

**MIDDLETON BOARD OF SELECTMEN**  
**MEETING AGENDA**  
**TUESDAY, JANUARY 26, 2021**  
**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*

## Join Zoom Meeting

<https://us02web.zoom.us/j/88509574163?pwd=VTZ3NVhRMFNMQVgxcWh5ZEtlTmpmdz09>

Meeting ID: 885 0957 4163

Passcode: 326608

## One tap mobile

+13126266799,,88509574163#,,,,\*326608# US (Chicago)

+19292056099,,88509574163#,,,,\*326608# US (New York)

Dial by your location +1 312 626 6799 US (Chicago)

1. 7:00 Warrant: #2116  
Minutes: Open Session: January 12, 2021  
Town Administrator updates and reports
2. 7:15 Public Comment Period
3. 7:20 Update on postponement of January 28, 2021 Special Town Meeting warrant
4. 7:30 First review of the May 11, 2021 Annual Town Meeting warrant
5. 7:40 Review and vote to apply bond proceeds to payment of debt service on the bonds from which they are derived
6. 7:45 Review and vote on the option to purchase a deed restricted affordable housing unit at 58 Peaslee Circle
7. 7:55 Discussion of Charter revisions and potential Charter Review Committee. The Charter can be viewed at <https://ecode360.com/attachment/MI1639/MI1639-C.pdf>
8. 8:05 Vote to accept the following donations and grants:
  1. United Civil, Inc.: \$500 to the Middleton Food Pantry
  2. MAPC: \$5,234.80 to support expenses in response to COVID-19
9. 8:10 Vote to appoint Kosta Prentakis to the Municipal Tax Relief Committee with a term through June 30, 2022
10. 8:15 New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

*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, January 12, 2021 7:00 PM**  
**This meeting was recorded**

**NOTE: Due to the state of emergency in Massachusetts due to the COVID-19 outbreak, this meeting was held via ZOOM, an internet-based meeting space.**

*Present: Acting Chair Brian Cresta, Tim Houten, Kosta Prentakis*

*Absent: Chair Rick Kassiotis*

*Others Attending: Town Administrator Andy Sheehan, Assistant Town Administrator Tanya Shallop, Minutes Secretary Judi Stickney, Paul Pellicelli, Adam Stone, Town Moderator Barbara Piselli, Town Clerk Ilene Twiss, Sally Kerans*

**7:03 PM** With a quorum present, Acting Chair Brian Cresta called the meeting to order.

**ROUTINES**

- **Warrant Approval:** Town Administrator Andy Sheehan provided a brief review of Warrant #2114: Payroll: \$750,586, Bills Payable: \$977,070; and Warrant #2115: Payroll: \$710,830, Bills Payable: \$367,439, noting that the Town Accountant had reviewed the warrants and requested the Board's approval. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously by roll call vote to approve the warrants as presented.

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**OUTEN:** Yes

- **Sudden Passing of Former Selectman Joe Pascucci:** Acting Chair Brian Cresta announced the untimely recent passing of former Selectman Joe Pascucci. He asked for a moment of silence.
- **Minutes:** After a brief review of available minutes, the Board took the following action:  
On a **MOTION** made by **Houten**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously by roll call vote to accept the minutes of December 15<sup>th</sup> and December 22<sup>nd</sup>, 2020 as written.

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**OUTEN:** Yes

- **Town Administrator's Report:** Town Administrator Andy Sheehan provided the Board with information and updates on the following:

- **Happy Holidays:** Sheehan expressed his hope that everyone had a happy and healthy holiday season and wished everyone a happy new year.
- **Neighbors in Need:** Sheehan advised the Board that Neighbors in Need were able to help 36 families and 63 children in Middleton this holiday season.
- **Nomination Papers are Available:** Sheehan announced that nomination papers are available from the Town Clerk and must be returned with a minimum of 35 signatures by March 30<sup>th</sup>.
- **COVID-19 State of Emergency:** Sheehan reported that the state is in the process of setting up COVID-19 vaccination sites. There is reason to believe there will be a vaccination site in the Tri-Town area. He hopes to have clear information by the end of the week. Shout out to the First Responders and all those involved in setting up the vaccination site in Topsfield for the First Responders yesterday. A discussion ensued on the vaccination sites and when they will be available for Middleton residents.
- **Budget Discussions:** Sheehan advised the Board that he, Tanya, and Sarah Wood have been meeting this week with department heads to review budget requests. Discussions will continue this week and follow-up meetings next week. He said the February 6<sup>th</sup> operating budget summit and the March 6<sup>th</sup> capital budget summit will be held via Zoom, as well as the March 25<sup>th</sup> budget hearing and warrant reading. He will keep the Board apprised of updates to the budget discussions. Sheehan noted that the Governor is required to release the budget by the end of January which will give a better sense of local aid to cities and towns.

**7:21 PM    Public Comment Period:** There were no public comments.

**7:22 PM    State Representative Sally Kerans, 13th Essex District:** Acting Chair Brian Cresta introduced State Representative Sally Kerans to the Board, noting that she was here to meet the Board and hear the Board's priorities. Rep. Kerans advised the Board that she learned yesterday that those aged 65 and over are now eligible to receive the vaccine when it becomes available to Middleton. Cresta advised the Representative that they are currently working on building a municipal complex at the former golf course on South Main Street and asked Kerans to keep an eye out for any assistance they may be eligible for with that project. Discussion turned to CPA funds and what the Town has been able to do with their funds. After discussion, Cresta thanked the Representative for meeting with them. Kerans advised the Board that she was going to try to have a Zoom meeting for all her constituents and local legislators and invited the Board members to keep in touch with her.

