.....from \$250 mo.
 Office Space 2 rooms So. NH.....\$495 mo.
 Office/Service Townhome Style Hudson NH.....\$875 w/ utilities
 Offices & Retail from 200 sf-5000 sf So. NH.

Join our Company! Make \$\$\$ in 2020
Southern NH & MA
 ** 603-432-5453 ** www.sresre.com

REAL ESTATE BROKERS/AGENTS

Quiz for Landlords/Property Owners

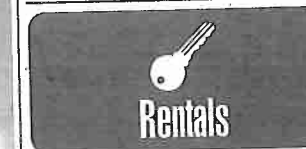
This week's answers to last week's questions:

- Max fee you can charge an applicant: \$0 (zero dollars)
- Max Security Deposit - 1 month's rent (regardless of credit history)
- Max Pet Fee: \$0 (zero dollars) It's illegal in Massachusetts
- Last month's rent - yes, you have to pay interest on that, too.

Don't unknowingly break the law. Fair Housing laws matter!

Do you have a question for next week? Email, call or text and our Property Management team may publish your questions and answer, next week!

Call Kim, Broker/Owner of Boston North Realty (978) 236-4100
 www.BostonNorthProperty.com
 Bonded and Insured, licensed RE Brokers/Property Management
 Equal Opportunity Housing



HOMES

SALISBURY - 3 bedroom half duplex. \$1500/mo 1st, last \$500 security. No pets. No utilities. Call 603-760-2503.

APARTMENTS

AMESBURY, MA 1 & 2 bedrooms Country setting, \$1080-\$1380 Heat/hot water. No dogs/cats. Call 978-388-4212
 www.amesburybritish.com

cordance with Chapter 40A of the Massachusetts General Laws and Governor Baker's Emergency Order dated March 12, 2020.
 SN - 5/6, 5/13/20

CITY OF SALEM ZONING BOARD OF APPEALS

Will hold a public hearing for all persons interested in the petition of HELEN F. SIDES for a special permit per Section 3.3.5 Nonconforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance to expand a nonconforming two-family home by adding a 4' by 7' balcony within the required side yard setback at 90 FEDERAL STREET (Map 26, Lot 627, Block 801) (R2 Zoning District). The public hearing will be held on Wednesday, May 20, 2020 at 6:30 PM via remote participation with instructions to be posted to the City Calendar and the Board of Appeals page on www.salem.com no later than May 13, 2020, in accordance with Chapter 40A of the Massachusetts General Laws and Governor Baker's Emergency Order dated March 12, 2020.
 SN - 5/6, 5/13/20

City of Salem Zoning Board of Appeals

Will hold a public hearing for all persons interested in the petition of OSBORNE HILLS REALTY TRUST for variances per Section 4.1.1. Table of Dimensional Requirements of the Salem Zoning Ordinance from minimum front, rear, and side yard setbacks and minimum lot width for each lot to be created on the parcel of land at 57 MARLBOROUGH ROAD (Map 9, Lot 1) (RC Zoning District), not exceeding forty-four (44) lots. The public hearing will be held on Wednesday, May 20, 2020 at 6:30 PM via remote participation with instructions to be posted to the City Calendar and the Board of Appeals page on www.salem.com no later than May 13, 2020, in accordance with Chapter 40A of the Massachusetts General Laws and Governor Baker's Emergency Order dated March 12, 2020.
 SN - 5/6, 5/13/20

posted to the City Calendar and the Board of Appeals page on www.salem.com no later than May 13, 2020, in accordance with Chapter 40A of the Massachusetts General Laws and Governor Baker's Emergency Order dated March 12, 2020.
 SN - 5/6, 5/13/20

City of Salem Zoning Board of Appeals

Will hold a public hearing for persons interested in the petition of SEAN PATRICK BRENNAN for a special permit per Section 3.3.5 Nonconforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance to alter and expand a nonconforming single-family home by constructing a third-story dormer and facade renovations on the rear of 419 LAFAYETTE STREET (Map 32, Lot 387) (R1 and ECOD Zoning Districts). The public hearing will be held on Wednesday, May 20, 2020 at 6:30 PM via remote participation with instructions to be posted to the City Calendar and the Board of Appeals page on www.salem.com no later than May 13, 2020, in accordance with Chapter 40A of the Massachusetts General Laws and Governor Baker's Emergency Order dated March 12, 2020.
 SN-5/6, 5/13/20

Town of Middleton LEGAL NOTICE

In accordance with the provisions of Chapter 40A, Section 11, M.G.L., and an Emergency Order suspending certain provisions of the Open Meeting Law, the Board of Selectmen will hold a public hearing at 7:00 PM on May 19, 2020 via a Virtual Meeting Space accessible via URL: zoom.us/j/84613448083; Phone: +1 929 205 6099 US; Meeting ID: 846 1344 8083 Password 405890 to consider the following Application under Massachusetts General Laws Chapter 138, Section 15A: Amendment-Alteration of Premises for the All Alcohol Beverages Restaurant Liquor Licenses for Serenitee Catering Corp. d/b/a Maggie's Farm, by Atty. Jill Mann, located at 119 and 189 So. Main Street, Middleton MA 01949.
 Andrew J. Sheehan
 Town Administrator
 SN - 5/6/20

of Appeals page on www.salem.com no later than May 13, 2020, in accordance with Chapter 40A of the Massachusetts General Laws and Governor Baker's Emergency Order dated March 12, 2020.

