

MIDDLETON SELECT BOARD
MEETING AGENDA
FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, JANUARY 25, 2022
7:00 PM
This meeting is being recorded

This meeting will be a hybrid of in-person and remote via Zoom. To join the meeting remotely, go to:

<https://us02web.zoom.us/j/81838804267?pwd=aThoMXZINW50K2hiN3NMaEh2VIdNUT09>

- 1 7:00 Warrants: 2216
Minutes: January 11, 2022
Town Administrator updates and reports
- 2 7:10 Public Comment Period
- 3 7:15 Review and act on the recommendation of the Police Chief to appoint Reserve Police Officer Leonardo Jorge as a Full Time Police Officer
- 4 7:25 Review and discuss citizen petition relative to amending the Masconomet Regional Agreement by inserting a recall provision; Town Counsel Jay Talerman to discuss legal and procedural matters
- 5 7:40 Discuss ruling from the Division of Open Government regarding Public Body Quorums Attending Meeting of Another Public Body; Town Counsel Jay Talerman
- 6 7:50 Discussion on Fire Chief's recommendation to apply for a SAFER grant to add full time firefighters
- 7 8:00 Continue discussion of compensation & classification plan: update of plan and discussion of policy decisions
- 8 8:15 Review, discuss, and vote on the Town Building Committee's recommendation to use G.L. Chapter 149A construction manager-at-risk delivery method on the Public Facilities Project
- 9 8:20 Review and discuss multifamily zoning requirements for MBTA Communities under the Act Establishing Partnerships for Growth, a/k/a Housing Choice Act
- 10 8:30 Review and adopt federal grant policy
- 11 8:25 Review and vote to accept the following donation:
Middleton Food Pantry - \$3,000 – Bostik, Inc.
- 12 8:30 New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
- 13 8:35 Executive Session relative to negotiations with the Middleton Police Benevolent Association

Upcoming Meetings:	February 5, 8:30AM	Operating Budget Summit
	February 8 & 22	Regular SB Meetings
	March 5, 8:30AM	Capital Budget Summit
	March 8 & 22	Regular SB 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

SELECT BOARD

FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER

143 SOUTH MAIN STREET, MIDDLETON, MA 01949

TUESDAY, JANUARY 11, 2022

7:00 PM

This meeting was recorded

Present: Chair Brian Cresta, Kosta Prentakis, Rick Kassiotis, Jeff Garber

Absent: Tim Houten

Others Attending: Town Administrator Andy Sheehan, Assistant Town Administrator/HR Director Jackie Bresnahan, Paul Pellicelli, Scott Kugel, Matthew Rosa, Michael Gonynor, Michael Frotten, Whitney Gillings, Kosta Agganis, Mary Aicardi, Chief William Sampson, Capt. Matt Armitage, Superintendent Scott Morrison, Assistant Superintendent Steve Greenberg, Michelle Aitken, Brian Carroll, and others

7:04 PM With a quorum present, Chair Brian Cresta called the meeting to order.

ROUTINES

- **Warrant Approval:** Town Administrator Andy Sheehan provided a brief review of Warrant #2214: Payroll: \$742,878; Bills Payable: \$5,007,596; and Warrant #2215: Payroll \$759,808; Bills Payable: \$429,613, noting that the Town Accountant had reviewed the warrants and requested the Board's approval. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Garber**, the Select Board **VOTED** unanimously to approve the warrants as presented.

- **Minutes:** After a brief review of available minutes, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Garber**, the Select Board **VOTED** unanimously to accept the minutes of November 30, 2021, December 14, 2021, December 14, 2021 Executive Session, and December 20, 2021, as written.

- **Town Administrator's Report:** Town Administrator Andy Sheehan provided the Board with information and updates on the following:
 - **FY2023 Budget Meetings:** Sheehan reported that they kicked off the FY2023 budget development process. He, the Assistant Town Administrator, and the Finance Director are meeting with departments this week. He added that it is generally the busiest week of the year, getting the initial view of department requests for FY2023 that starts on July 1, 2022. The Board, Finance Committee, and Department Heads will meet on Saturday, February 5,

2022, to review the budget and discuss the requests. With COVID numbers currently high he is preparing for a hybrid meeting with a zoom link. On March 5th the same parties will convene to review the capital budget and further discussion of the operating budget. Sheehan suggested that it will be a great opportunity for residents to watch how budgets are developed.

