

MIDDLETON BOARD OF SELECTMEN
MEETING AGENDA
TUESDAY, MAY 4, 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

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Meeting ID: 852 2753 3765

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1. 7:00 Warrant: #2123
Minutes: Open Session: April 20, 2021
Joint Session with Finance Committee: April 8, 2021
Town Administrator updates and reports
2. 7:15 Public Comment Period
3. 7:20 Review and vote to adopt Municipal Vulnerability Preparedness Plan, Kristin Kent. The full report is available at <https://middletonma.gov/679/Municipal-VulnerabilityHazard-Mitigation>
4. 7:30 Request by Mann & Mann on behalf of Northeast River Estates, LLC to assign a street name to a proposed subdivision road located at 123 River Street
5. 7:40 Discussion of transition to in-person meetings, including technology needs, amendment of COVID meeting policy
6. 7:50 Discussion of reopening plans for municipal facilities
7. 8:00 Discussion of summer meeting schedule; recommended dates June 1,15,29, July 13, August 17; regular schedule resumes September 7
8. 8:05 Continue discussion of location and date of Annual Town Meeting and Town Election; discuss whether to consider a reduction of quorum
9. 8:15 Vote to accept \$12,500 from the Department of Fire Services, Fire Equipment Grant to be used for turnout gear
10. 8:20 New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
11. 8:25 Executive Session: Pursuant to GL c. 30A, s. 21(a)(3) with respect to the status of and/or strategy for contract negotiations with collective bargaining units

Upcoming Meetings:	May 18	Regular BOS meetings
	June 1	Regular BOS meetings
	June 5	Annual Town Meeting, 9AM, 48 South Main Street
	June 15 & 29	Regular BOS meetings

The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

MEETING MINUTES
BOARD OF SELECTMEN
Tuesday, April 20, 2021 7:00 PM
This meeting was recorded

1.

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: Chair Rick Kassiotis, Brian Cresta, Tim Houten, Kosta Prentakis

Absent: None

Others Attending: Town Administrator Andy Sheehan, Assistant Town Administrator Tanya Shallop, Minutes Secretary Judi Stickney, Paul Pellicelli, Adam Stone, Taylor Galusha, Attorney Jill Mann, Kristin Kent, Ana Julian, David West, and others

7:02 PM With a quorum present, Chair Rick Kassiotis called the meeting to order.

ROUTINES

- **Warrant Approval:** Town Administrator Andy Sheehan provided a brief review of Warrant #2122: Payroll: \$715,232; Bills Payable: \$4,991,887, noting that the Town Accountant had reviewed the warrant and requested the Board's approval. After a brief discussion, the Board took the following action:

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

Roll Call (Called by Clerk Houten):

PRENTAKIS:	Yes
CRESTA:	Yes
KASSIOTIS:	Yes
HOUTEN:	Yes

- **Minutes:** After a brief review of available minutes, the Board took the following action:
On a **MOTION** made by **Prentakis**, second by **Cresta**, the Board of Selectmen **VOTED** unanimously by roll call vote to accept the minutes of April 6, 2021 as written.

Roll Call (Called by Clerk Houten):

PRENTAKIS:	Yes
CRESTA:	Yes
KASSIOTIS:	Yes
HOUTEN:	Yes

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

- **Roadside Cleanup:** Sheehan reported that prisoners from the Essex County Jail have been cleaning up Middleton's roadsides recently. Sheehan added that due to COVID, the jail was unable to provide prisoners to help with clean up last year. They hope to get the prisoners in town again later this year for roadside cleanup.
- **Master Development Planning Committee:** Sheehan advised that the Master Development Planning Committee has been holding informational meetings. They will hold additional meetings on May 5th and May 11th, by Zoom. A number of other meetings will be scheduled with stakeholder groups, boards, and committees. Sheehan added that they received unanimous support from the Finance Committee, and they will be back in front of the Board of Selectmen on May 18th to give a follow-up presentation. There is updated information on the Town's web page and there will be more information going up every day. Sheehan advised the Board that he will be giving a State of the Town report in May to the Board of Trade, including a discussion about the facilities project. Anyone who wants to schedule a presentation should contact the Town Administrator's office.
- **COVID Update:** Sheehan reported that they are continuing to see more people getting vaccinated in Middleton. The Public Health professionals encourage all to be vaccinated. It's the only way close to herd immunity.
- **State House Delegation:** Sheehan has invited the State legislative delegation to a Selectmen's meeting for May or June.
- **ARPA Money:** Sheehan advised that he is still awaiting guidance on ARPA funds, noting that smaller communities, like Middleton, with under 50,000 in population, will get their funds funneled through the State.
- **Trash Roll-Off Truck Update:** Sheehan reported that the trash roll-off truck has a lot of mechanical issues and it is out of service again, adding that it went down over the weekend. Thanks to the capital plan, it will, hopefully, soon be replaced with a more reliable vehicle.

A brief discussion ensued on the success of the vaccination programs, as well as the demise of the trash roll-off truck.

7:15 PM Public Comment Period: There were no public comments.

7:16 PM Institute for Human Centered Design (IHCD) Presentation: Assistant Town Administrator Tanya Shallop introduced Ana Julian and David Kent from the Institute for Human Centered Design. Shallop provided a brief summary of the accessibility improvements planned for the town's buildings, based on IHCD's accessibility study. David Kent and Ana Julian both thanked the town for their cooperation and willingness to improve accessibility and encouraged the town to contact them if they can use their help while they implement the improvements.

7:24 PM Review and Vote to Adopt Municipal Vulnerability Preparedness Plan: The Town Administrator introduced Conservation Agent, Kristin Kent, who provided a brief report on the Municipal Vulnerability Preparedness Plan and how it was developed. She asked the Board to formally accept the plan, which will make the town eligible for additional grants. After a brief discussion, the Board decided they needed more time to review the document before taking a vote. This will be on the next meeting's agenda.

7:28 PM Assign a Street Name: Attorney Jill Mann, from Mann & Mann, on behalf of Northeast River

Estates, LLC, met with the Board to request that the Board assign a street name to a proposed subdivision road located at 123 River Street. A brief discussion ensued on the subdivision. Selectman Chair Kassiotis requested additional time to consider a street name and will revisit this at the next meeting.

- 7:35 PM Vote to Postpone the Annual Town Meeting and the Annual Town Election:** Town Administrator Andy Sheehan advised the Board that this is a procedural vote, in accordance with Chapter 5 of the Acts of 2021, the Board needs to vote on the postponements, noting that the Annual Town Meeting is being postponed to June 5th, and the Annual Town Election is being postponed to June 12, 2021. The Board took the following action:

On a **MOTION** made by **Houten**, second by **Cresta**, the Board of Selectmen **VOTED** by roll call vote to postpone the Annual Town Meeting to June 5th, 2021, and to postpone the Annual Town Election to June 12th, 2021.

Roll Call (Called by Clerk Houten):

PRENTAKIS:	Abstain
CRESTA:	Yes
KASSIOTIS:	Yes
HOUTEN:	Yes

- 7:37 PM Vote to Renew Licenses:** The Town Administrator provided the Board with licenses that need to be renewed: two seasonal all alcohol restaurant licenses; two common victualler licenses; and, two entertainment licenses, for SD Management Group LLC at the Member's Lounge and Halfway House Snack Bar at 8-10 Village Road, Ronald Rice, Manager. Sheehan added that the license renewals are a ministerial action. The Board took the following action:

On a **MOTION** made by **Cresta**, second by **Houten**, the Board of Selectmen **VOTED** unanimously by roll call vote to renew two seasonal all alcohol restaurant licenses; two common victualler licenses; and, two entertainment licenses, for SD Management Group LLC at the Member's Lounge and Halfway House Snack Bar at 8-10 Village Road, Ronald Rice, Manager.

Roll Call (Called by Clerk Houten):

PRENTAKIS:	Yes
CRESTA:	Yes
KASSIOTIS:	Yes
HOUTEN:	Yes

7:39 PM New Business:

- **In-Person Meetings:** Selectman Prentakis suggested that the Board discuss when to return to in-person meetings at a future meeting. A brief discussion ensued. Discussion will be continued at the next meeting.

7:44 PM Adjourn

With no further business, on a **MOTION** made by **Cresta**, the Board of Selectmen's meeting of April 20th, 2021 adjourned at 7:44 PM.

Upcoming Meetings:

May 4 & 18: Regular BOS meetings
June 1: Regular BOS meetings
June 5: Annual Town Meeting: 9AM, 48 South Main Street
June 15 & 29: Regular BOS meetings

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

Timothy P. Houten, BOS Clerk

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

- Agenda: April 20, 2021
- Warrants
 - Warrant #2122: Payroll: \$715,232; Bills Payable: \$4,991,887
- Minutes:
 - April 6, 2021
- Local Mitigation Plan Review Tool
- Letter and related documents from Mann & Mann to Board of Selectmen, Re: Street Name Request for Northeast River Estates, 123 River Street, Middleton, 4/15/21
- Letter from Bluebonnet Consulting to Town Administrator, Re: DoubleTree by Hilton Boston North Shore, 50 Village Drive, Danvers, MA 01923, 4/15/21
- Informational Bulletin: #8 Ipswich River: Threat: Excessive Water Withdrawals
- Thank You Note from resident, Re: COVID-19 Vaccination
- Informational Bulletin: The Proposed Middleton Municipal Complex
- Municipal Vulnerability Preparedness/Hazard Mitigation Plan

MEETING MINUTES

**BOARD OF SELECTMEN
FINANCE COMMITTEE
JOINT MEETING**

**FISCAL YEAR 2022 OPERATING AND CAPITAL BUDGETS
2021 ANNUAL TOWN MEETING**

Thursday, April 8, 2021 7:00 PM

This meeting was recorded

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

Board of Selectmen Present: Chair Rick Kassiotis, Brian Cresta, Kosta Prentakis, Tim Houten (7:15 PM)

Finance Committee Present: John Erickson, Richard Gregorio, George Dow, Michelle Cresta, Jason Vining

Others Attending: Town Administrator Andy Sheehan, Assistant Town Administrator Tanya Shallop, Town Moderator Barbara Piselli, Town Clerk Ilene Twiss, Town Accountant/CFO Sarah Wood, Assistant Assessor Brad Swanson, and others

7:00 PM With a quorum of both boards present, Board of Selectmen Chair Rick Kassiotis called the joint meeting to order.