Lease of South Harbor Garage Retail Space

RFP Opening
 06/04/2020 @ 11:00 AM
 Proposal documents are available upon request after 10:00 AM on April 29, 2020 at 93 Washington St, 3rd Floor, Salem, MA 01970, and at www.salem.com/bids

IFB No. 20-61-230 Winter Island Lighthouse Painting & Masonry Repairs

IFB Opening
 05/21/2020 @ 11:00 AM

Bid documents are available upon request after 10:00 AM on May 6, 2020 at 93 Washington St, 3rd Floor, Salem, MA 01970, and at www.salem.com/bids Attention is directed to the minimum wage rates to be paid as determined by the Department of Labor Standards under the provisions of Massachusetts General Laws, Chapter 149, Sections 26 to 27D inclusive

IFB No. 20-62-250 Medical Training Facility Renovations

IFB Opening
 05/21/2020 @ 11:00 AM

Bid documents are available upon request after 10:00 AM on May 6, 2020 at 93 Washington St, 3rd Floor, Salem, MA 01970, and at www.salem.com/bids (Pre-bid meeting May 14, 2020 at 9:00 AM. Meet at Salem High School, 77 Willson St., Salem, MA Main Entrance Lobby) Attention is directed to the minimum wage rates to be paid as determined by the Department of Labor Standards under the provisions of Massachusetts General Laws, Chapter 149, Sections 26 to 27D inclusive

The awards are made by the Purchasing Agent and are subject to Mayoral approval. The City of Salem reserves the right to reject any and all proposals or to waive any informality in the IFB process, if deemed in the City's best interest.

Thomas P. Watkins
 Purchasing Agent

SN - 5/6/20

PUBLIC NOTICES ARE IMPORTANT

Newspapers and newspaper websites are the public record for all important legal and government activity in your community.

If you missed a notice in print, you can always search the archives available on our website under "Public Notices"

MANN & MANN, P.C.
COUNSELLORS AT LAW

3A.

JILL ELMSTROM MANN†*
KURT P. MANN†*
MELISSA GNOZA OGDEN†

Admitted to practice in Massachusetts
*Admitted to practice in New York

April 27, 2020

VIA HAND DELIVERY

Board of Selectmen Town of Middleton
Attention: Andrew Sheehan, Town Administrator
48 South Main Street
Middleton, Massachusetts 01949



RE: SERENITEE CATERING CORP. d/b/a MAGGIE'S FARM
119 South Main Street, Middleton, MA 01949
Alteration of Premises Application; ABCC License Number 00036-RS-0704

Dear Mr. Sheehan:

With reference to the above, please find enclosed a request for an Alteration of Premises for Serenitee Catering Corp. d/b/a Maggie's Farm which includes seven packages of the following documents:

1. Monetary Transmittal Form together with Receipt reflecting payment of Application Fee;
2. Amendment – Alteration of Premises;
3. Applicant's Statement;
4. Vote of Corporate Board;
5. Net Lease for 119 South Main Street between Warren D. Kelly Trust and Serenitee Catering Corp.;
6. Letter Agreement Regarding Use of Deck for Outdoor Seating;
7. Floor Plan for 119 South Main Street; and
8. Local Licensing Authority Review Record.

Please place this request on the Agenda for the next public meeting of the Selectmen.
Thank you for your kind consideration.

Sincerely,


Jill Elmstrom Mann

S:\Serenitee 2012-20\Restaurants\Mexican 119 S Main\119 Maggies\2020 Alteration of Premises\4.23.2020 Ltr to Board of Selectmen.docx

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

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



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

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.**

ECRT CODE: RETA

Please make \$200.00 payment here: <https://www.mass.gov/epay-for-online-payments-abcc>

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL

EPAY CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/ Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest (LLC Members/ LLP Partners, Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS
TRANSMITTAL FORM ALONG WITH
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:**

ALCOHOLIC BEVERAGES CONTROL COMMISSION
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.



Transaction Processed Successfully.

INVOICE #: 78107402-5b82-44df-a537-bb64537e85e5

| Description | Applicant, License or Registration Number | Amount |
|--------------------|---|-----------------|
| FILING FEES-RETAIL | 00036-RS-0704 | \$200.00 |
| | | \$200.00 |

Total Convenience Fee: \$4.70

Date Paid: 4/23/2020 10:47:13 AM EDT

Total Amount Paid: \$204.70

Payment On Behalf Of

License Number or Business Name:
00036-RS-0704

Fee Type:
FILING FEES-RETAIL

Billing Information

First Name:
Jill

Last Name:
Mann

Address:
Mann & Mann PC

City:
Middleton

State:
MA

Zip Code:
01949

Email Address:
pamv@mannpc.com



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

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

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

☒ **Alteration of Premises**

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

1. BUSINESS ENTITY INFORMATION

| Entity Name | Municipality | ABCC License Number |
|--------------------------|--------------|---------------------|
| Serenitee Catering Corp. | Middleton | 00036-RS-0704 |

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

Request to serve alcohol outside of restaurant on deck space.

APPLICATION CONTACT

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

| Name | Title | Email | Phone |
|--------------------|----------|-----------------|--------------|
| Jill Elmstrom Mann | Attorney | jill@mannpc.com | 978-762-6238 |

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

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

Adding an outdoor area that will consist of approximately 300 square feet. The area will have gates ensuring that the service of alcohol is controlled within the area.

2B. PROPOSED DESCRIPTION OF PREMISES

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

The outdoor area will be gated off and there will be a host monitoring the area.

| | | | | | |
|---------------------|-------|------------------|-----|------------------|-----|
| Total Sq. Footage | 3,300 | Seating Capacity | 115 | Occupancy Number | 135 |
| Number of Entrances | 1 | Number of Exits | 3 | Number of Floors | 1 |

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

N/A

Proposed Street Address

3B. DESCRIPTION OF PREMISES

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

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

2

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Lease

Landlord Name

Warren D. Kelly Trust

Landlord Phone

978-423-3843

Landlord Email

wkelly729@comcast.net

Landlord Address

10 Perkins Road, Middleton, MA 01949

Lease Beginning Date

10/01/2016

Rent per Month

6,324.97

Lease Ending Date

9/30/2026

Rent per Year

75,889.75

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

N/A

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

| Name of Contributor | Amount of Contribution |
|---------------------|------------------------|
| N/A | N/A |
| | |
| | |
| | |
| Total: | |

SOURCE OF FINANCING

Please provide signed financing documentation.

| Name of Lender | Amount | Type of Financing | Is the lender a licensee pursuant to M.G.L. Ch. 138. |
|----------------|--------|-------------------|--|
| N/A | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |

APPLICANT'S STATEMENT

I, Mark McDonough the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

of Serenitee Catering Corp.
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted;
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Mark McDonough

Date: 4/23/20

Title: President and Treasurer

CORPORATE VOTE

The Board of Directors or LLC Managers of Serenitee Catering Corp.