**8:02 PM    Review the January 28, 2021 Special Town Meeting Warrant:** Town Administrator Andy Sheehan advised that this is for the Special Town Meeting which must be called when the Town receives a citizen petition. The deadline for posting the meeting is this Thursday. After a brief review of the warrant, he asked the Board to vote to open and close the warrant. A brief discussion ensued on whether they would be able to hold the meeting on January 28<sup>th</sup>, due to the current surge in the pandemic. Town Moderator Barbara Piselli advised the Board that she is authorized to continue the meeting for 30 days and plans to do so. If it is necessary due to public health concerns, she can issue additional 30 day continuations. After discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously by roll call vote to open and close the Warrant for the Special Town Meeting for January 28<sup>th</sup>, 2021.

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**HOUTEN:** Yes

**8:12 PM Vote to Open the May 11, 2021 Annual Town Meeting Warrant:** After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously by roll call vote to open the Warrant for the Annual Town Meeting on May 11<sup>th</sup>, 2021.

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**HOUTEN:** Yes

**8:17 PM Discussion of Water Management Act Permit Renewal:** The Town Administrator provided the Board with background information on the status of DEP's Order to Correct, as well as DEP's request to dedicate certain open space parcels for water supply protection. Sheehan noted the parcels are already under the Conservation Commission's jurisdiction and that this is an additional level of protection. Sheehan advised that they have completed many of the Order to Correct issues, many of which were documents that needed to be provided. A Wellhead Protection Bylaw will be on the Annual Town Meeting. This was going to be on the 2020 Annual Town Meeting warrant but was taken off to keep the meeting short. DEP was informed and there was no penalty for that. Danvers has enhanced water conservation and a water use mitigation plan, which DEP has recommended for Middleton. Middleton is working on that as well, noting that additional fees for water hook-ups may help pay for the programs. He added that they are working with Danvers on these. He reminded the Board that Middleton is getting close to its withdrawal limits under the Water Management Act permit; without substantial progress DEP will not grant more withdrawal capacity. There was also a private well/irrigation bylaw on the books which was rescinded several years ago. To get the points they need from DEP, he is planning to bring that back for the Annual Town Meeting. In the meantime, they will ramp up outreach and education to residents on how to conserve water. A lengthy discussion ensued on water conservation, with Selectman Cresta advising the Board that he is opposed to reintroducing private well bylaw. After discussion, the Town Administrator asked for a vote to designate the parcels for water supply protection, as outlined by the DEP and highlighted on the map in the packet.

On a **MOTION** made by **Houten**, second by **Prentakis**, the Board of Selectmen **VOTED** unanimously by roll call vote to transfer the parcels, the property as listed in the packet, for water supply protection.

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**HOUTEN:** Yes

**8:35 PM Vote to Appoint or Reappoint the Following Members to the Bylaw Review Committee for the Terms Noted:**

- **Jeffrey Garber, through June 30, 2022**
- **Meghan Walter, through June 30, 2024**
- **Richard Cardinale, through June 30, 2024**
- **Ilene Twiss (ex-officio), through June 30, 2022**

On a **MOTION** made by **Prentakis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously by roll call vote to appoint the following to the Bylaw Review Committee for the terms, as noted:

- **Jeffrey Garber, through June 30, 2022**
- **Meghan Walter, through June 30, 2024**
- **Richard Cardinale, through June 30, 2024**
- **Ilene Twiss (ex-officio), through June 30, 2022**

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**HOUTEN:** Yes

**8:05 PM    Vote to appoint the following individuals to the positions and for the terms as noted:**

- **Gary Paul as Interim Plumbing & Gas Inspector with a term through June 30, 2021**
- **Todd Moreschi as Alternate Plumbing Inspector with a term through June 30, 2021**

On a **MOTION** made by **Prentakis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously by roll call vote to appoint Gary Paul as Interim Plumbing & Gas Inspector with a term through June 30, 2021, and Todd Moreschi as Alternate Plumbing Inspector with a term through June 30, 2021.

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**HOUTEN:** Yes

**8:36 PM    Discussion of Municipal Tax Relief Committee; Call for Members:** The Town Administrator provided the Board with a brief history and information on the Municipal Tax Relief Committee, which he advised is again needed in Town to assist some of the residents struggling to pay their taxes, particularly those impacted by COVID. Sheehan added that the inactive committee currently consists of Jeff Garber whose term expires in 2022, Bob Murphy whose term expires in 2023, and Belinda Young (ex-officio) whose term expires in 2023. They are looking to add two additional members. Selectman Prentakis advised he will contact the Town Administrator tomorrow to offer to serve on the committee.

**8:38 PM    Vote to Accept the Following Donations and Gifts:**

- **Richard & Jean Beck, \$500 to the Middleton Food Pantry**
- **Bostik, \$2,000 to the Middleton Food Pantry**
- **Bostik, \$3,500 to the Middleton Food Pantry**
- **Margaret Lee & Christopher Sansoucie, \$1,000 to the Middleton Food Pantry**
- **Mary Ann & John Erickson, \$500 to the Middleton Food Pantry**
- **Femcroft Holdings, LLC DBA Femcroft Country Club, \$1,000 to the Middleton Food Pantry**

On a **MOTION** made by **Prentakis**, second by **Houten**, the Board of Selectmen **VOTED** unanimously by roll call vote to accept, with significant thanks, the following donations to the Middleton Food Pantry, from: Richard & Jean Beck, \$500; Bostik, \$2,000; Bostik, \$3,500; Margaret Lee & Christopher Sansoucie, \$1,000; Mary Ann & John Erickson, \$500; Femcroft Holdings, LLC DBA Femcroft Country Club, \$1,000.