7:00 PM **Joint Public Hearing: Middleton Board of Selectmen and the Middleton Finance Committee:**

7:00 PM **Approval of Minutes:**

- **February 6, 2021 Joint Board of Selectmen and Finance Committee Fiscal Year 2022 Operating Budget meeting**
- **March 6, 2021 Joint Board of Selectmen and Finance Committee Fiscal Year 2022 Capital Budget meeting**
- **March 25, 2021 Joint Board of Selectmen and Finance Committee Fiscal Year 2022 Budget Hearing:** After a brief discussion, the Boards took the following action:

MOTION made by Selectman **Cresta**, second by Selectman **Prentakis**, to approve all three sets of minutes, as presented.

The motion **CARRIED** on a unanimous roll call vote:

Roll Call (Called by Selectman Brian Cresta):

PRENTAKIS: Yes

KASSIOTIS: Yes

CRESTA: Yes

Joint Meeting of the Middleton Board of Selectmen and Finance Committee

April 8, 2021

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Roll Call (Called by Finance Committee Co-Chair Richard Gregorio):

ERICKSON:	Yes
DOW:	Yes
VINING:	Yes
GREGORIO:	Yes

7:06 PM Continued Discussion by the Middleton Board of Selectmen and the Middleton Finance Committee on Outstanding Issues Related to the FY2022 Operating Budget, Capital Budget, and June 5, 2021 Town Meeting:

- **2021 Annual Town Meeting Warrant:** Town Administrator Andy Sheehan advised there was not much to discuss on the Town Meeting Warrant. A new article 32 was added. It designates future receipts for sidewalk and pedestrian improvements will go directly into the Stabilization Fund proposed under article 31. They corrected a couple of typos. Otherwise, nothing has changed on the Warrant or on the motions.
- **Fiscal Year 2022 Operating and Capital Budgets:** Town Administrator Andy Sheehan reported that they adjusted the revenue side of the budget by increasing three revenue categories: general fee revenue by \$20,000, motor vehicle excise by \$15,000, and meals excise by \$30,000. The Town Accountant/CFO has made those changes. On the expenditure side of the budget, the debt service costs have been included in the debt service budget for the pumper truck and for the public works trash truck.
- **Discussion of Revenue Sources:** Town Administrator Andy Sheehan reported that the deficit stands at around \$140,000. The outstanding issue that needs to be made is how to close that deficit. Sheehan advised that they recommend drawing \$100,000 out of the capital stabilization fund to cover the debt service for the vehicles, and the balance could fall to taxation. A brief discussion ensued on the deficit and whether that was the proper approach. The Town Accountant/CFO was also in attendance and provided additional information. After discussion, the Boards took the following actions:

MOTION by Selectman **Prentakis**, second by Selectman **Cresta** to use \$105,175 from the Capital Stabilization Fund for the FY22 budget.

The motion **CARRIED** on a unanimous roll call vote:

Roll Call (Called by Selectman Brian Cresta):

PRENTAKIS:	Yes
KASSIOTIS:	Yes
CRESTA:	Yes
HOUTEN:	Abstain

MOTION by Finance Committee Member **Dow**, second by Finance Committee Member **Vining** to accept the FY22 overall budget.

The motion **CARRIED** on a unanimous roll call vote:

Joint Meeting of the Middleton Board of Selectmen and Finance Committee

Roll Call (Called by Finance Committee Co-Chair Richard Gregorio):

ERICKSON:	Yes
DOW:	Yes
VINING:	Yes
CRESTA:	Yes
GREGORIO:	Yes

After the vote, Selectman Cresta noted that the later Town Meeting date allows them more clarity and more information on the budget. He prefers the later Town Meeting date. He hopes the upcoming charter review considers moving Annual Town Meeting later in the spring.

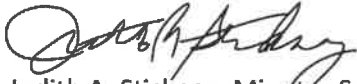
Finance Committee Co-Chair Erickson asked if using the Capital Stabilization Fund would require a 2/3 vote at Town Meeting. The answer is yes.

Town Administrator Andy Sheehan advised that he will put together a final spreadsheet and send it out to the Finance Committee and Select Board members so they can vote on the final articles in the coming week.

7:23 PM Adjourn

With no further business, on a **MOTION** made by Selectman **Prentakis**, the joint meeting of Board of Selectmen and Finance Committee of April 8th, 2021 adjourned at 7:23 PM.

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

Timothy P. Houten, BOS Clerk

Richard Gregorio, Finance Comm. Co-Chair

John Erickson, Finance Comm. Co-Chair

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

- Agenda: April 8, 2021
- Minutes:
 - 2/6/2021 BOARD OF SELECTMEN AND FINANCE COMMITTEE
 - FISCAL YEAR 2022 BUDGET

Joint Meeting of the Middleton Board of Selectmen and Finance Committee

April 8, 2021

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- 2/25/2021 BOARD OF SELECTMEN AND FINANCE COMMITTEE
FISCAL YEAR 2022 BUDGET
- 3/6/2021 BOARD OF SELECTMEN AND FINANCE COMMITTEE
FISCAL YEAR 2022 BUDGET
- Memo from Town Accountant to Board of Selectmen and Finance Committee, Re: FY22 Budget Update; 2021 Town Meeting Warrant, 4/8/21
- Town of Middleton Annual and Special Town Meeting Warrant, June 5, 2021
- Motions for Special and Annual Town Meeting Articles
- ANNUAL TOWN MEETING: JUNE 5, 2021: TABLE OF CONTENTS
- Letter from Cabot Risk Strategies LLC to Town Administrator, Re: Frank Twiss: Claim No. C16WC05084, 5/1/2017

Joint Meeting of the Middleton Board of Selectmen and Finance Committee

April 8, 2021

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TOWN OF MIDDLETON



2020 HAZARD MITIGATION PLAN- MUNICIPAL VULNERABILITY PREPAREDNESS PLAN



Prepared by:



westonandsampson.com

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EXECUTIVE SUMMARY

Hazard mitigation planning is a proactive process used to systematically identify policies, actions, and tools that can be used to reduce the dangers to life and property from natural hazard events. Climate adaptation planning recognizes that climate change will exacerbate the vulnerabilities and risks associated with natural hazards. The Town of Middleton completed a planning process focused on both hazard mitigation planning and climate adaptation, which provides a robust assessment and implementation plan to build the Town's resilience. The Town is now also eligible for hazard mitigation funding through the Federal Emergency Management Agency (FEMA) and climate adaptation funding through the Massachusetts Executive Office of Energy and Environmental Affairs' Municipal Vulnerability Preparedness (MVP) Grant Program.

Planning Process

The Hazard Mitigation Plan and Municipal Vulnerability Preparedness Plan (HMP-MVP Plan) planning process was completed through the following steps.

- 1) Convened a core team of municipal department heads who provided key input through meeting, online surveys, and interviews.
- 2) Created a set of hazard mitigation and climate adaptation goals.
- 3) Engaged the public through a Community Resilience Building Workshop and online public engagement techniques.
- 4) Established a list of critical facilities and assets.
- 5) Conducted a vulnerability and risk assessment of historic hazards and the potential impact of climate change.
- 6) Documented the Town's capacity to mitigate and respond to hazards.
- 7) Captured progress on the 2012 Hazard Mitigation Plan.
- 8) Developed an action and implementation strategy.
- 9) Sought public feedback on the final document.

Hazard Mitigation and Climate Adaptation Goals

The Town endorsed the following set of hazard mitigation and climate adaptation goals.

- Prevent and reduce the loss of life, injury, public health impacts and property damage resulting from all identified natural hazards and projected hazards under climate change.
- Build and enhance local mitigation capabilities to ensure individual safety, reduce damage to public and private property and ensure continuity of emergency services.
- Increase cooperation and coordination among private entities, Town officials and Boards, neighboring communities, State agencies and Federal agencies.
- Increase awareness of the benefits of hazard mitigation and climate resiliency measures through outreach and education.
- Identify and seek funding for measures to mitigate or eliminate each known significant hazard area and reduce the impacts of climate change.
- Ensure that future development meets federal, state, and local standards for preventing and reducing the impacts of natural hazards today and under climate change projections.
- Integrate hazard mitigation planning and climate change projections as an integral factor in all relevant municipal departments, committees and boards.

Vulnerability and Risk

Among the communities of Essex County, hazard mitigation and climate adaptation planning tend to focus on flooding because it is one of the most likely natural hazards to impact these communities. However, the Middleton HMP-MVP Plan assesses the potential impacts to the Town from a variety of natural disasters including:



Flooding



Drought, Extreme Heat, & Wildfires



Severe Thunderstorms, Wind,
Tornadoes, & Hurricanes



Ice, Nor'easters, & Extreme Cold

The HMP-MVP Plan documents the location and exposure of over sixty critical facility and assets. Among them are emergency services, roads, utilities, social services, and natural resources.

Hazard Mitigation and Climate Adaptation Strategy

Through the planning process, several hazard mitigation and climate adaptation measures were identified as high priorities.