Entity Name

duly voted to apply to the Licensing Authority of Middleton

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

Mark McDonough

Name of Person

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

A true copy attest,

Corporate Officer /LLC Manager Signature

(Print Name)

For Corporations ONLY

A true copy attest,

Mark McDonough
Corporation Clerk's Signature

Mark McDonough
(Print Name)

**Warren D. Kelly Trust
10 Perkins Road
Middleton, MA 01949**

RE: 119 South Main Street, Middleton, MA – Serenitee Catering Corp.
Letter Addendum to allow outdoor seating

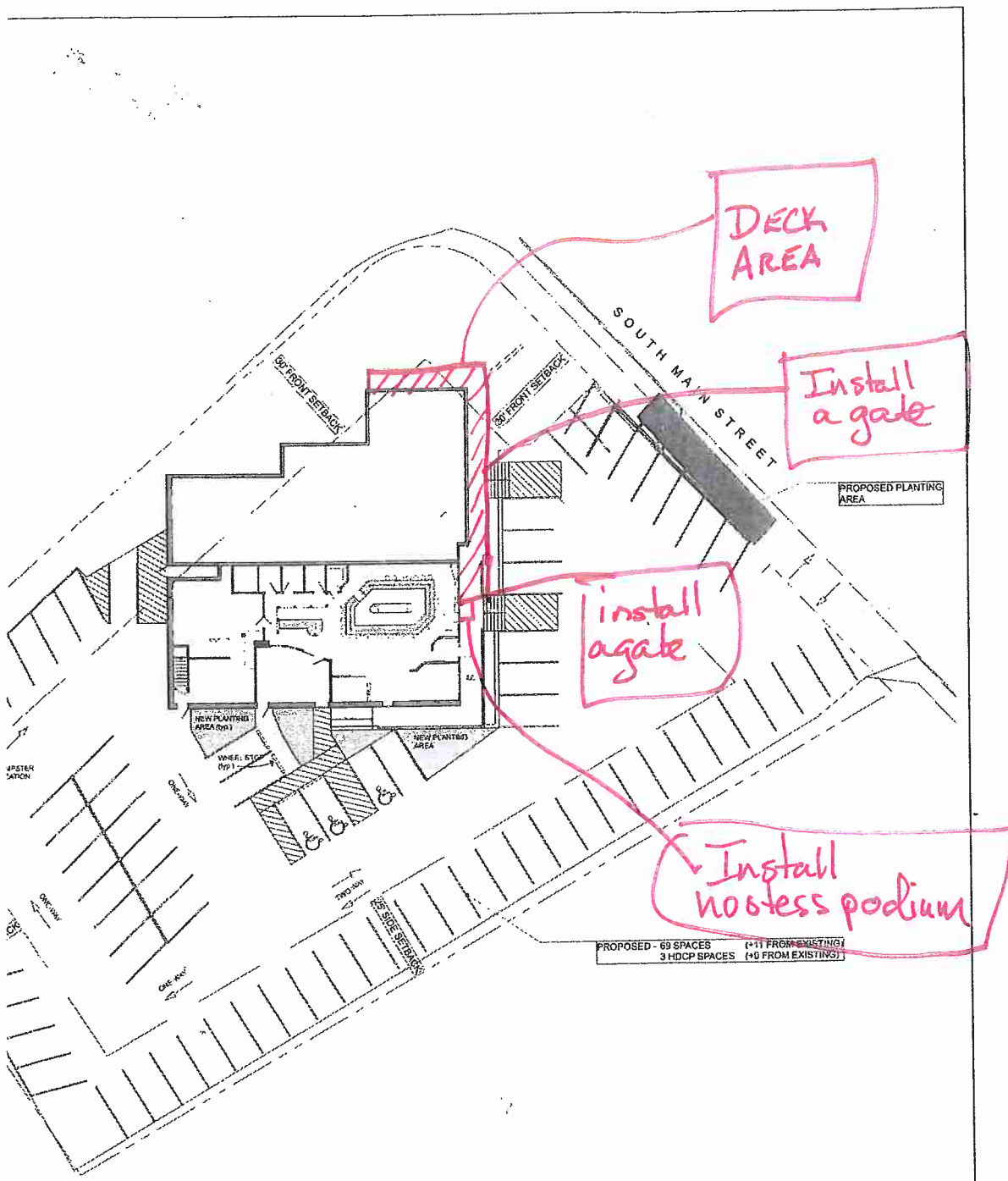
I, Warren Kelly, Trustee of the Warren D Kelly Trust, hereby amend the terms of an existing commercial lease, dated January 9, 2020, with Serenitee Catering Corporation (d/b/a Maggie's) for the property located at 119 South Main Street, Middleton, MA to allow for an extension of the leased premises to include the outdoor deck (as shown on the attached sketch plan) and to allow Serenitee the exclusive right to use and serve food and alcohol on the deck.

This Letter Addendum and Serenitee's exclusive right to use the deck is conditioned on Serenitee providing proof of full liability insurance with coverage for the service of food and alcohol on the deck and naming Warren Kelly as the Trustee of the Warren D Kelly Trust as additional insured.