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**HOUTEN:** Yes

**8:41 PM New Business:**

- **Upcoming Masconomet School Committee Meetings:** Selectmen Prentakis provided the Board with a brief update on the upcoming meetings that the Masconomet School Committee will be holding regarding the budget and to go to Masconomet's website for the Zoom meeting information to attend.
  - **January 13<sup>th</sup>:** *Budget Subcommittee meeting to start talking about the coming budget*
  - **January 14<sup>th</sup>:** *Policy Subcommittee meeting to discuss possible changes to district agreements*

**8:43 PM Executive Session: Pursuant to GL c. 30A, s. 21(a)(2) with respect to negotiations with non-union personnel, with the Police Chief Candidate.**

On a **MOTION** made by **Cresta**, the Board of Selectmen **VOTED** unanimously by roll call vote to go into Executive Session, pursuant to GL c. 30A, s. 21(a)(2) with respect to negotiations with the Police Chief candidate and will not return to open session but will adjourn in the memory of Joe Pascucci.

**Roll Call (Called by Clerk Houten):**

**CRESTA:** Yes  
**PRENTAKIS:** Yes  
**HOUTEN:** Yes

**9:01 PM Adjourn**

With no further business, the Board of Selectmen's meeting of January 12, 2021 adjourned at 9:01 PM.

**Upcoming Meetings:**

**January 26, 2021** Regular BOS meeting  
**February 6, 2021** Operating Budget Summit  
**February 9 & 23** Regular BOS meetings

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

---

Tim Houten, BOS Clerk

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

- Agenda: December 22, 2020
- Warrants
  - Warrant #2114: Payroll: \$750,586, Bills Payable: \$977,070
  - Warrant #2115: Payroll: \$710,830, Bills Payable: \$367,439
- Minutes:
  - December 15, 2020
  - December 22, 2020
- Special Town Meeting Warrant, January 28, 2021
- Bylaw Review Committee Mission
- MGL Chapter 60, Section 3F: Voluntary donation to municipal veterans assistance fund by designation on municipal property tax or motor vehicle excise bills
- Letter and supporting material from COA Director to Board of Selectmen, Re: Middleton Food Pantry Donation / Richard Beck, 1/4/21
- Letter and supporting material from COA Director to Board of Selectmen, Re: Middleton Food Pantry Donation/ Bostik, 12/29/20
- Letter and supporting material from COA Director to Board of Selectmen, Re: Middleton Food Pantry Donation / Christopher Sansoucie, Maryann Erickson, Ferncroft Holdings LL, 12/29/20
- Average Tax Bills in Essex County
- Announcement: 2021 Middleton Annual Town Meeting & Election Schedule
- Calendar: FY2022 Operating and Capital Budgets May 11<sup>th</sup> Annual Town Meeting, May 18<sup>th</sup> Annual Town Election

3.

## **Declaration of Recess and Continuance of Special Town Meeting**

Pursuant to M.G.L. Ch. 39, §10A, I hereby declare the Special Town Meeting originally scheduled for January 28, 2021 recessed and continued to February 25, 2021 at 7:00 p.m. at 105 South Main Street, Middleton. M.G.L. Ch. 39, §10A mandates that the moderator "shall announce the declaration of recess and continuance as far in advance of the town meeting being continued as possible."

Based on the ongoing State of Emergency and continuing public health concerns raised by Covid 19, including the current surge in infection rates, I have determined that proceeding with the Special Town Meeting as scheduled would be imprudent and may pose a risk to voters wishing to attend. Additionally, the Covid 19 public health crisis has resulted in difficulty locating an appropriate indoor meeting space and winter weather conditions preclude an outdoor meeting at the present time.

This declaration is made after consultation with members of the Middleton Board of Selectmen, the Middleton Director of Public Health, the Middleton Town Administrator and the Middleton Town Clerk. This declaration is also based upon a review of guidance issued by the Massachusetts Department of Public Health regarding Town Meetings and other Covid related precautions.

Pursuant to M.G.L. Ch. 39, §10A, I do not have the authority to continue a Town Meeting for longer than 30 days from the date of recess, but I do have the authority to issue further continuances. As it is highly unlikely that the Covid 19 public health and safety emergency will have resolved in the next 30 days, I intend to declare additional continuances of up to 30 days each as necessary until the meeting can be held safely. I will continue to consult with the aforementioned Town Officials when considering any further deferrals.

Given at Middleton this 4 day of January, 2021,



Barbara A. Piselli

Middleton Town Moderator

4.

## Annual Town Meeting

### May 11, 2021

### Table of Contents

#### **Current & Prior Year Financial Articles**

1. Hear Reports
2. FY21 Snow & Ice Deficit
3. FY21 Supplemental Appropriations
4. Amend Article 10 of the June 24, 2020 Annual Town Meeting (FY21 Capital Budget)
5. Reallocate or Repurpose Funds from Prior Fiscal Year Capital Appropriations
6. Rescind Prior Appropriation - placeholder
7. Pay Prior Fiscal Year Bills
8. Amend Article 6 of the May 13, 2014 Annual Town Meeting (CPA Funds for Rail Trail, Phase 1)

#### **FY2022 Financial Articles**

9. Approve Compensation for Elected Officials
10. FY2022 Omnibus Budget
11. Community Preservation Budget - Debt Service, CPA Projects, Expenses
12. Community Preservation Budget - New Projects
13. Authorize FY2022 Revolving Fund Limits
14. FY2022 South Essex Sewer District Enterprise Budget
15. FY2022 Water Enterprise Budget
16. Placeholder
17. Accept Sum from MELD
18. Placeholder
19. FY2022 Chapter 90 Authorization
20. FY2022 Capital Budget
21. Transfers to Reserve Accounts: OPEB, Stabilization, Capital Stabilization, Pension Stabilization, SPED Stabilization
22. Acquire Land off Maple Street and King Street
23. Authorize Borrowing for Public Facilities Project at 105 South Main Street

#### **Citizen Petitions, Bylaw Adoptions, & Real Property**

24. Amend Chapter 68, Personnel Bylaw
25. Authorize Petition to General Court to Amend the Charter with Respect to Personnel Matters
26. Placeholder
27. Placeholder
28. Adopt Groundwater Protection Overlay District
29. Adopt Private Well Bylaw
30. Amend Revolving Fund Bylaw Adding Sidewalk & Pedestrian Improvements, \$50,000
31. Transfer Funds From Free Cash to Sidewalks & Pedestrian Revolving Fund
32. Placeholder

## VOTE OF THE BOARD OF SELECTMEN

5.