- Upgrade culverts for greater rainfall capacity.
- Raise roads (especially School Street) and bridges (Route 62).
- Create a Riverwalk from East Street to the Ipswich River Easement and develop the rail trail to increase connectivity through Town.
- Add emergency power backups at Fire and Police Stations and upgrade facilities.
- Expand reach of Swift 911 and practice town staff Emergency Response Communication Plan.
- Build communication infrastructure redundancies.
- Ensure that backup power at schools is sufficient for use as shelters.
- Update development regulations to include LID, green infrastructure, and additional climate resiliency items to subdivision regulations.
- Incorporate climate resilience into design of the new and rehabilitated municipal buildings including green infrastructure, water conservation technology, and geothermal energy.
- Improve drainage along roadways with nature-based solutions.
- Identify neighborhood volunteers to support outreach and public safety efforts, such as checking on elderly neighbors.
- Increase forest management efforts in the north side of town to reduce brush fire.
- Develop a robust tree management plan to aid Municipal Light in reducing power outages.

Next Steps

The Town of Middleton is dedicated to implementing the findings of this plan and documenting the process. As a now eligible community for funding through the MVP Program and FEMA, the Town will look to secure resources, and to work with regional and local stakeholders, to complete the projects identified herein. The Town will also continue to document hazard impacts and needed improvements to the Town's capacity to mitigate and adapt. Lastly, the Town will proactively incorporate the hazard mitigation and climate adaptation goals into municipal planning, budgeting, and operations. By doing so, the Town will be ready to update this plan in five years to maintain its eligibility for grant funding.

MANN & MANN, P.C.
COUNSELLORS AT LAW

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

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

April 15, 2021

Via Electronic Mail

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

RE: Street Name Request for Northeast River Estates
123 River Street, Middleton

Dear Members of the Board of Selectmen:

The undersigned is legal counsel to Northeast River Estates LLC (the "Petitioner"). The Petitioner has applied to the Middleton Planning Board for approval of a definitive subdivision plan (the "Plan") that will create a 1,700-foot public way and fourteen (14) single family home lots. Before the Planning Board concludes the public hearing on Petitioner's application, the Board and various Town Departments have requested that the name of the new subdivision roadway be placed on the Plan. Attached for the Board's convenience is a copy of the proposed subdivision.

On behalf of the Petitioner, the undersigned hereby requests that the selection of a name for the subdivision roadway be placed on the agenda of the Board's next regular meeting.

Thank you for your kind consideration.

Sincerely,
MANN & MANN, P.C.

Jill Elmstrom Mann

Encl.

Cc: Richard Williams, P.E.
Ralph DiGiorgio, Client
Katrina O'Leary, Town Planner
Michelle Creasi, Asst to Town Admin.

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

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



BOARD OF SELECTMEN

**Town of Middleton
48 South Main Street
Middleton, Massachusetts
01949-2253
978-777-3617
www.middletonma.gov**

5.

POLICY FOR IN-PERSON MEETINGS DURING COVID-19 PANDEMIC ADOPTED SEPTEMBER 22, 2020

As a result of COVID-19, municipal boards and committees have been meeting remotely since March 16, 2020. Since that time, Boards and committees have been using Zoom or a similar digital platform to conduct virtual meetings, record the meetings, and post them to the Town website. Please see Town Administrator memo dated March 13, 2020.

The Reopening Massachusetts initiative announced by Governor Charlie Baker is currently in phase III, step 1. No timeline has been announced for progressing through the remaining steps of phase III or when phase IV, New Normal, may begin.

Boards and committees have inquired when in-person meetings may resume. A return to normal is desirable and in-person meetings are part of the normal routine of local government. Not all of the public at large is able to attend in-person meetings. While some may be ready to attend, many still are not willing to attend or cannot attend. As public servants we must always hold the public's interests paramount.

COVID offers an opportunity to be more inclusive and open, providing broader opportunities for public participation. Combining traditional in-person participation with digital participation offers the public greater opportunity.

POLICY

Boards and committees shall continue to meet remotely until the Governor lifts the State of Emergency or lifts the inside gathering ban. Boards and committees may elect to meet in person subject to the following conditions:

- Prior to scheduling a meeting, a board or committee desiring to meet in-person shall confer with the Town Administrator as to the availability of adequate space. If there is adequate space available that does not put at risk board and committee members, the public, or the primary users of the space, the Town Administrator may authorize the in-person meeting in the space.

- All members' electronic devices are connected to the digital meeting space (Zoom or similar) to accommodate residents and interested parties who, for whatever reason, are unwilling or unable to attend meetings in person. Board or committee staff, the chair, or other designated individual shall monitor the digital meeting space. Remote participants shall be allowed to participate fully in meetings;
- Meetings shall continue to be recorded;
- Meetings shall continue to be posted to the Town website.

At the conclusion of the State of Emergency or inside gathering ban boards and committees may resume in-person meetings with the following additional requirements:

- Adherence to any gathering limits or restrictions imposed by the Governor, any State agency, or the Middleton Board of Health;
- Adherence to all requirements of the Open Meeting Law;
- Continued use of a digital meeting space (Zoom or similar) to accommodate residents and interested parties who, for whatever reason, are unwilling or unable to attend meetings in person. Board or committee staff, the chair, or other designated individual shall monitor the digital meeting space. Remote participants shall be allowed to participate fully in meetings;
- Meetings shall continue to be recorded;
- Meetings shall continue to be posted to the Town website.

MIDDLETON BOARD OF SELECTMEN

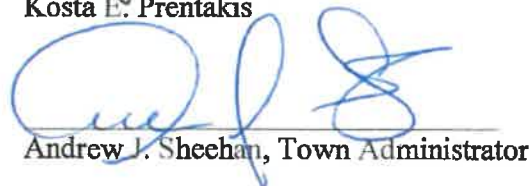

Richard Kassiotis, Chair


Todd Moreschi, Clerk


Brian M. Cresta


Kosta E. Prentakis


Timothy P. Houten


Andrew J. Sheehan, Town Administrator

Calendar for Year 2021 (United States)

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

Holidays and Observances:

Town of Middleton Massachusetts

8.



ANNUAL & SPECIAL TOWN MEETING

Saturday, June 5, 2021

**Meeting to be held at Henry Trager Common Soccer
Field, 48 South Main Street, Middleton, MA**

**Parking available at Angelica's Restaurant, 49 South
Main Street**

Town Warrant Dedications

James DiGianvittorio, Police Chief (Retired)

Dedication to Those Who Have Left Us:

Joseph Pascucci

Michelle Fitzpatrick

Mary Tragert

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

Middleton Board of Selectmen

Richard W. Kassiotis, Jr., Chair

Timothy P. Houten, Clerk

Kosta E. Prentakis

Brian M. Cresta

Andrew J. Sheehan, Town Administrator

Tanya Shallop, Assistant Town Administrator/Human Resources Director

**TOWN OF MIDDLETON
ANNUAL & SPECIAL TOWN MEETING
THE COMMONWEALTH OF MASSACHUSETTS
JUNE 5, 2021**

ESSEX s.s.

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs, to meet at the Henry Tragert Common Soccer Field, 48 South Main Street, on Saturday, June 5, 2021 at 9:00AM, then and there to act on the following articles:

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

**SPECIAL TOWN MEETING
9:00AM**

ARTICLE 1. On petition of Robert T. Peachey, Sr. and 200 or more registered voters, for the following:

“Following the retirement of the current Chief of Police, the Board of Selectmen shall appoint to the position of Chief of Police, under Chapter 97A of the Massachusetts General Laws, one of the three internal candidates: Police Sergeant Ron Carpenter, Police Sergeant Matt Armitage, or Police Officer Robert Marino.”

ARTICLE 2. On petition of Eric R. Cudmore and 10 or more registered voters, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$20,000 to pay for the costs associated with the acquisition or disposal of real property.

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

Master Plan Committee Recommendation: The Master Plan Committee voted 5-1 to recommend against the article.

<<<END OF SPECIAL TOWN MEETING WARRANT>>>

ANNUAL TOWN MEETING
9:15AM
CURRENT AND PRIOR YEAR FINANCIAL ARTICLES

ARTICLE 1. To hear Committee Reports:

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

Purpose: This article will transfer funds to close the deficit for snow and ice removal. The snow and ice deficit is typically funded through a transfer from Free Cash. At the time of printing the snow and ice deficit was \$0; therefore, no action is anticipated.

ARTICLE 3. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, transfer between and among various accounts, or transfer from available funds to supplement the Fiscal Year 2021 operating budget; or take any other action relative thereto.

Purpose: This article is to transfer funds and supplement monies, if necessary, to meet departmental expenses in the current fiscal year ending on June 30, 2021.

ARTICLE 4. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to fund collective bargaining agreements; or take any other action relative thereto.

Purpose: This article will fund costs associated with contracts negotiated with collective bargaining groups (public employee unions).

ARTICLE 5. On petition of the Board of Selectmen and Community Preservation Committee, to see if the Town will vote to amend Article 6 of the Annual Town Meeting held on May 13, 2014 with respect to the use of Community Preservation Funds for the rails to trails pedestrian and bike paved trail by deleting the reference to phase 1 of said trail; or take any other action relative thereto.

Purpose: This article amends a prior appropriation that directed the funds be used for phase 1 of the rail trail project. The first portion of phase 1 was built in 2020 with grant funds. This article would allow the previously appropriated funds to be used for subsequent phases of the project. No additional funding is sought.

ARTICLE 6. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to pay prior fiscal year bills; or take any other action relative thereto.

Purpose: This article authorizes payment of bills from prior fiscal years. Under General Law c. 44, s. 64, bills from prior fiscal years can only be paid if approved by Town Meeting unless funds were encumbered. At the time of printing the following prior fiscal year bills were identified:

- \$4,497.50: Hilltop Securities borrowing fees
- \$2,320.00: Firefighter funeral expenses (GL c. 41, 100 G1/4)
- \$1,283.00: LHS Associates, Inc. Election expenses

ARTICLE 7. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to amend Article 10 of the Annual Town Meeting held on June 24, 2020 with respect to the Capital Budget for Fiscal Year 2021, by returning the sum of \$121,821 from the General Fund to the Ambulance Fund; or take any other action relative thereto.