- **Town Meeting/Town Election:** Sheehan advised the Board and public that Town Meeting is scheduled for May 10th, at Howe Manning School. Citizen petitions are due February 1. Sheehan advised that the Annual Town Election is May 17th and election papers are now available this week at the Town Clerk's office.
- **First Snow Event of the Year:** Sheehan thanked the DPW, the contracted plow drivers, and the first responders for doing a good job with the first snow event of the year.
- **New Employees:** Sheehan reported that Madison Alley has started as the Assistant Treasurer Collector. Meredith Carlyle has started as administrative secretary in the Town Administrator's office. Sheehan added that they are currently looking for college interns in the Town Administrator's office, adding that they're hoping to find a couple of people for the spring semester.
- **ARPA Survey:** Sheehan announced that there is a survey on the website for suggestions on priorities for funding with ARPA funds.
- **Pedestrian Summit:** Sheehan announced that the Pedestrian Summit information is posted on the town's website, on the Select board page, adding that it will be updated as they make progress.

7:13 PM Public Comment Period:

- **Michael Gonyor 38 Mt. Vernon, Fire Department Union Representative:** Gonyor wanted to go on record advising that it is increasingly difficult for the Fire Department to handle all the calls for service in the community. He asked the Board if there is a plan to increase staffing with the Fire Department, noting that the SAFER grant is available from the federal government and applications close on February 4th. Gonyor added that it could potentially fund several new positions for up to four years. Select Board Chair Cresta noted Gonyor's comments, stated that budget requests originate with the department head, and advised Gonyor that the budget summit is February 5th.

7:18 PM Review and Act on the Recommendation of the Police Chief to Appoint the Following to the Police Department:

- **Michael LeColst as a Police Sergeant**
- **Kosta Agganis as a Reserve Police Officer**

**** Select Board member Rick Kassiotis recused himself from discussion and voting on this agenda item ****

Chief Sampson met with the Select Board to request that the Board appoint Michael LeColst as Police Sergeant, noting LeColst's experience, education, and qualifications. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Garber**, the Select Board **VOTED** unanimously to accept the Chief's recommendation to appoint Michael LeColst to Sergeant of the Police Department through June 30, 2022. **(Kassiotis recused)**

Chief Sampson recommended that the Board appoint Kosta Agganis as a Reserve Police Officer, noting his experience, education, and qualifications. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Garber**, the Select Board **VOTED** unanimously to accept the Chief's recommendation and appoint Kosta Agganis as a Reserve Police Officer of the Police Department through June 30, 2022. **(Kassiotis recused)**

Chair Cresta noted that Officer Jose Hernandez recently resigned due to other work obligations. He publicly thanked Officer Hernandez for his service to the Town of Middleton as a member of the Middleton Police Department.

7:20 PM 227 Maple Street: Review and vote on petition of Scott & Matty Pizza, Inc., d/b/a Captain Pizza for new wine and malt beverages with cordials restaurant license, new manager Scott B. Kugel, and transfer of common victualler and entertainment licenses; transfer from Barney Restaurant Group, LLC: Scott Kugel and Matty Rosa met with the Select Board to request that the Board approve their request for a new wine and malt beverages with cordials restaurant license, as well as the transfer of the common victualler and entertainment licenses, from Barney Restaurant Group. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Select Board **VOTED** unanimously to approve the transfer of the common victualler and entertainment licenses from Barney Restaurant Group LLC to Scott & Matty Pizza, Inc. d/b/a Captain Pizza, and approve the new wine and malt beverages with cordials restaurant license.

7:28 PM 51 Village Road: Review and vote on petition of Aimbridge Hospitality, LLC d/b/a Double Tree North Shore for transfer of all alcoholic inn holder license and change of common victualler and entertainment licenses from Merritt Boston North Operator LLC: Whitney Gillings, of Bluebonnet Consulting, representing Aimbridge Hospitality, met with the Select Board to provide information on the request to transfer the all alcoholic inn holder license and change of common victualler and entertainment licenses to Aimbridge Hospitality, LLC d/b/a DoubleTree North Shore. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Kassiotis**, the Select Board **VOTED** unanimously to approve the transfer of the all alcoholic inn holder license and change of common victualler and entertainment licenses to Aimbridge Hospitality LLC.