I, the Clerk of the Board of Selectmen of the Town of Middleton, Massachusetts (the "Town"), certify that at a meeting of the board held \_\_\_\_\_, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: That approval is hereby given for the aggregate sum of \$47,200, representing the balances of bond proceeds remaining after the completion of the related projects which amounts are no longer needed to complete the project or projects for which they were initially borrowed, to be applied for the payment of debt service on the bonds from which they are derived as set forth below:

<u>Amount to be Applied</u>	<u>Date of Bond Issue Balance is to be Applied To</u>	<u>Project</u>
\$22, 000	March 16, 2017	Natsue Way
18,000	August 17, 2012	School Construction
7,200	October 15, 2004	Forest Water Project

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended, further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020.

Dated: \_\_\_\_\_, 2021

Clerk of the Board of Selectmen

## Andrew Sheehan

---

6.

**From:** Hayashi, Rieko (OCD) <rieko.hayashi@state.ma.us>  
**Sent:** Wednesday, January 20, 2021 11:47 AM  
**To:** Stephanie Pascucci  
**Cc:** Andrew Sheehan; Aviglaser  
**Subject:** RE: Joseph E. Pascucci - Affordable Townhome/Condo in Middleton,

Hi Stephanie:

Based on the information you provided, the price of the unit will be calculated as follows:

1.62 (resale multiplier) x \$119,000 (Area Median Income) = \$192,780 (price to seller).

Added to this, will be 2% resale fee of \$3,856, making the new sales price \$196,636.

If you anticipate it will take a while for the property to go through probate, we should hold off on starting the marketing, as once we identify a buyer, they will need to sign a P & S, quickly.

Thanks,

Rieko

**From:** Stephanie Pascucci <steph.pascucci@gmail.com>  
**Sent:** Wednesday, January 20, 2021 10:38 AM  
**To:** Hayashi, Rieko (OCD) <rieko.hayashi@mass.gov>  
**Cc:** Andrew Sheehan <andrew.sheehan@middletonma.gov>  
**Subject:** Re: Joseph E. Pascucci - Affordable Townhome/Condo in Middleton, MA

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Rieko,

By accident attached the blank form. I'm sorry! Please see attached. This Property Information form is completed with the required information.

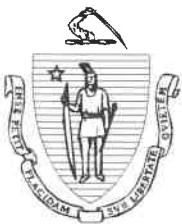
Please let me know if you need anything else. Appreciate your patience.

Thank you,  
Stephanie

On Wed, Jan 20, 2021 at 10:31 AM Stephanie Pascucci <[steph.pascucci@gmail.com](mailto:steph.pascucci@gmail.com)> wrote:

Hi Rieko,

My apologies! Please see attached.



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**  
Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Janelle L. Chan, Undersecretary

**SELLING YOUR LOCAL INITIATIVE PROGRAM HOME**

Dear Local Initiative Program (LIP) Homeowner:

The following is a summary on how to sell your home under the LIP program. *We wish to emphasize that before you may begin the process of selling your LIP unit, your town/city and the Department of Housing and Community Development (DHCD) must review your written request to sell, and issue a written response.*

To begin the review process, please mail the following information to both your town/city and DHCD:

- € **Written notice of your intent to sell (Conveyance Notice).** Your written notice should include your name, the property address and a phone number where you can be reached during the day.
- € **A copy of the Deed Rider** for your LIP Mortgage. If you did not keep a copy, you can obtain one at your local Registry of Deeds.
- € **A clear color photograph** of the exterior of your LIP unit for posting on the DHCD Affordable Units for Sale web page.
- € **A copy of the completed Property Information Form** (attached).

The above documents should be mailed to the following address:

The Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114  
Attn: Division of Housing Development - LIP Program

Please contact your town or city hall for information on who will handle your resale request. You may inquire at the Board of Selectmen's office, the Housing Authority or the Planning Department.

## MAXIMUM RESALE PRICE

After receiving the Conveyance Notice, DHCD will send a written response to you stating the price for which you may sell your home. This price is called the ***Maximum Resale Price***, and is determined based on the formula in your Deed Rider. The maximum resale price of your home is calculated by multiplying the appropriate current median income by the maximum resale price multiplier factor listed in the deed rider.

For a period of 90 days, the local community and DHCD reserve the right to restrict the sale of the home to a buyer who is income-eligible under the LIP program. If an eligible buyer is located, but is unable to secure financing within the 90-day period, DHCD has an additional 60 days to locate another eligible buyer.

## MARKETING THE UNIT

During the 90-day period, the local community will market the unit to its list of eligible buyers. For communities that do not maintain such a list, DHCD will assign a resale agent for marketing and qualifying applicants.

DHCD will post information about your property on its “Units For Sale” web page as well.

## THE NEW BUYER

The new buyer must be income eligible under the LIP program. The local community or resale agent will verify eligibility. When the buyer's eligibility has been verified and has been approved for financing, both the seller and the buyer should retain legal counsel and sign a purchase and sale agreement. DHCD must receive a copy of the purchase and sale agreement, and the loan commitment for the buyer, in order to prepare the closing documents.

If an eligible buyer is not located during the 90-day period (or subsequent 60-day period), you may sell your home to an ineligible buyer, although preference must be given to a household earning between 80% and 120% of area median income. The price to the ineligible buyer is the Maximum Resale Price. The new buyer must sign a deed rider identical in form and substance to the seller's deed rider, and they are subject to the same rights and restrictions.