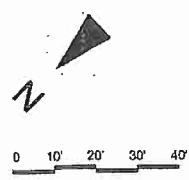
Warren Kelly, Trustee

Warren D Kelly Trust
Dated April 23, 3030

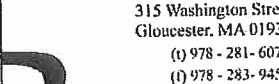
[illegible]



2 SITE PLAN - PROPOSED PARKING / PLANTING
SCALE: 1" = 20'



05/31/12 FOR REVIEW ONLY

| | | | | | |
|-------|---------------------------------|-----------------|--|---|--|
| STAMP | Copyright © 2011 by Poore & Co. | SCALE: AS NOTED |  <div>315 Washington Street Gloucester, MA 01930 (t) 978 - 281- 6071 (f) 978 - 283- 9455 office@poore-co.com www.poore-co.com</div> | ROCK'S TAVERN REMODEL 119 SOUTH MAIN ST. MIDDLETON, MA. | |
| | | DATE: 10/21/11 | | SITE PLAN | |
| | | DRAWN BY: TPC | | | |
| | | CHECKED BY: | | | |
| | | | A-1.0 | | |



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00036-RS-0704

ABCC License Number

Middleton

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of DBA | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change of Hours |
| <input type="checkbox"/> Change of Manager | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder |
| <input type="checkbox"/> Change of Beneficial Interest | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Serenitee Catering Corp.

D/B/A Maggie's Farm

ADDRESS: 119 South Main Street

CITY/TOWN: Middleton

STATE MA

ZIP CODE 01949

Manager Anthony Colangelo

Granted under Special Legislation? Yes ☐ No ☒

§12 Restaurant

Annual

All Alcoholic Beverages

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

Category
(i.e. Wines and Malts / All Alcohol)

If Yes, Chapter
of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the
Local Licensing Authority:

Please indicate what days and hours
the licensee will sell alcohol:

Sunday-Tues 10am -12pm
Wed-Saturday 10am-1 am
New Years Eve 10am -

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is
downgrading the License
Category (approving only Wines
and Malts if applicant applied for All
Alcohol):

Changes to the Premises Description

Patio/Deck/Outdoor Area
Total Square Footage

300 sf.

Seating Capacity

115

Indoor Area

Total Square Footage

3300

Number of Entrances

3

Number of Exits

1

| Floor Number | Square Footage | Number of Rooms |
|--------------|----------------|-----------------|
| 1 | 3300 | 3 |
| | | |
| | | |
| | | |

Abutters Notified: Yes ☒ No ☐

Date of Abutter
Notification

Date of
Advertisement

Please add any
additional remarks or
conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Date APPROVED by LLA

MANN & MANN, P.C.
COUNSELLORS AT LAW

3B.

JILL ELMSTROM MANN†*
KURT P. MANN†*
MELISSA GNOZA OGDEN†

†Admitted to practice in Massachusetts
*Admitted to practice in New York

May 1, 2020

VIA HAND DELIVERY

Board of Selectmen Town of Middleton
Attention: Andrew Sheehan, Town Administrator
48 South Main Street
Middleton, Massachusetts 01949



RE: SERENITEE CATERING CORP. d/b/a MAGGIE'S FARM
189 South Main Street, Middleton, MA 01949
Alteration of Premises Application; ABCC License Number 05072-RS-0704

Dear Mr. Sheehan:

With reference to the above, please find enclosed a request for an Alteration of Premises for Serenitee Catering Corp. d/b/a Maggie's Farm which includes seven packages of the following documents:

1. Monetary Transmittal Form together with Receipt reflecting payment of Application Fee;
2. Amendment – Alteration of Premises;
3. Applicant's Statement;
4. Vote of Corporate Board;
5. Lease for 189 South Main Street between Maggie's Farm LLC and Serenitee Catering Corp.;
6. Floor Plan for 189 South Main Street; and
7. Local Licensing Authority Review Record.

Please place this request on the Agenda for the next public meeting of the Selectmen. Thank you for your kind consideration.

Sincerely,

Jill Elmstrom Mann

Enclosures

S:\Serenitee 2012-20\Restaurants\Maggie's\191 Maggies\2020 Alteration of Premises\4.30.2020 Ltr to Board of Selectmen.docx

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

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



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

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

AMENDMENT-Change or Alteration of Premises Information

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.**

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

**PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT**

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

05072-RS-0704

ENTITY/ LICENSEE NAME

Serenitee Catering Corp. d/b/a Maggie's Farm

ADDRESS

189 South Main Street

CITY/TOWN

Middleton

STATE

MA

ZIP CODE

01949

For the following transactions (Check all that apply):

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of DBA | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Change of Hours |
| <input type="checkbox"/> Change of Manager | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Officers/Directors | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Ownership Interest | <input type="checkbox"/> Other | <input type="text"/> | |

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS
TRANSMITTAL FORM ALONG WITH
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:**

**Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358**

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.



Transaction Processed Successfully.

INVOICE #: 4e716c62-7d4f-4fb0-bc43-3299f692fda4

| Description | Applicant, License or Registration Number | Amount |
|--------------------|---|-----------------|
| FILING FEES-RETAIL | 05072-RS-0704 | \$200.00 |
| | | \$200.00 |

Total Convenience Fee: \$4.70

Date Paid: 4/30/2020 4:45:34 PM EDT

Total Amount Paid: \$204.70

Payment On Behalf Of

License Number or Business Name:

05072-RS-0704

Fee Type:

FILING FEES-RETAIL

Billing Information

First Name:

Jill

Last Name:

Mann

Address:

Mann & Mann PC

City:

Middleton

State:

MA

Zip Code:

01949

Email Address:

pamv@mannpc.com



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

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

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

☒ **Alteration of Premises**

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

1. BUSINESS ENTITY INFORMATION

| Entity Name | Municipality | ABCC License Number |
|--------------------------|--------------|---------------------|
| Serenitee Catering Corp. | Middleton | 05072-RS-0704 |

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

Request to serve alcohol outside of restaurant on patio space.