Purpose: This article returns unspent funds to the Ambulance Fund. The appropriation from the Ambulance Fund under Article 10 of the 2020 Annual Town Meeting was higher than it needed to be to meet the expense.

ARTICLE 8. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to amend Article 10 of the Annual Town Meeting held on June 24, 2020 with respect to the Capital Budget for Fiscal Year 2021, by reducing the Free Cash appropriation by \$75,000; or take any other action relative thereto.

Purpose: This article corrects scrivener's errors that misstated the amounts approved under Article 10. The Free Cash amount and the total appropriation amount were higher than they should have been.

FY2022 FINANCIAL ARTICLES

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

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

ARTICLE 10. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Omnibus Budget for Fiscal Year 2022; or take any other action relative thereto.

Purpose: This article requests approval of the Town operating budget for the coming fiscal year beginning on July 1, 2021 and running through June 30, 2022. Detailed descriptions of revenues and expenditures are presented in the warrant book.

ARTICLE 11. On petition of the Board of Selectmen and Community Preservation Committee, to see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues or available funds the amounts recommended by the Community Preservation Committee for debt service, and community preservation projects and other expenses in Fiscal Year 2022 with each item to be considered a separate appropriation; or take any other action relative thereto.

Proposed Fiscal Year 2022 Community Preservation Budget

The Community Preservation Committee recommends that the following amounts be appropriated or reserved from Fiscal Year 2022 Community Preservation Fund Revenues, unless otherwise specified for Fiscal Year 2022 Community Preservation Purposes with each item considered to be a separate appropriation:

<u>Purpose</u>	<u>Recommended Amount</u>	<u>Funding Source</u>
A) Reserves: Open Space	\$35,596.50	FY 2021 Estimated CPA Receipts
Reserves: Historic Resources	\$35,596.50	FY 2021 Estimated CPA Receipts
Reserves: Community Housing	\$35,596.50	FY 2021 Estimated CPA Receipts
B) Flint Library Debt Service	\$80,000	\$36,334.42 from Historic Resources Reserve and \$43,665.58 from Fund Balance
C) 11 South Main St. Debt Service	\$42,400	\$36,334.41 from Open Space Reserve And \$6,065.59 from Fund Balance
D) CPA Committee Admin. Expenses	\$1,200	From Fund Balance
Community Preservation Total	\$230,389.50	

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

Open space (excluding recreational uses)
Historic resources
Community housing

The term “annual fund revenues” in Fiscal Year 2022 are estimated at \$320,000 and is composed of the estimated receipts from the local surcharge of \$260,000 and monies from the State Trust

Fund, which will make its fifteenth payment in October of 2021 providing an additional estimated \$60,000 in matching funds based upon the local share raised in FY 2022

ARTICLE 12. On petition of the Board of Selectmen and Community Preservation Committee, to see if the Town will vote to appropriate from the Community Preservation Fund annual revenues the following amounts recommended by the Community Preservation Committee for new community preservation projects in Fiscal Year 2022 with each item to be considered a separate appropriation; or take any other action relative thereto.

<u>Purpose</u>	<u>Recommended Amount</u>	<u>Funding Source</u>
Tramp House Roof	\$17,000	Fund Balance
Common at Municipal Complex	\$300,000	Fund Balance
Essex Co. Greenbelt for conservation restriction at Camp Creighton Pond	\$50,000	Fund Balance
Community Preservation Total	\$367,000	

ARTICLE 13. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to authorize the spending limits of the following revolving funds established under the Town Bylaw and General Laws Chapter 44, Section 53E ½:

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

Or take any other action relative thereto.

ARTICLE 14.

On petition of the Town Accountant, Board of Selectmen, and Finance Committee, to see if the Town will vote to appropriate a certain sum from the Sewer Enterprise receipts to pay expenses and contractual services required to operate the Sewer Enterprise Fund for Fiscal Year 2022; or take any other action relative thereto.

Direct Costs	
SESD Assessment	\$105,436
Expenses	\$100
Extra/Unforeseen	\$1,000
Total Direct Costs:	\$106,536

Indirect Costs *

Salaries and Wages	\$4,438
Insurance & Benefits	\$370
Total Indirect Costs:	\$4,808

Total FY2022 Budget \$111,344

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

Town shall raise the sum of \$106,536 or any other sum from the Sewer Enterprise Revenues and to approve the sum of \$4,808 of indirect costs appropriated in the general fund under Article 10 to be funded from Sewer Enterprise Revenues.

ARTICLE 15. On petition of the Town Accountant, Public Works Superintendent, Board of Selectmen, and Finance Committee, to see if the Town will vote to appropriate a certain sum from the Water Enterprise receipts to pay expenses and contractual services required to operate the Water Enterprise Fund for Fiscal Year 2022; or take any other action relative thereto.

Direct Costs

Salaries and Wages	\$117,983
Capital Outlay	\$50,000
Debt Service	\$10,305
Expenses	\$63,600
Extra/Unforeseen	\$50,000
Total Direct Costs:	\$291,888

Indirect Costs *

Salaries and Wages	\$14,446
Insurance & Benefits	\$35,658
Total Indirect Costs:	\$50,104

Total FY2022 Budget \$341,992

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

Town shall raise the sum of \$291,888 or any other sum from the Water Enterprise Revenues \$50,000 from retained earnings and to approve the sum of \$50,104 of indirect costs appropriated in the general fund under Article 10 to be funded from Water Enterprise Revenues.

ARTICLE 16. On petition of the Board of Selectmen and Finance Committee, To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20

of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action relative thereto.

Purpose: This article would allow the Town to apply bond premiums to reduce the borrowing for which the premium was offered. This applies to borrowings that have been previously authorized but not yet permanently financed.

ARTICLE 17. On petition of the Electric Light Commissioners, to see if the Town will vote to accept a sum of money from the earnings of the Electric Light Department, said sum to be used for the reduction of taxes; or take any other action relative thereto.

ARTICLE 18. On petition of the Superintendent of Public Works, to see if the Town will vote to raise and appropriate such sums of monies as may be received from the Commonwealth of Massachusetts for the fiscal year commencing July 1, 2021 to install drainage, widen, pave, and otherwise improve any public way in accordance with the provisions of Chapter 90 of the Massachusetts General Laws; or take any other action relative thereto.

ARTICLE 19. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Capital expenditures for Fiscal Year 2022; and to authorize the Town Administrator to sell or trade items rendered surplus by such purchases; or take any other action relative thereto.

Department/Location	Project	Expenditure
<u>Dept. of Public Works</u>	Replace 2005 Mower	16,240
	DPW Building improvements	25,000
	Paving to Supplement C. 90	100,000
	Replace 2007 Roll-Off Truck	200,000 *
	<i>Public Works subtotal</i>	341,240
<u>Police Department</u>	Cruiser Radios (2)	8,500
	Radar Guns	5,000
	License Plate Reader	22,050
	Taser Replacement	6,050
	AED Replacement	9,000
	Police Station Upgrades	10,000
	<i>Police subtotal</i>	60,600
<u>Fire Department</u>	Vehicle Repairs: Bucket Truck & Squad 5	7,500
	Radio/Telephone Recorder	17,080

	Replace Engine 1 (Pumper)	710,000	*
	Outfit/Train New Firefighters/Paramedics	25,580	
	Fire subtotal	760,160	
<u>Information Technology</u>	Exchange Server Upgrade	7,000	
	Warranty Renewals	7,500	
	Cybersecurity Protection	10,000	
	Replace Wireless Access Points	5,000	
	VMware Upgrades	2,400	
	MUNIS Upgrade	10,000	
	Information Technology subtotal	41,900	
<u>Facilities</u>	Memorial Hall Handicap Ramp Replacement	25,000	
	Town-wide Handicap Improvements	10,000	
	Facilities subtotal	35,000	
<u>Administration</u>	Digitizing of Inspectional Services Records	45,000	
	Consulting Services: Charter Review	15,000	
	Administration subtotal	60,000	
<u>Assessors</u>	Contractual Services: Utility, Commercial	12,700	
	CAI Advanced Query Module	1,300	
	Cyclical Inspections	10,000	
	Assessors subtotal	24,000	
<u>Council On Aging</u>	Building Improvements	5,700	
	Council On Aging subtotal	5,700	
<u>Essex No. Shore Tech</u>	Capital contribution	12,341	
	Essex Tech subtotal	12,341	
Capital Projects Total		\$ 1,340,941	

* Indicates items for which borrowing is the intended funding source. Requires 2/3 vote.

Purpose: This article requests approval of the capital budget for the coming fiscal year. Capital items are assets that have a useful life of five (5) or more years and a cost of more than \$5,000. Regular capital investment is critical to maintaining the Town's infrastructure, including the vehicle fleet, buildings, equipment, and acquisition of land. Annually, a capital improvement plan (CIP) is developed looking ahead for the next five years. Year one of the CIP is the ensuing year's capital budget. The FY22 Capital Budget is proposed to be funded by \$430,941 from Free Cash and \$910,000 in borrowing over a 7 year term.

ARTICLE 20. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds to various reserve and trust funds; or take any other action relative thereto.

Purpose: This article transfers funds from Free Cash to various reserve funds, including stabilization funds and the other post-employment benefits (OPEB) trust fund.

ARTICLE 21. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of **\$20,000** to fund the acquisition, by purchase, gift, or eminent domain, of two certain parcels of land: Lot 97 on Middleton Assessors Map 25 consisting of 22,709 square feet more or less located off King Street and Lot 119 on Middleton Assessors Map 25 consisting of 30,056 square feet more or less; and to authorize the Board of Selectmen to convey and accept easements related thereto; or take any other action relative thereto.

Purpose: This article will authorize the acquisition of two parcels of unbuildable land that abuts Town land.