7:37 PM Compensation & Classification Plan: Update of Plan and Discussion of Policy Decisions; Mary Aicardi of the Collins Center for Public Management: Town Administrator Andy Sheehan provided the

Board with a brief background on the work Mary Aicardi, of the Collins Center, has been doing on the Compensation and Classification Plan. Aicardi advised she expects to have the report to the Board by the end of the month. Aicardi provided the Board with a very detailed presentation on the process they followed to update the town's Compensation and Classification Plan. In the middle of the presentation, a discussion ensued on the comparable municipalities used in the process, with Chair Cresta expressing his disappointment with the comparables that were chosen. After a lengthy discussion, Cresta suggested that the Board look at and approve the comparable communities before the report is completed. Aicardi offered to put together a packet of information including the municipalities and her rationale for including them. She will do a follow-up with the Board at a later date.

8:38 PM Review, discuss, and vote on participating in a planning/study committee that will evaluate pros and cons of elementary schools regionalization: Chair Cresta provided a brief summary of his recent meeting with school officials regarding the regionalization study. Michelle Aitken, Middleton's liaison from the School Committee, Superintendent Scott Morrison, and Assistant Superintendent Steve Greenberg met with the Board to explain the idea of the elementary schools regionalization study. They are seeking a motion for Middleton to participate in a Planning and Study Committee to evaluate regionalization pros and cons. Morrison emphasized that this is not necessarily to regionalize, but to study whether it would be beneficial to regionalize. Assistant Superintendent Steve Greenberg provided additional information on the study, noting that they received a \$130,000 planning grant to hire the Massachusetts Association of Regional Schools. Board members expressed their thoughts on the process, timeline, and what the Town may lose with regionalization and/or gain from regionalization. After a lengthy discussion, the Board took the following action:

On a **MOTION** made by Prentakis, second by Kassiotis, the Select Board **VOTED 3-1 (NO: Garber)** to participate in the Planning Study Committee.

9:16 PM Discuss traffic and safety concerns on state and local roads in town: Town Administrator Andy Sheehan provided the Board members with graphics, which were provided by Brian Carroll, of the Planning Board, showing troublesome intersections and pavement markings used in other locations. Brian Carroll added information on the graphics, intersections, and markings. A brief discussion ensued on the road marking suggestions as well as other actions that could be taken to improve vehicular and pedestrian safety. Chair Cresta suggested that the Board have discussions with the Police Chief regarding traffic enforcement as well as implementing some of the roadway paint suggested by Mr. Carroll.

9:34 PM Review, discuss, and vote on use of American Recovery Plan Act (ARPA) funds and approve an initial request for a commitment of funds for water infrastructure, public health, and administrative costs: Town Administrator Andy Sheehan advised the Board that Middleton will receive just over \$3M in ARPA funds. ARPA funds must be committed by December 2024 and used by December 2026. Sheehan reviewed some of the infrastructure projects that Middleton has planned, as well as COVID test kits purchase, and administrative costs. Due to the amount of federal money being expended the Town will have to procure single audits each year. He added that funding those items will cost approximately \$435K, leaving about \$2.6M in available funds. He requested that the Board approve the \$435K. A lengthy

discussion ensued on the projects presented for funding. After discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Garber**, the Select Board **VOTED** unanimously to approve the expenditure of \$235,000 in ARPA funds in the amounts of \$50,000 for water infrastructure, \$135,000 for public health, and \$50,000 for administrative costs, as requested and amended by the Town Administrator.

10:00 PM Review, discuss, and vote to adopt revisions to the Senior & Veterans Property Tax Work Off Program: Town Administrator Andy Sheehan provided the Board with details on the revisions suggested by the allows us to go as young as 60 years old, only if we've exhausted those older than 60 years of age.

On a **MOTION** made by **Garber**, second by **Prentakis**, the Select Board **VOTED** unanimously to accept the Town Administrator's recommendation to amend the Senior & Veterans Property Tax Work Off Program to include those as young as 60 years old as long as everyone 65 and over has been included.