APPLICATION CONTACT

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

| Name | Title | Email | Phone |
|--------------------|----------|-----------------|--------------|
| Jill Elmstrom Mann | Attorney | jill@mannpc.com | 978-762-6238 |

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

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

Allow the use of an outdoor seating area that will consist of approximately 450 square feet for the service of food and alcohol. The patio will have gates ensuring that the service of alcohol is controlled within the area.

2B. PROPOSED DESCRIPTION OF PREMISES

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

The outdoor area will be gated off and there will be a host monitoring the area.

| | | | | | |
|---------------------|-------|------------------|-----|------------------|-----|
| Total Sq. Footage | 5,474 | Seating Capacity | 134 | Occupancy Number | 200 |
| Number of Entrances | 4 | Number of Exits | 4 | Number of Floors | 2 |

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

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

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Lease

Landlord Name

Maggies Farm LLC

Landlord Phone

978-539-8583

Landlord Email

northshorerestaurantgroup@gmail.com

Landlord Address

185 Main Street, Gloucester, MA 01930

Lease Beginning Date

Rent per Month

12,000

Lease Ending Date

Rent per Year

144,000

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

N/A

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

| Name of Contributor | Amount of Contribution |
|---------------------|------------------------|
| N/A | |
| | |
| | |
| | |
| Total: | |

SOURCE OF FINANCING

Please provide signed financing documentation.

| Name of Lender | Amount | Type of Financing | Is the lender a licensee pursuant to M.G.L. Ch. 138. |
|----------------|--------|-------------------|--|
| N/A | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |

APPLICANT'S STATEMENT

I, Mark McDonough the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

of Serenitee Catering Corp.
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

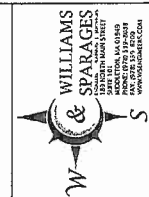
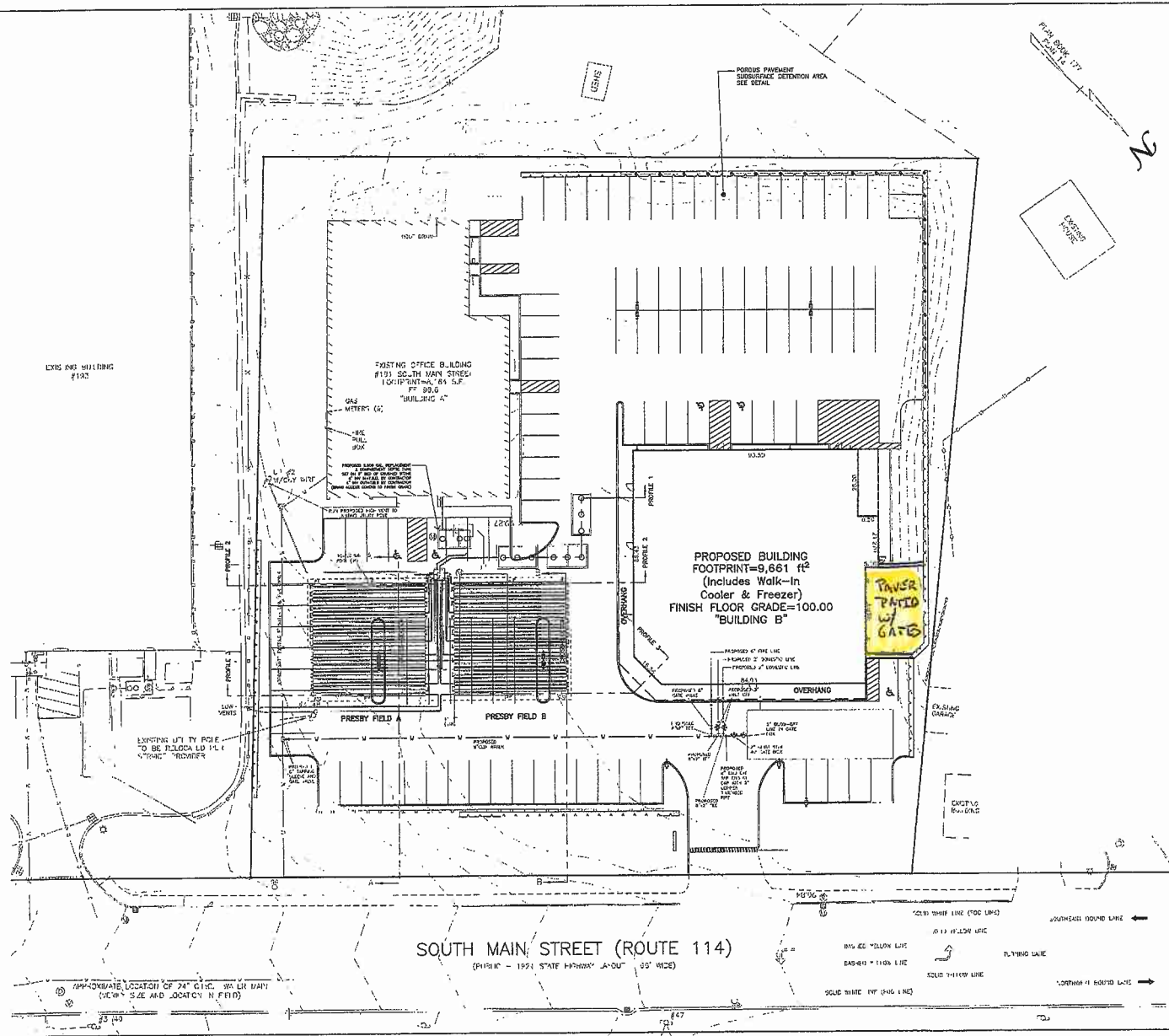
I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