Planning Board Recommendation: The Planning Board voted 5-0 to recommend in favor.

ARTICLE 22. On petition of the Master Development Planning Committee, Board of Selectmen, and Finance Committee, to see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of **\$61,700,000**, for the design, permitting, construction, and furnishing of a combined Fire and Police Public Safety Building and a combined Community Center and Town Hall on the Town-owned land located at 105 South Main Street, including all costs incidental and related thereto; to determine whether the approval of borrowing for this purpose shall be contingent upon passage of a Proposition 2 ½ Debt Exclusion referendum under Massachusetts General Laws c. 59, s. 21C(k); to determine whether any premium received by the Town upon the sale of any bonds or notes approved, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws c. 44, s. 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and to authorize the Board of Selectmen and Town Administrator to execute such other documents and contracts as are needed to effectuate the vote taken hereunder; or take any other action relative thereto.

Planning Board Recommendation: The Planning Board will make its recommendation on the floor of Town Meeting.

Master Plan Recommendation: The Master Plan Committee will make its recommendation on the floor of Town Meeting.

Purpose: This article will authorize the design, permitting, construction, and furnishing of a new public facilities complex. The project consists of a Public Safety Building comprising a Fire Station and Police Station and a combined Community Center and Town Hall. Planning for this project began in 2019 and continued through the end of 2020. Approval requires a 2/3 majority vote by a Town Meeting and approval of a debt exclusion override by a majority vote at an election.

CITIZEN PETITIONS, BYLAW ADOPTIONS, AND REAL PROPERTY

ARTICLE 23. On petition of the Board of Selectmen, To see if the Town will vote to amend Chapter 68 Personnel, of the By-Laws of the Town by deleting the entire chapter and substituting in its place:

Chapter 68 Personnel

§ 68-1 Purpose and Intent.

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

§ 68-2 Applicability

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

§ 68-3 Responsibility of the Town Administrator.

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

§ 68-4 Contents of Personnel Policies.

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

- A. A method of administration. A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records; implementing effective recruitment and selection processes; maintaining the

classification and compensation plans; monitoring the application of policies and periodic reviews and evaluation of the personnel system.

- B. A classification and compensation plan.
- C. A recruitment and selection policy.
- D. A centralized personnel record keeping system, and
- E. Other elements of a personnel system as deemed appropriate or necessary.

§ 68-5 Adoption of Policies.

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

- A. The Town Administrator shall prepare proposed personnel policies.
- B. The Town Administrator shall consult with employees that may be affected by proposed changes in personnel policies.
- C. The Town Administrator shall finalize personnel policies and transmit in writing any proposed policies to the Board of Selectmen.
- D. The Board of Selectmen shall review said policies and vote to approve, disapprove, or approve with modifications.
- E. Copies of new or amended policies shall be posted and distributed to department heads and employees.

§ 68-6 Severability.

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

§ 68-7 Effective Date.

This bylaw shall take effect upon passage.

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

ARTICLE 24. On petition of the Board of Selectmen, to see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for legislation amending the Town Charter with respect to personnel matters, as set forth below; or take any action relative thereto.

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

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

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

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

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

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

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

ARTICLE 25. To see if the Town will vote to amend the Masconomet Regional School District Agreement by adopting Amendments 9 and 10, as follows:

1. By striking Subsection “B” of Section I, which currently reads:

~~B. Interim Committee~~

~~Within 30 days after the passage of this Amendment (refers to 8th Amendment) to the Masconomet Regional School District Agreement by the member towns, an interim Committee will be established which will consist of the four elected members from the Town of Topsfield, the four elected members from the Town of Boxford plus one member from the Town of Boxford appointed by the selectmen of the Town of Boxford and the remaining interim Committee members from Boxford, said appointed member to serve until the next annual election; the three elected members from the Town of Middleton plus one member from the Town of Middleton appointed by the Selectmen of the Town of Middleton and the remaining interim Committee members from Middleton, said appointed member to serve until the next annual election.~~

and re-lettering the remaining subsections to reflect the deletion of Subsection "B".

2. In Subsection "D" of Section IV, "Apportionment of Capital Costs," by striking "Essex County Agricultural School" and replacing it with "Essex Northshore Agricultural and Technical School" and by striking the sentence: "This amendment shall first take effect with the apportionment for the year 1962."
3. In Subsection "F" of Section IV, "Fiscal Year and Times of Payments of Apportioned Costs," by striking the following:

~~"Provided, however, that for the fiscal period beginning January 1, 1973, and ending June 30, 1974, the dates on or before which the respective percentages of the costs of the District for said period apportioned to each member town shall be paid shall be as follows:~~

April 1, 1973	17%
June 1, 1973	16%
September 1, 1973	17%
December 1, 1973	16%
March 1, 1974	17%
June 1, 1974	17%

~~This section shall be effective only to the extent that Chapter 849 of the Acts of 1969 as amended shall be in effect."~~

4. By striking Subsection "A" of Section V, "Budget," which currently reads:

A. — Initial Budget

~~Within sixty days after the original Committee is organized, it shall prepare a reasonably detailed operating and maintenance budget covering expenses, if any, for the balance of the then calendar year. Copies of such proposed~~

~~budget shall be submitted to the Chairman of the Finance or Advisory Committee of each member town, or if there is no Finance or Advisory Committee in a member town, to the Chairman of the Board of Selectmen of such town, for its consideration. A budget shall be adopted not earlier than fourteen days but within thirty days after the proposed budget has been so submitted. The amount of the said budget shall be apportioned between the member towns according to the provisions in section N hereof. The treasurer shall certify to each member town its respective share of said budget. The sums thus certified shall be payable forthwith by each member town to the Committee but only from funds which may be or may have been appropriated by each member town for such purpose, if any.~~

and re-lettering the remaining subsections to reflect the deletion of Subsection "A".

5. By striking Subsection "C" of Section I, which currently reads:

~~C. Elected Members~~

~~In order to comply with the proportional representation requirements mandated by the United States Constitution (also known as "one man, one vote"), the total number of representatives to the Committee from each of the Towns of Boxford and Topsfield shall be reduced by one. To accomplish this reduction, one position on the Committee held by a representative of the Town of Topsfield with a term expiring in 2012 shall be abolished upon the expiration of such representative's term in 2012. In addition, one of the two positions on the Committee held by the representatives of the Town of Boxford with a term expiring in 2012, shall be abolished upon the expiration of such representative's term. The Chairman of the Committee shall determine by lot the particular position to be eliminated.~~

and replacing it with the following:

"B. Election of Committee Members

"Members of the Committee from each member town shall be elected by voters in such member town at such member town's annual town election to serve three-year terms on a staggered basis. Thus every third year, two persons shall be elected by the voters in Middleton and two persons shall be elected by the voters in Boxford to serve on the Committee, and otherwise one person shall be elected from each member town every year.

"It is the intent of this agreement, pursuant to G.L. c. 71, § 14E, that Committee members be elected by voters in member towns with each member town's representation apportioned according to population.

Accordingly, the Committee will review its apportionment as soon as practicable after each federal census and will recommend such amendments to this agreement as may be necessary to ensure that such apportionment continues to reflect the relative population of the member towns as accurately as possible.”

Or take any action relative thereto.

Purpose: This article would amend the Masconomet Regional Agreement by making housekeeping changes and deleting obsolete provisions.

ARTICLE 26. To see if the Town will vote to amend the Masconomet Regional School District Agreement by adopting Amendment 11, as follows:

By striking Subsection “E” of Section IV, “Apportionment of Operating Costs,” which currently reads:

~~E. Apportionment of Operating Costs~~

~~Operating costs for the first calendar year next following the establishment of the regional school district and for every calendar year thereafter shall be apportioned to the member towns on the basis of their respective pupil enrollments in the regional school. Each member town's share for each calendar year shall be determined by computing the ratio which that town's pupil enrollment in the regional district school on October 1 of the year in which apportionment is determined bears to the total pupil enrollment from all the member towns in the regional district school on the same date. In the event that enrollment in the regional district school has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of enrollment in grades 7 through 12 of pupils residing in each member town and receiving education at such town's expense on October 1 of that year.~~

And replacing it with the following:

“E. Apportionment of Operating Costs

“1. Operating costs for fiscal years 2021 through 2022 will be apportioned to member towns using the method outlined in G.L. c. 70 § 6. Operating assessments for each member town shall equal the sum of (i) such member town's required local contribution to the regional school district as determined by the Commissioner of Elementary and Secondary Education, and (ii) the product of (a) that portion of the regional school district's net school spending, as defined by G.L. c. 70, § 2, which exceeds the total required local contribution for all member towns, multiplied by (b) the ratio which such

member town's pupil enrollment in the regional school district on October 1 of the year in which apportionment is determined bears to the total pupil enrollment from all member towns on the same date.

"2. For Fiscal Year 2023, operating costs will be apportioned to member towns using the method outlined in G.L. c. 70, § 6. Operating assessments for each member town shall equal the sum of (i) such member town's required local contribution to the regional school district as determined by the Commissioner of Elementary and Secondary Education, and (ii) the product of (a) that portion of the regional school district's net school spending, as defined by G.L. c. 70, § 2, which exceeds the total required local contribution for all member towns, multiplied by (b) the ratio which such member town's October 1 pupil enrollment in the regional school district for the two (2) preceding fiscal years bears to the total pupil enrollment from all member towns during the same period.

"3. For Fiscal Year 2024, operating costs will be apportioned to member towns using the method outlined in G.L. c. 70, § 6. Operating assessments for each member town shall equal the sum of (i) such member town's required local contribution to the regional school district as determined by the Commissioner of Elementary and Secondary Education, and (ii) the product of (a) that portion of the regional school district's net school spending, as defined by G.L. c. 70, § 2, which exceeds the three (3) preceding fiscal years bears to the total pupil enrollment from all member towns during the same period.