*For more information, please contact Rieko Hayashi of DHCD's Division of Housing Development at 617- 573-1426 or [rieko.hayashi@mass.gov](mailto:rieko.hayashi@mass.gov)*



## OFFICE OF THE TOWN ADMINISTRATOR

Town of Middleton  
Memorial Hall  
48 South Main Street  
Middleton, MA 01949-2253  
978-777-3617  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

7  
c

## MEMORANDUM

TO: Board of Selectmen

FROM: Andrew J. Sheehan, Town Administrator

SUBJ.: Charter Amendments

DATE: January 22, 2021

Over the course of my five years in Middleton we have identified a number of provisions in the Middleton Home Rule Charter that are outdated or inconsistent with historic practices. We briefly discussed some of these in 2016 and decided to table a comprehensive discussion of the Charter until after the completion of the Master Plan.

The Charter was adopted in 1974 and to my knowledge has not undergone a comprehensive review. I have gone through the Charter and identified a number of provisions that could benefit from attention. Many of these are minor and some are more significant. As a general matter, it is good practice to periodically review the Charter.

I look forward to discussing these items with you and bringing an abbreviated list to the full Board.

## Home Rule Charter Provisions for Discussion

**2-2-2** The quorum necessary for the conduct of business may be established through by-law, but may not be less than 100 registered voters of the Town. [Amended 5-12-1981 ATM by Art. 5, approved 5-17-1982]

*Comment:* This is a reasonable number and there may not be any reason to propose a change. Any change would need to be accompanied by a change to c. 56 of the Bylaws.

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

*Comment:* Some communities require quorum only at the open and Town Meeting is allowed to continue even if quorum eventually drops below the minimum. Is there any benefit to changing this? Any change would need to be accompanied by a change to c. 56 of the Bylaws.

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

*Comment:* 56-6D of the Bylaws modified this provision by calling for the use of *Town Meeting Time*. Making the Charter consistent with the bylaw would be a useful housekeeping matter and eliminate potential confusion.

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

*Comment:* Procedural requirements for Town Meetings are governed by c. 39, s. 10 of the General Laws. The seven day requirement applies only to the Annual Town Meeting; by statute, warrants for a Special Town Meeting must be posted fourteen days in advance. Many communities simply refer to statute, because a community cannot have less stringent posting requirements. The conflict between the charter and the statute is a potential source of confusion.

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

*Comment:* This section gives the Finance Committee a pocket veto over budget items. If it wanted to the Finance Committee could withhold recommendations and hold up consideration of finance articles. This likely has never happened and there may be no reason to make any change or even raise the issue.

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

*Comment:* Similar to section 2-4-8, this provision could be used by the Planning Board to prevent consideration of land use articles. This likely has never happened and there may be no reason to make any change or even raise the issue.

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

*Comment:* Inclusion of citizen petitions is governed by c. 39, s. 10 of the General Laws. Reference to the statute is a cleaner approach and protects the Town from changes to the general laws.

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

*Comment:* The recall provision does not provide for the simultaneous election of a replacement if the recall is successful in removing an official. If the recall is successful it would necessitate another election to elect a replacement(s). For all elected boards except the Board of Selectmen this would not be problematic because vacancies are filled by joint appointment. However, if the Town ever faced a scenario comparable to Saugus where four of the five Selectmen were recalled at once it would leave the Town without its prudential body. This can be remedied by including the election of successors on the recall ballot.

**6-7-7** He [Town Administrator] shall be responsible for purchasing all material, equipment, and supplies for the Town except as otherwise provided for by law. He shall award all contracts for the Town except those which Town Bylaw requires competitive bids. A vote of the Board of Selectmen is required to award a contract other than to the lowest bidder. [Amended 5-8-1984 ATM by Art. 52, approved 5-10-1985]

*Comment:* Historically the Town Administrator has awarded all contracts. This should be clarified if there is a perceived need.

**6-7-8.**

*Comment:* There is no section 6-7-8. Sections should be renumbered.

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

*Comment:* There is no “auditing agency of the Commonwealth” and our annual audit is conducted after the close of the fiscal year.

#### **Section 4 Submission of Budget and Budget Message**

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

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

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

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

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

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

*Comment* on 7-4-1 through 7-4-6: The timeline for the budget differs from the historical practice.

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

Comment: The requirement that the Finance Committee issue recommendations 14 days in advance of the Meeting conflicts with 2-4-5 requiring that the warrant be mailed to every household at least seven days prior to Town Meeting.

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

Comment: An overhaul of the Personnel Bylaw and the Personnel provisions of the Charter will be taken up at the 2021 Annual Town Meeting.

Section 10-6 Executive Sessions

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

## Comment.

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

### Comment:

Comment: Executive Sessions are governed by the Open Meeting Law, c. 30A, ss. 18-25. One could argue that a board or committee is prohibited, by Charter, from meeting in executive session for the other exempt reasons, including related to negotiations with non-union employees, criminal misconduct, acquisition of real property, litigation, or to discuss trade secrets by a public body as an energy supplier. This provision should be struck as inconsistent with statute.

## **TOWN CHARTER**

**[HISTORY: Adopted by the Town of Middleton 5-20-1974. Amendments noted where applicable.]**

### **INTRODUCTION**

Presented herewith is the final report of your Charter Commission. This Commission, which has probably taken a greater in-depth look at the total workings of our town government than any other body ever has within recent decades, feels we all, as a Town, have very little about which to complain. We all should be extremely grateful to those people who have occupied our key positions and given of themselves unselfishly. We are likewise fortunate to have availed ourselves of many able and public-minded persons serving without compensation on numerous boards and committees. To them all, we say "thanks" for such excellent performances, in what are frequently thankless tasks.