10:01 PM Annual License renewal correction: Alba Auto will continue to hold a class II off premise license for 2022; Auto Export has chosen to decline renewal for 2022: After a very brief discussion, the Board took the following action:

On a **MOTION** made by **Kassiotis**, second by **Prentakis**, the Select Board **VOTED** unanimously to approve the renewal for a Class II license for Alba Auto, as well as rescind the renewal for Auto Export. **(Garber abstained)**

10:03 PM Review, discuss, and vote to accept the following donations and grant:

- Middleton Food Pantry - \$500 – anonymous
- Middleton Food Pantry - \$1,000 - Torrice Family Charitable Trust
- Middleton Food Pantry - \$500 – Patrick Furnari
- Middleton COA - \$5,000 – James and Joanne Vining
- Middleton COA - \$1,000 – Gail Sabino
- Middleton Food Pantry - \$600 – George Dow, Sr.
- Middleton Food Pantry - \$1,000 – Margaret Lee
- Middleton Food Pantry - \$5,000 – James and Joanne Vining
- Middleton Food Pantry 0 \$2,500 – Richard & Jean Beck
- Cybersecurity training grant from the Executive Office of Technology Services & Security

On a **MOTION** made by **Prentakis**, second by **Garber**, the Select Board **VOTED** unanimously to accept, with many thanks, the donations and cybersecurity training grant.

10:04 PM Review, discuss, and vote to appoint George Cumming to the Cultural Council for a term through June 30, 2024: After a very brief discussion, the Board took the following action:

On a **MOTION** made by **Kassiotis**, second by **Prentakis**, the Select Board **VOTED** unanimously to appoint George Cumming to the Cultural Council for a term through June 30, 2024.

10:04 PM New Business

- **Upcoming Meetings:** Select Board Chair Cresta announced that the next regular meeting of the Select Board is scheduled for January 25th, adding that the budget summit discussions start on February 5th at 8:30 AM, and regular Select Board meetings resume on February 8th and February 22nd.

10:05 PM Adjourn

With no further business, on a **MOTION** made by **Prentakis**, the January 11th meeting of the Select Board adjourned at 10:05 PM.

Upcoming Meetings:

January 25	Regular SB Meeting
February 5, 8:30AM	Budget Summit
February 8 & 22	Regular SB Meetings

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

Timothy P. Houten, Select Board Clerk

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

- Agenda: January 11, 2022
- Warrants
 - #2214: Payroll: \$742,878; Bills Payable: \$5,007,596
 - #2215: Payroll \$759,808; Bills Payable: \$429,613
- Minutes:
 - November 30, 2021
 - December 14, 2021
 - December 20, 2021
- Memo from Police Chief to Town Administrator, Re: Recommendations to the Select Board, 1/5/22
- Commonwealth of Massachusetts Alcoholic Beverages Control Commission: Application and supporting documents for a new license: Scott & Matty Pizza Inc. DBA Captain Pizza
- Letter and supporting documents from Bluebonnet Consulting to Town Administrator, re: DoubleTree by Hilton Boston North Shore, 50 Village Drive, Danvers, Mass. 01923, 12/6/21

- Memo from Town Administrator to Select Board, re: American Rescue Plan Act (ARPA) Funding Recommendation, Request #1, 1/11/22
- Memo from Town Administrator to Select Board, re: Senior and Veterans Property Tax Work-Off Program, Adjustments to Age Criteria, 1/11/22
- Donations & Grants Received:
 - Middleton Food Pantry - \$500 – anonymous
 - Middleton Food Pantry - \$1,000 - Torrice Family Charitable Trust
 - Middleton Food Pantry - \$500 – Patrick Furnari
 - Middleton Food Pantry - \$600 – George Dow, Sr.
 - Middleton Food Pantry - \$1,000 – Margaret Lee
 - Middleton Food Pantry - \$5,000 – James and Joanne Vining
 - Middleton Food Pantry - \$2,500 – Richard & Jean Beck
 - Middleton Food Pantry - \$500 -- Anonymous
 - Middleton COA - \$5,000 – James and Joanne Vining
 - Middleton COA - \$1,000 – Gail Sabino
 - Cybersecurity Training Grant from the Executive Office of Technology Services & Security
- Talent Bank Application: George Cumming: Cultural Council
- Letter from Middleton Select Board to Mass. Dept. of Elementary and Secondary Education, Re: COVID Protocols, 12/20/21
- Letter to Chief Sampson from Middleton resident, Re: Protection Order Execution, 12/24/21
- Letter to Fire Department from Middleton resident, Re: thank you for saving my life, 12/16/21
- Email to Chief Sampson from Middleton resident, Re: thank you and crash report, 1/9/22



MIDDLETON POLICE DEPARTMENT
65 N. MAIN STREET
MIDDLETON, MA 01949
PHONE: (978) 774-4424, FAX (978) 774-4466
<http://www.middletonma.gov>

WILLIAM P. SAMPSON
CHIEF OF POLICE

3.