"4. For Fiscal Year 2025, operating costs will be apportioned to member towns using the method outlined in G.L. c. 70, § 6. Operating assessments for each member town shall equal the sum of (i) such member town's required local contribution to the regional school district as determined by the Commissioner of Elementary and Secondary Education, and (ii) the product of (a) that portion of the regional school district's net school spending, as defined by G.L. c. 70, § 2, which exceeds the total required local contribution for all member towns, multiplied by (b) the ratio which such member town's October 1 pupil enrollment in the regional school district for the four (4) preceding fiscal years bears to the total pupil enrollment from all member towns during the same period.

"5. Beginning in Fiscal Year 2026, operating costs will be apportioned to member towns using the method outlined in G.L. c. 70, § 6. Operating assessments for each member town shall equal the sum of (i) such member town's required local contribution to the regional school district as determined by the Commissioner of Elementary and Secondary Education, and (ii) the product of (a) that portion of the regional school district's net school spending, as defined by G.L. c. 70, § 2, which exceeds the total required local contribution for all member towns, multiplied by (b) the ratio which such

member town's October 1 pupil enrollment in the regional school district for the five (5) preceding fiscal years bears to the total pupil enrollment from all member towns during the same period."

Or take any action relative thereto.

Purpose: This article would amend the Masconomet Regional Agreement by making changes to provisions governing apportionment of operating costs.

ARTICLE 27. To see if the Town will vote to amend the Masconomet Regional School District Agreement by adopting Amendment 12, as follows:

By striking the second sentence of Subsection "F" of Section IV, "Fiscal Year and Times of Payments of Apportioned Costs," which currently reads:

~~Except as otherwise provided in subsection V(A), the annual share of each member town shall be paid in four (4) equal installments quarterly due on or before the following dates each year:~~

September 1	25%
December 1	50%
March 1	75%
June 1	100%

and replacing it with the following:

"Except as otherwise provided in subsection V (A), the annual share of each member town shall be paid in four (4) equal installments quarterly due on or before the following dates each year:

August 15
November 15
February 15
May 15"

Or take any action relative thereto.

Purpose: This article would amend the Masconomet Regional Agreement by making changes to provisions governing payment of operating costs.

ARTICLE 28. To see if the Town will vote to amend the Town's General Bylaws to change all gender specific pronouns to gender neutral pronouns in a manner consistent with the examples below;

"Board of Selectmen" changes to "the Select Board"
"Selectmen" changes to "Select Board member" or "member of the Select Board"
"Chairman" changes to "the Chair" or "the Chairperson"
"Vice-Chairman" changes to "Vice-Chair" or "Vice-Chairperson"
"He/She" changes to "they"
"His/Hers" changes to "their"
"Him/Her" changes to "them"

Or take any action relative thereto.

ARTICLE 29. On petition of the Planning Board to see if the Town will vote to amend the Middleton Zoning Bylaw and Map by amending Section 2.2 "Overlay Districts" by adding the following new Section 8.7 "Groundwater Protection Overlay District" and t non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Middleton:

1) Add the following to Section 2.2 "Overlay Districts":

Groundwater Protection Overlay District (GPOD)

2) Add the following Section 8.7 "Groundwater Protection Overlay District":

8.7. Groundwater Protection Overlay District

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

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

8.7.2. Scope of authority. The Groundwater Protection District is an overlay district superimposed on the other zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

8.7.3. Definitions.

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

CMR: Code of Massachusetts Regulations.

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

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

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

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

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

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

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

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

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

MassDEP: Massachusetts Department of Environmental Protection.

MGL: Massachusetts General Law.

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

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

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

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

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

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

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

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

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

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

ZONE II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

8.7.4. Establishment and delineation of Groundwater Protection Overlay District. For the purposes of this bylaw, there is hereby established within the Town of Middleton, a certain groundwater protection area consisting of aquifers or recharge areas. This area is delineated on the Middleton Zoning Map and is based on the MassDEP Wellhead Protection Areas (Zone II) layer which is maintained in a MassDEP Enterprise Geodatabase as a polygon feature class named [ZONE2_POLY] and is hereby made part of the Groundwater Protection District Bylaw and is on file in the office of the Town Clerk.

8.7.5. Permitted uses. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. All uses permitted in the underlying zoning district and not specifically prohibited hereby are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained.

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

1. landfills and open dumps;
2. landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7;
3. automobile graveyards and junkyards as defined in M.G.L. c. 140B, § 1;
4. stockpiling and disposal of snow or ice removed from highways and streets located outside of Zone II that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;
5. petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
6. non-sanitary wastewater discharges from industrial and commercial facilities, except for:
 - a. replacement or repair of an existing system that will not result in a design capacity greater than the existing system;
 - b. treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - c. publicly owned treatment works.
7. facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
 - a. very small quantity generators as defined under 310 CMR 30.000;
 - b. household hazardous waste centers and events under 310 CMR 30.390;
 - c. waste oil retention facilities required by MGL c. 21, s.52A;
 - d. treatment works approved by MassDEP for the treatment of contaminated waters.

8. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
9. storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
10. storage of commercial fertilizers unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
11. storage of animal manure per (310 CMR 22.21(2)(b)(4)), unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
12. storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:
 - a. in container(s) or above ground tank(s) within a building; or
 - b. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater; however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;
13. earth removal, consisting of the removal of soil, loam, sand, gravel, or any other mineral substances within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark and except for excavations for the construction of building foundations, roads, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, s.40, and
14. land uses that result in rendering impervious any portion of any lot or parcel located within the GWPOD more than 15% or 2,500 square feet of such area located within such GWPOD, whichever is greater; unless in full compliance with the requirements of the Middleton Stormwater Management Bylaw, Chapter 204 (1) of the Town of Middleton General Bylaws.

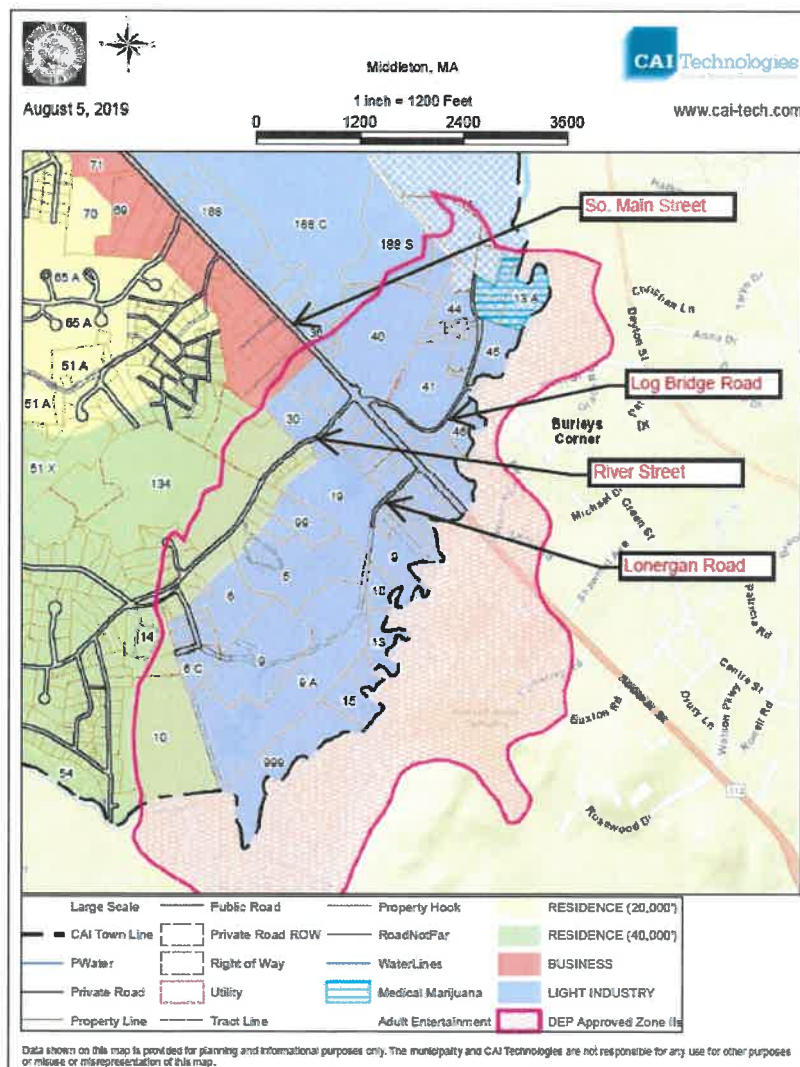
8.7.7. Nonconforming uses and structures. The Groundwater Protection Overlay District Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure shall be permitted unless authorized in accordance with Section 3.3 "Nonconforming Uses & Structures" of the Bylaw.

8.7.8. Enforcement. Written notice of any violations of this bylaw shall be given by the Building Commissioner to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or

restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Board of Appeals, Conservation Commission, Department of Public Works, Fire Department, and Board of Health. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

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

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



Or take any other action relative thereto.

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

Planning Board Recommendation: The Planning Board voted unanimously to recommend in favor of the article.

Master Plan Committee Recommendation: The Master Plan Committee voted 6-0 to recommend in favor of the article.

ARTICLE 30. On petition of ten or more residents, to see if the Town will vote to amend Chapter 230, Water, Article I Irrigation/Outside Watering, sections 230-1 Purpose; applicability and 230-3 Restrictions and Article II Water Use Restriction, sections 230-5 Intent; applicability and 230-8 Definitions by inserting the text shown in **bold underline**; or take any other action relative thereto:

§ 230-1 Purpose; applicability.

The **undersigned propose** the following bylaw in an effort to promote water conservation, reduce seasonal water usage and attain the bench mark water consumption standard of 65 gallons of water per capita as required under the Modified Water Withdrawal Permit Number 9P-3-17-071.01, et al., pursuant to the Water Management Act under MGL c. 21G and governed by the Massachusetts Department of Environmental Protection. All users that are customers of the public water supply **or on private wells** shall be subject to this bylaw to preserve and maintain the Ipswich Watershed Basin. All lands within the Middleton municipal boundaries drain to the Ipswich Watershed Basin and are thus part of said basin.