Our studies have, nevertheless, revealed a few areas about which we all should be deeply concerned. First, we can look forward to a great likelihood of a population explosion — one or two years hence — amounting to possibly as much as 25 percent and perhaps as much as 50 percent increase in the number of registered voters. This could change the entire complexion of our somewhat close-knit community.

Secondly, although the Home Rule Amendment, recently enacted, guarantees the towns the power to control their own dictates through their own governmental processes, nevertheless there appears to be an increasing encroachment on the part of the Commonwealth into the internal workings of local governments. The adoption of a charter acts as a shield or umbrella and helps to defend the continuance of our own rules and regulations under which we have chosen to live.

Thirdly, and perhaps most importantly, it is the first complete document that expresses fully, clearly and openly the powers and limitations of our town government. The document is open for all citizens to see, and is easily understood. There are no hidden powers or undisclosed rules or secret privileges.

This Charter is probably the most important issue you have been asked to vote on in Middleton in many years. We strongly urge you to analyze it thoroughly.

### **EXPLANATION**

Under the Home Rules Procedures Act of 1966, each community in Massachusetts is expected to have adopted a charter by 1976. It is the ultimate authority for any community and is to the town what the Constitution is to the Federal Government. It is skeletal in nature and is designed to be supplemented by By-laws, codes and votes of Town Meetings. To phrase "a reasonable approach" best describes the overall provisions.

## MIDDLETON CODE

Briefly stated, the most significant points are:

- a. The open form of Town Meeting is retained.
- b. The traditional practice of electing many of our Town Officers is for the most part retained.
- c. It establishes the position of Town Administrator, who will be appointed by the Selectmen and responsible for the day-to-day administration of Town affairs.
- d. It provides for an increase in the number of Selectmen to be elected.
- e. It establishes and defines clearly a Department of Public Works.
- f. Recall of elected officials is provided for.
- g. A Capital Improvement Program is outlined.
- h. Provisions are made for a periodic review and upgrading of our Town By-Laws.

### BRIEF SUMMARY OF THE CHAPTERS

#### Chapter 1

Contains the legal language required to insure the Town all the opportunities granted by the Home Rule Amendment.

#### Chapter 2

Establishes the continuation of our present practice of holding open town meetings.

#### Chapter 3

Provides for the continuation of our present election procedures and adds rules and requisites necessary to remove an elected official from public office, providing, nevertheless, adequate safeguards to preclude any unnecessary harassment of an elected officer at the hands of a small hostile faction.

#### Chapter 4

Provides for increasing the number of elected selectmen from three to five. Since our Town now has become big business, involving millions of dollars each year, it is felt part-time absentee management is best served in matters of policy and executive authority by a board of five men rather than three.

## CHARTER

### Chapter 5

Enumerates a slight reduction in the number of elected offices; principally in the area of our presently related, but separate, functions, which will come under the single division of Public Works. The ultimate combining of our part-time Tax Collector and part-time Treasurer is also provided.

### Chapter 6

Lists those offices subject to appointment by the Board of Selectmen, together with the procedure for removals and suspensions. The qualifications, duties, authority, removal procedures, etc., are spelled out covering the very important new position of Town Administrator. A measure of job security is established for our Police Chief and our Fire Chief.

### Chapter 7

Makes little change from our present procedure covering money matters, except it now provides for the citizens to be more fully informed by the budget message, especially in the area of the impact of the total budget upon the ensuing tax rate. It establishes a Capital Improvements Program to view our total capital requirements — both short term and long term.

### Chapter 8

Provides for a continuation of our present procedures in matter of environment.

### Chapter 9

Establishes a Division of Public Works and a Division of Zoning Enforcement and Inspection. All of the functions of these two divisions are presently being performed and will continue. This combines some 12 or 14 separate, but related activities into two responsible divisions. The personnel system offers no substantial change from our present procedure.

### Chapter 10

Like Chapter 1, is mostly legal language necessary to insure the Charter's effectiveness and provides for amending or upgrading it as the need may arise. It does, however, also make mandatory a By-laws Study Committee once every five years to keep our By-laws up to date commensurate with changing circumstances.

## MIDDLETON CODE

### Chapter 11

Is pretty much self-explanatory and provides for tying up the loose ends during the change over from "no Charter" to "Charter," and insures the continuation of employment of those offices enumerated.

R. Lionel Barrows, Chairman  
George E. Dow, Sr., Vice-Chairman  
John B. Caulfield, Clerk  
Shirley Raynard  
William Dearborn  
John Goodwin  
Robert Kelley  
Robert W. Fox

## CHARTER

### PREAMBLE

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

### CHAPTER 1 POWERS OF THE TOWN

#### Section 1 Incorporation

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

#### Section 2 Scope of Town Powers

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

#### Section 3 Form of Government

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

#### Section 4 Construction of Charter

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

#### Section 5 Intergovernmental Relations

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

## MIDDLETON CODE

### CHAPTER 2 TOWN MEETING

#### Section 1 Definitions

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

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

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

#### Section 2 Composition, Quorum, Adjournment

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

2-2-2 The quorum necessary for the conduct of business may be established through by-law, but may not be less than 100 registered voters of the Town. [Amended 5-12-1981 ATM by Art. 5, approved 5-17-1982]

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

#### Section 3 Powers and Responsibilities

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

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

2-3-3 All Town officers, or their representatives, members of boards and commissions, and department heads including non-residents shall attend any Town Meeting and be permitted to speak on articles or issues that affect their department, office, or function. The absence of any such person shall not invalidate the actions of the Town Meeting. [Amended 5-8-1984 ATM by Art. 50, approved 5-20-1985]

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

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

#### Section 4 Procedures

## CHARTER

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

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

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

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

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

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

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

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

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

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

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

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

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

## MIDDLETON CODE

least one hundred registered voters may secure the same for any duly scheduled Special Town Meeting.