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- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
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- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
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- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Mark McDonough

Date: 4/30/20

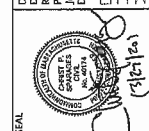
Title: President and Treasurer

[illegible]

Owner:
JEM Development, LLC
191 South Main Street
Middleton, MA 01949

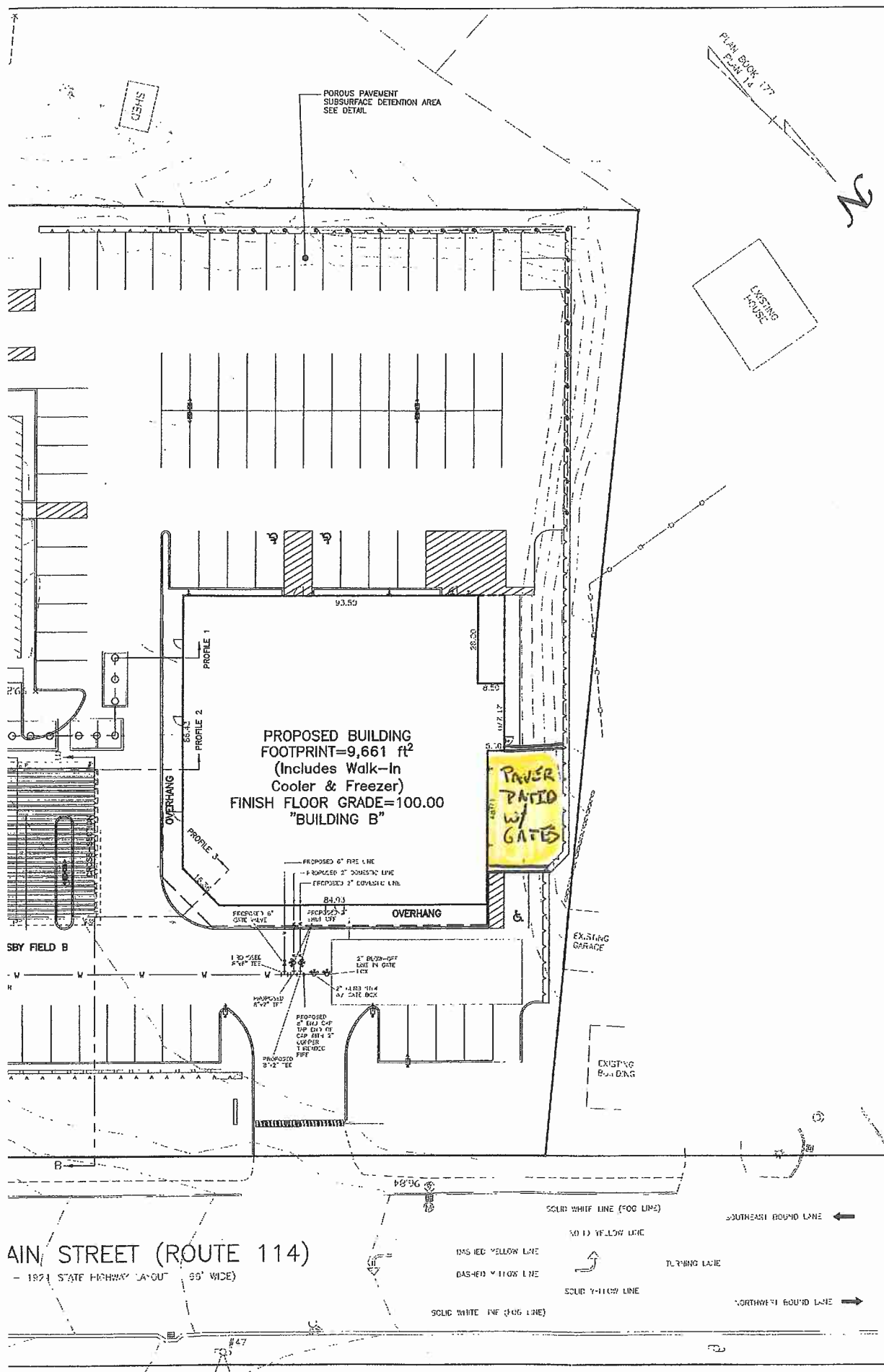
Applicant:
Phytotherapy, Inc.
25 Newbury Street
Peabody, MA 01960

Designed By: MEM
Drawn By: MEM
Reviewed By: CPS
Project Manager: CFS
Job File Number: MIDD-0276
Drawing File Folder: MIDD259



| | | |
|---|---|------------------------|
| 5 | | |
| 4 | | |
| 3 | | |
| 2 | Water service related for Town of Leicester collection. | 213114000 121277650 |
| 1 | | |

191 SOUTH
191 SOUTH
0' 10' 20' 40'
SCALE: 1" = 20'
DRAWING: C4.1
SHEET 4 OF 8
AUGUST 2, 2019



WILLIAMS & SPARGES
 189 NORTH MAIN STREET
 SUITE 101
 MIDDLETON, MA 01949
 PHONE: (508) 848-1234
 FAX: (508) 848-1235
 WWW.WSENGINEERS.COM

Owner:
 JEM Development, LLC
 191 South Main Street
 Middleton, MA 01949

Applicant:
 Phytotherapy, Inc.
 25 Newbury Street
 Peabody, MA 01960

Designed By: MEM
Drawn By: MEM
Project Manager: CPS
Job File Number: MIDD-0276
Drawing File Folder: MIDD259

Drawing Issued for Review Only
 Drawing Issued for Permit
 Drawing Issued for Construction

SEAL

(3/27/2020)

UTILITY PLAN
191 SOUTH MAIN STREET
 191 SOUTH MAIN STREET, MIDDLETON, MA

DRAWING: C4.1

SHEET 4 OF 8

Water service revised per Town of Danvers comments.
 Water service information.