§ 230-3 Restrictions.

- A. It is unlawful to undertake outside watering of vegetation between the hours of 8:00 a.m. and 7:00 p.m. using Town water **or a private well** through a sprinkler or lawn irrigation system.

§ 230-5 Intent; applicability.

The **undersigned propose** the following bylaw to create a balance between the needs of the environment, the citizens of Middleton and the drinking water supply. The Town is aware of the concerns about lower groundwater levels in the Ipswich River Watershed Basin and the potential demand on its water resources during the dry summer months. The Town also recognizes the therapeutic, esthetic, and environmental benefits that gardening, landscaping and greenery bring to the community. It is the intent of this bylaw to permit residents to maintain their properties, while not overburdening Town water supplies or the water distribution system, and to make a positive contribution to the environment. All Middleton residents that are either customers of the public water supply **or private well users** shall be subject to this bylaw in order to preserve and maintain the Ipswich Watershed Basin.

§ 230-8 Definitions.

WATER USERS or WATER CONSUMERS

Shall mean all public users of the Town's public water system **or private well users** and Ipswich River Watershed, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Or take any other action relative thereto.

Planning Board Recommendation: The Planning Board will make its recommendation on the floor of Town Meeting.

ARTICLE 31. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 5B establishing a Sidewalk & Pedestrian Improvements Stabilization Fund; or taken any action relative thereto.

Purpose: The Sidewalk & Pedestrian Improvements Stabilization Fund will be a reserve fund to hold funds contributed by developers to be used for the construction of sidewalks and pedestrian improvements. The Sidewalk & Pedestrian Improvements Stabilization Fund will be separate and distinct from other stabilization funds.

Planning Board Recommendation: The Planning Board voted 3-2 to recommend in favor of the article.

ARTICLE 32. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all or a percentage not less than 25 percent, of particular fees, charges, or receipts to the Sidewalk & Pedestrian Improvements Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2021; or taken any action relative thereto.

Purpose: This article provides that receipts contributed by developers to be used for the construction of sidewalks and pedestrian improvements be directly transferred into the Sidewalk & Pedestrian Improvements Stabilization Fund discussed under the previous warrant article.

Planning Board Recommendation: The Planning Board voted 3-2 to recommend in favor of the article.

ARTICLE 33. On petition of the Middleton School Committee and Superintendent, to see if the Town will vote pursuant to General Law chapter 30B, section 12 to authorize the Superintendent of Schools to solicit and award contracts for transportation and contracts for food service management for terms exceeding three years, but not longer than five years, including any renewal, extension, or option, provided in each instance the longer term is found by vote of the School Committee to be in the best interest of the Town; or take any action relative thereto.

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

ARTICLE 34. On petition of Frank W. Twiss and ten registered voters to see if the Town will accept the provisions of Massachusetts General Laws, Chapter 41, Section 100B.

ARTICLE 35. On petition of the Middleton Board of Assessors and the Council on Aging Director to see if the Town will vote to adopt Clause 17F of Chapter 59, Section 5 of the Massachusetts General Laws and to increase the amount of the exemption set forth in Clause 17D annually by the cost of living factor as determined by the Consumer Price Index, said acceptance to take effect in Fiscal Year 2022; or take any action relative thereto.

Purpose: The proposed increased exemption will have a minimal impact on the town levy as demonstrated by the charts below. Over the past 20 years, the Board of Assessors has granted an average of two Clause 17D statutory exemptions per year.

The following chart shows how the exemption amounts would have increased annually had Clause 17F been adopted previously:

Year	Exemption Amount (rounded)	Cost of Living Increase Factor	New Exemption Amount (rounded)
FY 2018	175	0.0148	\$178
FY 2019	178	0.025	\$182
FY 2020	182	0.033	\$188
FY 2021	188	0.023	\$192

The following chart shows the actual amounts exempted for the past three fiscal years and the current fiscal year to date, as well as what the total amounts exempted would have been with the COLA increase had Clause 17F been adopted previously:

Year	# of Exemptions	Total Actual Exempted	Cost of Living Increase (COLA)	Exemption Amount with COLA (rounded)
FY 2018	2	\$350	1.48%	\$356
FY 2019	3	\$525	2.5%	\$546
FY 2020	2	\$350	3.3%	\$376
FY 2021	2*	\$350	2.3%	\$384

*applications received and granted as of February 18, 2021

There is no increase in state re-imbursement available for the potential exemption increase.

END OF ANNUAL TOWN MEETING WARRANT

To the Town Constable:

You are hereby ordered to notify and warn said qualified voters to meet at the Fuller Meadow School on **Saturday, June 12, 2021**, next for the following purposes, VIZ: To choose by ballot the following Town Officers for the ensuing year and vote on the following referendum:

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

And to vote on the following referendum:

1. Shall the Town of Middleton be allowed to exempt from the provisions of Proposition Two-and-One-Half, so-called, the amounts required to pay for the bonds issued in order to acquire the parcel of land shown as Assessors map 29, parcel 184, consisting of 52 acres, more or less, and for the design, permitting, construction, and furnishing of a public facilities project consisting of a combined Police and Fire Public Safety Building and a combined Community Center and Town Hall, and all incidental and related costs associated therewith?

The Polls open at 7:00 a.m. and close at 6:00 p.m. Voting takes place at the Fuller Meadow School, 143 South Main Street, Middleton, MA.

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

Memorial Hall	Flint Public Library	Ferncroft Towers, and
Post Office	Howe Station Market	Fuller Pond Village

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

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

MIDDLETON BOARD OF SELECTMEN

A true copy Attest:

Constable of the Town of Middleton

Date Posted

Andrew Sheehan

From: DFS-TM - Grants, OPS (DFS) <ops.dfs-tm.-.grants@state.ma.us>
Sent: Wednesday, April 21, 2021 3:38 PM
To: Thomas Martinuk (Midfire)
Cc: Andrew Sheehan
Subject: FY21 Firefighter Safety Equipment Grant Contract
Attachments: FY21 Firefighter Safety Equipment Grant Final Report Template.docx; FAQs.docx; FY21 Middleton.pdf

9.

Hi Chief Martinuk,

Attached is a copy of your fully executed FY21 Firefighter Safety Equipment Grant contract for your records. You may now begin purchasing the items approved in your Scope of Work and Budget. Please note that your approved budget amendment request is included in this attachment, and you are authorized to purchase hoods and gloves now.

To request reimbursement for approved items after you have received them, please submit the following documents to this email address (OPS.DFS-TM-Grants@mass.gov) no later than July 23rd:

- Itemized Invoice(s)
- Proof of Payment (check copy or other official financial system record)
- Completed Final Report (template form attached)

Please remember that the deadline for delivery of equipment purchased through this grant program is June 30, 2021. If at any point you determine that your equipment will not be delivered prior to that date, please send an email to this account (OPS.DFS-TM-Grants@mass.gov) with the information below so that we can assist you with a contract extension:

- Type of equipment ordered
- Quantity of equipment ordered
- Vendor(s) equipment was ordered from
- Total price of equipment
- Date equipment order was placed
- Date equipment delivery is expected

I have also attached an FAQ document on DFS grant programs for your reference. Thanks.

Tim Moore

Fire Standard Compliant Cigarette Program Coordinator
Department of Fire Services
P.O. Box 1025 | Stow, MA 01775
Desk: 978-567-3721

Timothy.Moore@mass.gov | www.mass.gov/dfs



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions, Contractor Certifications and Commonwealth Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: Town of Middleton (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Department of Fire Services MMARS Department Code: DFS	
Legal Address: (W-9, W-4): 48 S Main St, Middleton, MA 01949		Business Mailing Address: P.O. Box 1025, Stow MA 01775	
Contract Manager: Chief Thomas J. Martinuk	Phone: 978-774-2466	Billing Address (if different):	
E-Mail: tom.martinuk@midfire.com	Fax: 978-774-0709	Contract Manager: David Clemons	Phone: 978-567-3179
Contractor Vendor Code: VC6000191884		E-Mail: David.Clemons@mass.gov	Fax: 978-567-3121
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): CT-DFS-1000-2021FFEQMIDDLETON000	
		RFR/Procurement or Other ID Number: BD-21-1021-DFS-DFS01-56872	
<u>X</u> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		<u> </u> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____ Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions, Contractor Certifications and the following Commonwealth Terms and Conditions document is incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or <i>new</i> total if Contract is being amended). <u>\$12,500.00</u> .			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days <u> </u> % PPD; Payment issued within 15 days <u> </u> % PPD; Payment issued within 20 days <u> </u> % PPD; Payment issued within 30 days <u> </u> % PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) FY2021 Firefighter Safety Equipment Grant; This contract is for funds awarded under the Department of Fire Services' FY21 Firefighter Equipment Grant, in accordance with the FY21 Grant Application, and attached Grant Agreement Scope of Work and Budget. Funds for this program will be disbursed on a reimbursement basis only.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the Effective Date below and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 3. were incurred as of _____, 20____, a date <u>PRIOR</u> to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of June 30, 2021, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, this Standard Contract Form, the Standard Contract Form Instructions, Contractor Certifications, the applicable Commonwealth Terms and Conditions, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>4/9/21</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>ANDREW J. SHEEHAN</u> Print Title: <u>TOWN ADMINISTRATOR</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>4/21/21</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Peter J. Ostroskey</u> Print Title: <u>State Fire Marshal</u>	

Department of Fire Services

Grant Award Amendment Request Form

Grant Program Name: FY21 Firefighter Safety Equipment Grant

Grant Recipient Name: Middleton Fire Department

Amendment Request Type: ☐ Performance Period Extension ☒ Budget Revision

Performance Period Extension

Current End Date: _____ **Requested New End Date:** _____

Leave this section blank if only requesting a budget revision

Budget Revision

Reductions from Original Budget			
Item Description	Quantity	Unit Cost	Total Cost
Bunker Coat	5	\$1,455.35	\$7,276.75
Pants/ suspenders	4	\$1,061.27	\$4,245.08
pants/suspenders	1	\$978.17	\$978.17
			\$12,500.00

Additions to Original Budget			
Item Description	Quantity	Unit Cost	Total Cost
Bunker Coat	2	\$1,531.85	\$3,063.70
Bunker Pants	2	\$1,102.78	\$2,205.56
Bunker Coat	2	\$1,475.60	\$2,951.20
Bunker Pants	2	\$1,061.27	\$2,122.54
Hoods	10	\$120.00	\$1,200.00
Gloves	11	\$87.00	\$957.00
			\$12,500.00

Leave this section blank if only requesting a performance period extension

Justification

Please explain the need for a performance period extension and/or budget revision in the space below:

I adjusted the inventory and amounts because I wanted to add gloves and hoods.