### Section 5 Presiding Officer

2-5-1 A Moderator shall be elected for a 3-year term at the regular election of Town officials. The Moderator shall not hold any other office or accept Town employment during the term for which the Moderator is elected. **[Amended by Ch. 31 of the Acts of 2018]**

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

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

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

## CHAPTER 3 ELECTIONS

### Section 1 Town Elections

3-1-1 The regular election for all Town offices shall be by official ballot held on the third Tuesday in May of each year. **[Amended by Ch. 31 of the Acts of 2018]**

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

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

### Section 2 Elections to be Nonpartisan

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

## CHARTER

### Section 3 Eligibility of Town Voters

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

### Section 4 Recall of Elective Officers

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

3-4-2 If, within five days after receipt of the petition the Board of Selectmen shall determine the petition and affidavits to be sufficient, a recall vote shall be taken within one hundred and ten days but not sooner than ninety days after such final determination, provided that no such vote shall be taken if the term of office of such elective official shall expire within one hundred and fifty days after such determination, or if such elective officer shall resign from such office before the taking of such vote. Said recall vote shall be called and conducted in the same manner as is provided by general law for the call and conduct of a special election.

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

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

## MIDDLETON CODE

### CHAPTER 4 BOARD OF SELECTMEN

#### Section 1 The Board of Selectmen

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

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

#### Section 2 General Powers

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

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

#### Section 3 Powers of Appointment

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

#### Section 4 Powers of Investigation

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

#### Section 5 Administrative Reorganization

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

## CHARTER

### CHAPTER 5 OTHER ELECTED TOWN BOARDS

#### Section 1 General Provisions

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

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

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

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

#### Section 2 Vacancies

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

#### Section 3 School Committee

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

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

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

#### Section 4 Planning Board

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

5-4-2. Two alternate members shall be appointed jointly by the board of selectmen and the planning board for one-year terms. The chairperson of the planning board may designate an alternate member to sit on the planning board to vote and act on all matters in the event of a board member's absence, inability to act, conflict of interest or a vacancy on the board. [Added by Ch. 375 of the Acts of 2014]

## MIDDLETON CODE

### Section 5     Board of Assessors

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

### Section 6     Library Trustees

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

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

### Section 7     Electric Light Commissioners

5-7-1 A Board of five Commissioners shall be elected for three-year overlapping terms.  
[Amended 5-12-1987 ATM by Art. 74, approved 5-16-1988]

### Section 8     Town Clerk

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

### Section 9     Constable

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

## CHAPTER 6 APPOINTMENTS BY THE BOARD OF SELECTMEN

### Section 1     Powers to Appoint Town Officers

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

- (a) The following officers each for a term of three years; a Town Counsel, a Town Accountant.
- (b) The following officers for a term or succession of terms, no one term of which shall be in excess of three years; a Town Administrator, a Superintendent of Public Works, a Treasurer-Collector, all division and/or department heads.
- (c) The following officers for an indefinite term: a Police Chief, a Fire Chief.

### Section 2     Duties

## CHARTER

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

### Section 3 Power to Appoint Town Boards and Commissions

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

- (a) Five members of a Zoning Board of Appeals for five year overlapping terms, and two alternate members for one year terms.
- (b) Five members of a Board of Health, for three year overlapping terms. [Amended 5-13-1986 ATM by Art. 64, approved 5-18-1987]
- (c) Three members of a Board of Registrars of Voters for three year overlapping terms.
- (d) A Personnel Board, a Conservation Commission, a Recreation Commission, an Historical Commission, such boards to be composed of five members each, who shall be appointed for three year overlapping terms.

### Section 4 Other Appointive Powers

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

### Section 5 Removals and Suspensions

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

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

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

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

## MIDDLETON CODE

- b. Within five days of delivery of such notice the officer or employee may request a public hearing at which he may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.
- c. Between one and ten days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing between six and fifteen days after delivery of the notice of the intent to remove, the appointing authority shall take final action either removing the officer or employee or notifying him that the notice is rescinded.

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

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

### Section 6 Qualifications of Town Administrator

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

### Section 7 Duties of the Town Administrator

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

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

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

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

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

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

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

## CHARTER

required to award a contract other than to the lowest bidder. [Amended 5-8-1984 ATM by Art. 52, approved 5-10-1985]

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

6-7-10 He shall perform such other duties as may be required by this Charter, By-law, vote of the Town, or vote of the Board of Selectmen.

### Section 8 Removal of the Town Administrator

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

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

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

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

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

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

### Section 9 Acting Town Administrator

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

## MIDDLETON CODE

vote of at least three selectmen, but, it shall not exceed the rate of compensation, approved for the Administrator by the town meeting.

### CHAPTER 7 FINANCES AND FISCAL PROCEDURES

#### Section 1      Fiscal Year

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

#### Section 2      Annual Audit

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

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

#### Section 3      Finance Committee

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

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

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

#### Section 4      Submission of Budget and Budget Message

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

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

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

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

## CHARTER

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

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

### Section 5 Capital Improvements Program

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

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

### Section 6 Action on Proposed Budgets

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

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

7-6-3 The Finance Committee shall then issue its final recommendations in print on both the operating budget and the capital improvements program, together with the warrant as provided in 2-4-5; and make copies available to the voters at least fourteen days prior to the annual Town

## MIDDLETON CODE

Meeting. In preparing its recommendations, the Finance Committee may require any Town department, board, or office to furnish it with appropriate financial reports and budgetary information.