3/27/2020
 3/23/2020



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

05072-RS-0704

ABCC License Number

Middleton

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of DBA | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change of Hours |
| <input type="checkbox"/> Change of Manager | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder |
| <input type="checkbox"/> Change of Beneficial Interest | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Serenitee Catering Corp.

D/B/A Maggie's Farm

ADDRESS: 189 South Main Street

CITY/TOWN: Middleton

STATE MA

ZIP CODE 01949

Manager Anthony Colangelo

Granted under Special Legislation? Yes ☐ No ☒

§12 Restaurant

Type
(i.e. restaurant, package store)

Annual

Class
(Annual or Seasonal)

All Alcoholic Beverages

Category
(i.e. Wines and Malts / All Alcohol)

If Yes, Chapter
of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the
Local Licensing Authority:

Please indicate what days and hours
the licensee will sell alcohol:

Sunday-Tues 10am -12pm
Wed-Saturday 10am-1 am
New Years Eve 10am -

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is
downgrading the License
Category (approving only Wines
and Malts if applicant applied for All
Alcohol):

Changes to the Premises Description

Patio/Deck/Outdoor Area
Total Square Footage

?

Seating Capacity

134

Indoor Area

Total Square Footage 5,474

Number of Entrances

4

Number of Exits

4

| Floor Number | Square Footage | Number of Rooms |
|--------------|----------------|-----------------|
| 2 | 5,474 | ? |
| | | |
| | | |
| | | |

Abutters Notified: Yes ☒ No ☐

Date of Abutter
Notification

Date of
Advertisement

Please add any
additional remarks or
conditions here:

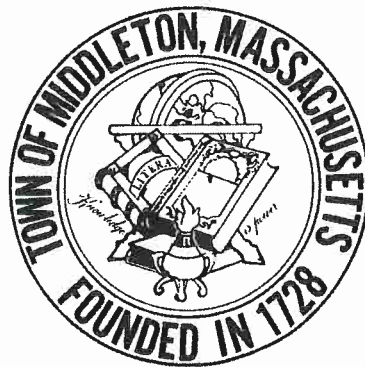
☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Date APPROVED by LLA

Town of Middleton Massachusetts



Annual Town Meeting

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

Annual Town Meeting Warrant for
Fiscal Year 2021

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

Town Warrant Dedications

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

Dedication to Those Who Have Left Us:

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

Francis Masse, Co-Founder of the Middleton Stream Team

Jeffrey Barber, Firefighter (Retired)

Congratulations to the following recent retirees from Town service:

| | |
|-------------------------|------------------------|
| 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.

FY2021 FINANCIAL ARTICLES

ARTICLE 1. 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 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 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 3. 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 Amount</u> | <u>Funding Source</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 |
| Community Preservation Total | \$230,926 | |

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 are 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 4. 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 in 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 |
| Community Preservation Total | \$5,000 | |

ARTICLE 5. 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:

| Revolving Fund | Spending Limit |
|------------------------------|-----------------------|
| Firearms License and Permits | \$10,000 |
| Council on Aging | \$35,000 |
| Recreation | \$15,000 |
| Recreation Field Use | \$15,000 |
| Stormwater Management | \$5,000 |

Or take any other action relative thereto.

ARTICLE 6. 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 7. 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 8. 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 9. 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 10. On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to 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 |

| | | | |
|---------------------------------|---|---------------------|----|
| | Paving to Supplement c. 90 | 100,000 | |
| | Public Works subtotal | 431,000 | |
| <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 | |
| | Police subtotal | 119,950 | |
| <u>Fire Department</u> | Engine 4 Cabinets | 10,000 | |
| | Alarm Box Decoder | 60,000 | |
| | Replace Ambulance 1 | 384,710 | ** |
| | Outfit/Train New Firefighters/Paramedics | 29,310 | |
| | Fire subtotal | 484,020 | |
| <u>Information Technology</u> | Fiber Optic Network | 100,000 | |
| | UPS Backup Devices | 8,000 | |
| | Warranty Renewal Mem. Hall Network Storage | 4,000 | |
| | Replace Police Computers | 6,000 | |
| | Information Technology subtotal | 118,000 | |
| <u>Facilities</u> | Memorial Hall Handicap Ramp Replacement | 20,000 | |
| | Memorial Hall Carpet Replacement | 15,000 | |
| | Facilities subtotal | 35,000 | |
| <u>Administration</u> | Digitizing of Inspectional Services Records | 45,000 | |
| | TA/BOS subtotal | 45,000 | |
| <u>Senior Center</u> | Replace Heating/Cooling System | 11,000 | |
| | Meals on Wheels Delivery Vehicle | 35,500 | |
| | Senior Center subtotal | 46,500 | |
| <u>Middleton Public Schools</u> | Fuller Meadow End-User Technology | 80,833 | |
| | Howe Manning End User Technology | 144,048 | |
| | Middleton schools subtotal | 224,881 | |
| <u>Essex No. Shore Tech</u> | Capital contribution | 20,626 | |
| | Essex Tech subtotal | 20,626 | |
| Capital Projects Total | | \$ 1,524,977 | |

*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 11. 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 12. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$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 13. 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, and to further authorize the expenditure of not more than \$30,000 in Fiscal Year 2021:

| 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 |
|---------------------------------------|--|---|---|--|--|---------------------------------------|

Or take any other action relative thereto.

ARTICLE 14. 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 15. 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 special legislation amending the Town Charter in the form set forth below, 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 (15th) day following the day on which such notice of appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it.”