INTER-OFFICE MEMO

To: Town Administrator Andrew Sheehan

From: Chief William Sampson

Date: 01/20/22

Re: Recommendation to Promote Reserve Officer Leonardo Jorge to Full-time Police Officer

This memo shall serve as my recommendation to promote Reserve Police Officer Leonardo Jorge to the position of full-time Police Officer with the Middleton Police Department. Thank you in advance for your consideration and please feel free to contact me if you have any questions or concerns.

Guide to Submitting a Citizens' Petition for Annual and Special Town Meetings

There is no standard form for a citizen's petition; however, one similar to the form included with this guide may be used. The petition must clearly state the name of the article and the exact wording of the article as it will appear in the warrant. The petition must clearly indicate what action is being requested of the Board of Selectmen: to insert an article on the Annual Town Meeting warrant or on the warrant of an already scheduled special town meeting, or to request that the Board of Selectmen call a special town meeting for the purpose of considering the petition article. **All of this information should be included on each signature page submitted so that it is clear that voters know what they are signing.** The signature requirements vary according to the type of petition: 10 for an annual town meeting warrant, 100 for an already scheduled special town meeting warrant, and 200 to request that a special town meeting be called. It is prudent to get more than the requisite number of signatures, in the event that some signatures are rejected. In addition to voter's signature, the petition must include the voter's complete address. The printed voter's name is also helpful in the certification of illegible signatures.

Petitions must be filed in ample time for the Board of Registrars to convene to certify signatures and for the Selectmen to place on the warrant to meet the printing and posting deadlines.

Relevant portions of MGL 39:10, covering the petition process, are excerpted below. It is the responsibility of the petitioner to satisfy all the requirements for filing a petition. If you have any questions, please call the Town Clerk at 978-774-6927.

MGL Chapter 39: Section 10. Warrant; issuance; contents

Section 10. Every town meeting or town election, except as hereinafter provided, shall be called in pursuance of a warrant, under the hands of the selectmen, notice of which shall be given at least seven days before the annual meeting or an annual or special election and at least fourteen days before any special town meeting. . . .

The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total number of registered voters of the town whichever number is the lesser.

The selectmen shall call a special town meeting upon request in writing, of two hundred registered voters or of twenty per cent of the total number of registered voters of the town, whichever number is the lesser; such meeting to be held not later than forty-five days after the receipt of such request, and shall insert in the warrant therefore all subjects the insertion of which shall be requested by said petition.The written requests of registered voters for the insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The selectmen shall submit such written requests to the board of registrars of voters or the board of election commissioners who shall check and

forthwith certify the number of signatures so checked which are names of voters in the town, and only names so checked and certified shall be counted.

Suggested Form for Petition to Add Article to Town Meeting Warrant to Call a Special Town Meeting

Petitioner hereby requests the Middleton Board of Selectmen to:

Place the following article on the Annual Town Meeting warrant **[10 signatures required]**

Place the following article on the special town meeting warrant for an already scheduled
(list date) **[100 signatures required]**

Call a Special Town Meeting to consider the following article **[200 signatures required]**

Article wording:

**AN AMENDMENT RELATIVE TO RECALL ELECTION
FOR THE MASCONOMET REGIONAL
SCHOOL COMMITTEE**

SECTION 1: Any member of the Masconomet Regional School Committee may be recalled and removed therefrom by the members towns as herein provided: Masconomet Regional School Committee.

SECTION 2. Any one hundred fifty registered voters of the member towns may initiate a recall petition by filing with their prospective town clerk an affidavit containing the name of the member sought to be recalled and a statement of the grounds for recall.