### Section 7 Financial Public Records

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

### Section 8 Collections & Disbursements

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

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

### Section 9 Emergency Appropriations

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

### Section 10 Lapse of Appropriations

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

### Section 11 Prohibitions

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

## CHAPTER 8 ENVIRONMENTAL MATTERS

### Section 1 Powers and Duties of Planning Board

## CHARTER

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

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

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

### Section 2 Condemnation Powers

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

## CHAPTER 9 ADMINISTRATION

### Section 1 Division & Departments Established

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

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

### Section 2 Division of Public Works

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

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

### Section 3 Division of Zoning Enforcement and Inspection

## MIDDLETON CODE

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

### Section 4. Municipal Light Department.

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

### Section 5 Personnel System

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

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

## CHAPTER 10 GENERAL PROVISIONS

### Section 1 Amendment of Charter

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

### Section 2 Specific Provisions shall Prevail

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

### Section 3 Severability of Charter

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

## CHARTER

### Section 4 Revision and Publication of By-Laws

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

### Section 5 General Responsibilities of Boards and Commissions

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

### Section 6 Executive Sessions

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

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

## CHAPTER 11 TRANSITIONAL PROVISIONS

### Section 1 Continuation of By-laws

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

### Section 2. Continuation of Government.

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

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

11-2-3 Notwithstanding any provisions to the contrary, the adoption of this Charter shall serve to grant tenure until age seventy to Patricia Jordan and Harold Tyler, so long as they are both willing and able to perform the duties of their respective offices as presently defined. In the

## MIDDLETON CODE

event either shall become unwilling or unable to perform, the office of Treasurer-Collector shall be offered to the remaining officer under the provisions of Section 6-1-1.

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

### Section 3 Transfer of Records and Property

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

### Section 4 Pending Actions and Proceedings

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



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

*S.*

January 11, 2021

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

Re: Middleton Food Pantry Donation / United Civil, Inc

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

Thank you,

*Jillian Smith*

Jillian Smith  
COA Director

A Donation has been made payable to the Middleton Food Pantry:

Date: 12/30/20

Name United Civil, Inc.

Donation: \$500.00

Check Number 10917

This donor would like to remain anonymous

Yes

XXX No

10917

UNITED CIVIL, INC.  
30 LOG BRIDGE ROAD  
BUILDING 100  
MIDDLETON, MA 01849

BROOKLINE BANK  
BROOKLINE, MA 02445  
53-7148/2113

DATE 12/30/2020

PAY TO THE Middleton Food Pantry \$ \*\*500.00  
ORDER OF

Five Hundred and 00/100\*\*\*\*\* DOLLARS

Middleton Food Pantry  
P.O. Box 855  
Middleton, MA 01949

*Christie Vassil*

MEMO

10917

UNITED CIVIL, INC.  
Middleton Food Pantry

10917

12/30/2020

500.00

Brookline Bank 500.00

**AGREEMENT BETWEEN THE METROPOLITAN AREA PLANNING COUNCIL  
AND THE CITY/TOWN LISTED BELOW  
FOR THE DISBURSEMENT AND USE OF  
EMERGENCY COVID-19 FUNDING – FIRST ROUND 2021**

Pursuant to the terms established by Order of the Governor of Massachusetts, on or about March 19, 2020, by and through the Commonwealth of Massachusetts, Department of Public Health ("DPH"), the Metropolitan Area Planning Council ("MAPC") has been selected as one of the Local Health Crisis Response affiliates to disperse state funds in order to assist Cities and Towns ("City/Town") in their efforts to combat the spread and effect of COVID-19.

Under its terms, MAPC will disburse a single payment of **\$5234.8** to the City/Town of **Middleton** for its use in responding to the COVID-19 outbreak. This represents the first disbursement of emergency funding in 2021. This funding can be used for expenses incurred between January 1, 2021 and June 30, 2021. Payment will be made via check as soon as possible after the execution of this Agreement and pending the receipt of funds to MAPC from DPH.

This funding is intended to support efforts to build public health capacity as described further below. The City/Town can use this funding to cover expenditures already incurred in its response to COVID-19, and/or for anticipated expenses in response to COVID-19, for the following purposes, as determined by DPH:

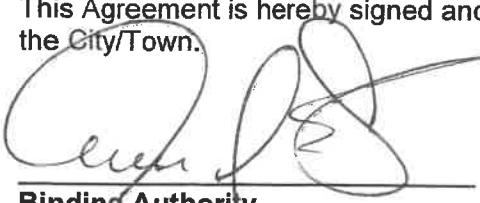
- Surveillance and case identification (including, but not limited to, public health epidemiological investigation activities such as contact follow-up);
- Monitoring of travelers;
- Data management;
- Isolation and quarantine (including, but not limited to, housing; wrap-around services; security; environmental control, clean-up and waste management; and behavioral health services);
- Surge staffing, including costs to cover overtime and backfill for Town employees or contractors;
- COVID-19 vaccination activities;
- Risk communications support; and
- Public health coordination with healthcare systems.

The City/Town is wholly responsible for documenting the use of said funds and keeping accurate and detailed records as to how the funding is deployed. The City/Town is also wholly responsible for reporting on the use of said funds to any authorized party seeking such information and holds MAPC harmless from any such obligations. MAPC can at any time seek information on the use of said funding from the City/Town but MAPC is not responsible for the accuracy or completeness of the records it obtains.

In accordance with the Order of the Governor of Massachusetts, further emergency funds may be distributed by the Commonwealth through MAPC to Cities and Towns. Any additional disbursements shall be governed by separate agreements.

This letter constitutes the entire agreement between MAPC and the City/Town of **Middleton**. Any and all amendments to these terms shall only be effective upon the written agreement of MAPC and the City/Town.

This Agreement is hereby signed and dated by the Chief Executive Officer of MAPC and a binding authority of the City/Town.



Binding Authority  
City/Town of Middleton

Date Signed: 1/22/21

  
\_\_\_\_\_  
Marc Draisen  
MAPC

Date Signed: 1/11/2021