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

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 16. 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:

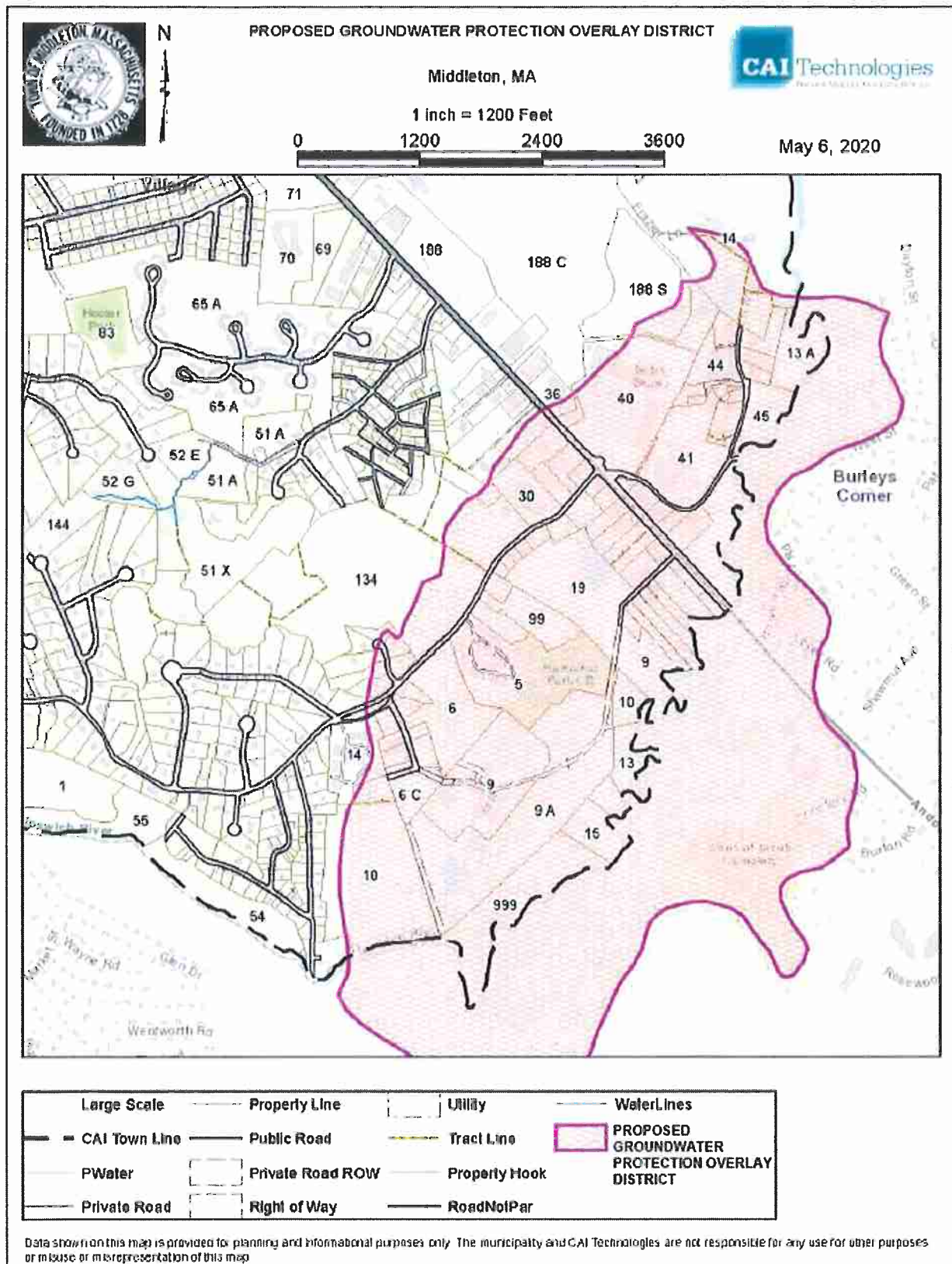
a. in no way, during construction or thereafter, adversely affect the quality or quantity of the water supplies protected by the Groundwater Protection District; and

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 17. 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, so as to be visible to the public, at the above named locations, you are hereby directed to post an attested copy in at least one location per precinct where said posting is visible to the public.

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

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

MIDDLETON BOARD OF SELECTMEN

A true copy Attest:

Constable of the Town of Middleton

Date Posted



Calendar for Year 2020 (United States)

| | | |
|---|---|--|
| January Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 2:0 10:0 17:0 24:0 | February Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 1:0 9:0 15:0 23:0 | March Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 2:0 9:0 16:0 24:0 |
| April Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 1:0 7:0 14:0 22:0 30:0 | May Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 7:0 14:0 22:0 29:0 | June Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 5:0 13:0 21:0 28:0 |
| July Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 5:0 12:0 20:0 27:0 | August Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 3:0 11:0 18:0 25:0 | September Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 2:0 10:0 17:0 23:0 |
| October Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1:0 9:0 16:0 23:0 31:0 | November Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 8:0 15:0 21:0 30:0 | December Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 7:0 14:0 21:0 29:0 |

Holidays and Observances:

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|---|---|
| Jan 1 New Year's Day | Jul 3 'Independence Day' observed |
| Jan 20 Martin Luther King Jr. Day | Jul 4 Independence Day |
| Feb 1 First Day of Black History Month | Jul 15 Tax Day |
| Feb 14 Valentine's Day | Sep 7 Labor Day |
| Feb 17 Presidents' Day (Most regions) | Oct 12 Columbus Day (Most regions) |
| Mar 1 First Day of Women's History Month | Oct 31 Halloween |
| Mar 3 Super Tuesday (Many regions) | Nov 3 Election Day |
| Mar 17 St. Patrick's Day | Nov 11 Veterans Day |
| Apr 12 Easter Sunday | Nov 26 Thanksgiving Day |
| Apr 13 Easter Monday | Nov 27 Black Friday |
| May 5 Cinco de Mayo | Dec 24 Christmas Eve |
| May 10 Mother's Day | Dec 25 Christmas Day |
| May 25 Memorial Day | Dec 31 New Year's Eve |
| Jun 21 Father's Day | |