Recipient Signature

Authorized Signatory (printed): Thomas Martin

Authorized Signatory Title: Fire chief

Signature: 

Date: 4/12/2021

DFS Signature

Decision: ☒ Approved ☐ Denied

Grant Manager Name: David Clemens

Grant Manager Title: Director of operations

Signature: Paul Olsen

Date: 4/21/21

**COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

Issued May
2004



CONTRACTOR LEGAL NAME :

Town of Middleboro

CONTRACTOR VENDOR/CUSTOMER CODE:

VC 0000 191884

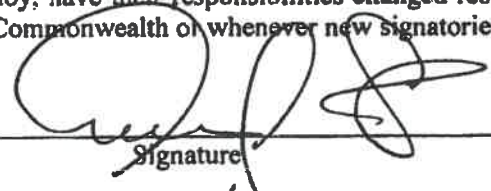
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
<i>ANDREW T SHEEHAN</i>	<i>TOWN ADMINISTRATOR</i>

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.


Signature

Date:

4/9/21

Title:

TOWN ADMINISTRATOR

Telephone: *978-977-3617*

Fax:

Email:

ANDREW.SHEEHAN@MIDDLEBORO.GOV

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

**Department of Fire Services and Town of Middleton
FY21 Firefighter Equipment Grant Agreement Scope of Work and Budget**

Authorization: This grant is awarded by the Department of Fire Services' FY21 Firefighter Safety Equipment grant program for the purchase of firefighter safety equipment in accordance with line item 8324-2000 of Chapter 151 of the Acts of 2020.

Grant Manager: The MA Department of Fire Services and the grantee will each assign a grant manager with respect to this Scope of Work. It is anticipated that the grant manager will not change during the period the Scope of Work is in force. In the event that a change is necessary, the party requesting the change will provide prompt written notice to the other. In the event a change occurs because of a non-emergency, two-week written notice is required. For a change resulting from an emergency, prompt notice is required.

The MA Department of Fire Services grant manager will work closely with the grantee to ensure successful completion of the grant, will consult with the grantee to develop the Scope of Work, will coordinate input as needed, and will review and approve deliverables, progress reports and authorize acceptance and compensation of deliverables.

The grantee's grant manager will serve as the interface between the MA Department of Fire Services and all grantee personnel participating in this program, will maintain the Scope of Work and Budget in consultation with the MA of Fire Services grant manager, will facilitate regular communication with the MA Department of Fire Services grant manager including status reports/updates and review of performance against the Scope of Work, and will work closely with the MA Department of Fire Services to ensure successful completion of the grant.

The grantee's grant manager is Chief Thomas J. Martinuk who can be reached: at 48 S Main St, Middleton, MA 01949, email: tom.martinuk@midfire.com. The MA Department of Fire Services grant manager is David Clemons, Director of Operations, 1 State Road, Stow, MA 01775, tel 978-567-3179, email: David.Clemons@mass.gov.

Period of Performance: Approved expenditures may not be made until a contract has been executed between DFS and the grant recipient. Expenses incurred prior to the complete execution of a contract by both the Grantee and DFS will not be eligible for reimbursement through this program. Do not incur costs until you have received a signed contract with DFS signature and approval.

Grant recipients must take delivery of equipment no later than June 30, 2021.
Reimbursement requests must be submitted no later than July 23, 2021. DFS will only reimburse for costs incurred through the grant performance period, June 30, 2021.

Grant Project Description and Budget: The funds may not be used to serve as a match for a federal grant. The funds may not be used for construction and all applicable local and state

procurement requirements must be adhered to in the use of the grant funds. The grant funds must be used to purchase the following approved firefighter safety equipment.

Grant Award:

Department	Description of allowable Equipment
Middleton Fire Department	Bunker Coat Bunker Pants & Suspenders Hoods Gloves
Total Award	\$12,500.00

Changes in Scope of Work or Budget: The grant project description and budget are fixed and any change would be a "material" change in the contract. "Material" changes to the project description (adding, deleting or altering items) or budget lines (deletions, additions or changes to items) will require both parties to execute a *Standard Contract Amendment Form*. Contract amendments may not be done retroactively and must be done prior to the grant end date.

Reimbursement Request Process: The MA Department of Fire Services will disburse funds on a cost reimbursement basis. The Grantee must submit a Final Grant Report, using the attached DFS Programmatic Summary Form and DFS Financial Summary Form, to the DFS grant manager detailing the equipment that was purchased, how it was deployed within the fire department, and the benefit(s) realized through the funding before a reimbursement payment will be processed. This Final Grant Report shall serve as the invoice for reimbursement and must be accompanied by proper supporting documentation.

The final deadline for submission of these reports is July 23, 2021. Reimbursement payments will be made approximately 45 days from receipt of complete and accurate forms and complete and accurate associated supporting documentation.

All costs requested for reimbursement must be listed on the DFS Financial Summary Form. The following reimbursement supporting documentation must also be included with this form:

1. itemized invoice(s) listing all items purchased;
2. proof of payment, such as
 - a. a cancelled check OR
 - b. invoice marked paid and signed by the City/Town fiscal officer OR
 - c. warrant marked paid and signed by the City/Town fiscal officer.
3. proof of payment must include:
 - a. vendor name,
 - b. date paid,
 - c. amount paid,
 - d. warrant number or check number.

DFS is committed to timely and accurate programmatic reporting and reimbursement of grant expenditures. DFS encourages all grantees to participate in periodic training workshops or refer

Grant Extensions: Grant recipients may request a single performance period extension if extenuating circumstances beyond the control of the recipient (backordered equipment, supply chain disruptions, vendor errors, etc.) will prevent equipment from being delivered on or before June 30, 2021. Extensions for these purposes must be submitted to the DFS grant manager by email no later than June 15, 2021. Approval of extension requests is at the sole discretion of DFS. A formal signed contract amendment is the only method allowed to approve a date extension. No extensions beyond October 31, 2021 will be approved.

Grant Monitoring: The Department of Fire Services may conduct grant monitoring through either a desk-based review or on-site monitoring visits, or both, in order to obtain additional information or verify information related to grant spending, grant-funded activity, or grant award outcomes. Advance notice will be given prior to a site visit. Findings of non-compliance with any portion of the terms of the FY21 Firefighter Safety Equipment Application, the executed Standard Contract Form, and the DFS Grant Agreement Scope of Work and Budget may result in a demand for funds to be returned to DFS.

Records Management: The grantee shall maintain records in accordance with state grant regulations 815 CMR 2.08 which shall include but is not limited to "... maintain records, books, files and other data as specified in a contract and in such detail as shall properly substantiate claims for payment under a contract, for a minimum retention period of seven years beginning on the first day after the final payment under a contract, or such longer period as is necessary for the resolution, of any litigation, claim, negotiation, audit or other inquiry involving a contract..."

Approved by:



Town of Middleton

ANDREW J. SHEEHAN, Town Admin.

Print Name and Title

4/9/21

Date

Approved by:



Department of Fire Services

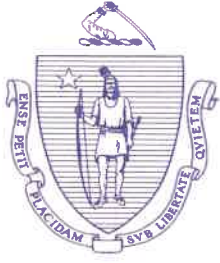
David Clemens, Director of Operations
for Peter J. Ostroskey, State Fire Marshal

Print Name and Title

4/21/21

Date

Correspondence and informational materials



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

April 16, 2021

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

Dear Town Administrator Sheehan:

Andrew

I am writing to congratulate the Town of Middleton on having completed the best practices chosen as part of your second Community Compact. Fostering a strong partnership with our municipalities continues to be a top priority for the Baker-Polito Administration, and it is exciting to have the Community Compact program available for our partners in local government. As you know, Community Compacts create clear mutual standards, expectations, and accountability for both the state and municipalities as together we seek to create better government for our citizens.

I want to applaud the Town for choosing and finalizing the Centralized HR/Personnel Operations and Inventory and Geo-Code Assets best practices. With assistance from two Community Compact Best Practice grants, Middleton was able to complete these best practices and make improvements in these key areas. ✓

The Governor and I appreciate Middleton participating in the Community Compact initiative!

Sincerely,

Karyn
Karyn E. Polito
Lieutenant Governor

*Great job!
Thank you.*

cc: Sean Cronin, Senior Deputy Commissioner of Local Services



Tri-Town Council Board of Directors and staff invite you, our valued partners, donors stakeholders and funders to celebrate Tri-Town Council's work during an unusual year.

Annual Celebration

Thursday, May 13th

5:00 - 6:00pm

Virtual via Zoom

Join us to hear the stories from our youth and caring adults of growth, support, and commitment during this remarkable year. Share in celebrating the strength, resiliency and beauty of our TTC community.



*Kindly RSVP by Thursday, May 6th
using the link above*