Said town clerk shall thereupon deliver to such voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms said town clerk shall keep available. Such blanks shall be issued by said town clerk with said town clerk's signature and official seal attached thereto. Such petitions shall be dated, shall be addressed to the regional school committee and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit and they shall demand the election of a successor in said office. A copy of such petition shall be entered in a record book to be kept in the office of said town clerk. Said recall petition shall be returned and filed with said town clerk within twenty days after the filing of the affidavit, and shall have been signed by at least **five** percent of the registered voters of each precinct of the prospective member town who shall add their signatures and the street and number and precinct of their residences.

The town clerk, within twenty-four hours of receipt of the recall petition, submit such petition to the registrars of voters in the member towns and the secretary to the regional school committee, and said registrars shall, within five working days, certify thereon the number of signatures which are names of registered voters of said member towns.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, the secretary to the school committee shall submit the same with the town clerk's certificate to the regional school committee within five working days and said regional committee shall, within five working days, given written notice of the receipt of the certificate to the member sought to be recalled and shall, if the member does not resign within seven days thereafter, request the Select Board of the member towns to order an election be held on a

date fixed by them not less than sixty days and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, said Select Boards of the member towns shall postpone the holding of the recall election to the date of such election.

SECTION 4. Any member sought to be removed may be a candidate to succeed theirself, and unless they request otherwise in writing, the town clerk shall place their name on the ballot without nomination.

The nomination of the candidates, the publication of the warrant of the removal election and the conduct of the same, shall all be in accordance with the provisions of law relating to election, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of their office until the recall election. If not recalled, they shall continue in office for the remainder of their unexpired term subject to recall as before, except as provided in section seven of this act. If recalled in the recall election, they shall be deemed removed upon qualification of his successor, who shall hold office during the remainder of the unexpired term. If the successor fails to qualify within five days after receiving notification of their election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of official)

Against the recall of (name of official)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark, "(X)", or fills in said box solid, may vote for either of said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section forty-two of chapter fifty-four of the General laws and, beneath this, the name of the candidates nominated in accordance with provisions of law relating to elections.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority number of votes on the question are negative, the ballots for candidates need not be counted.

SECTION 7. No person shall be subject to recall if their term of office expires within six months of the filing of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall proceed as provided hereunder. No recall petition shall be filed against a member within ninety days after such member takes office nor, in the case of a member subject recall election and not recalled thereby, until at least ninety days after such recall election.

SECTION 8. This act shall take effect upon its passage.

Voter Name	Voter Signature	Street Address
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**Agreement Between the Towns of Boxford, Middleton, and Topsfield,
Massachusetts,**

With Respect to the Formation of a Regional School District

(Consolidated agreement reflecting all amendments through May, 2011)

This AGREEMENT entered into pursuant to Chapter 71 of the General Laws of Massachusetts, as amended, by and between the Towns of Boxford, Middleton, and Topsfield, Massachusetts.

WITNESSETH that said Towns of Boxford, Middleton, and Topsfield (hereinafter sometimes called "member towns") desire to form a Regional School District and to enter into an Agreement under the provisions of said Chapter 71, as amended, and

THEREFORE, in consideration of the foregoing and of the mutual promises herein contained do hereby agree as follows:

**SECTION I
THE REGIONAL DISTRICT COMMITTEE**

A. Powers, Duties and Composition

The powers and duties of the Regional School District shall be vested in and exercised by a Regional District School Committee, hereinafter sometimes called the "Committee". The Committee shall consist of eleven (11) members: four (4) from Middleton; four (4) from Boxford; and three (3) from Topsfield.

(Section I A Replaced by the Eighth Amendment May 2011)

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.

C. Elected Members

In order to comply with 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.

Masconomet Regional Agreement Updated After 8th Amendment-May 2011 Page 1

To ensure that Topsfield maintains continuity of membership on the Committee, the terms of its representatives with terms expiring in 2014 shall be revised, on a one-time basis, so as to provide that one representative shall be elected by Topsfield at the 2014 annual election to a term of one (1) year, and one representative shall be elected by Topsfield at the 2014 annual election for a term of three (3) years. After the 2014 annual election in Topsfield, the terms of all subsequent Topsfield members of the Committee shall be for three (3) years, or until his or her successor is elected and qualified.

Except as otherwise provided in this section, at the expiration of the term of office of all other elected members of the Committee, each member town shall, at its annual town election, elect a member of the Committee to serve for a term of three (3) years or until his or her successor is elected and qualified.

Notwithstanding any other provision of this Agreement to the contrary, on February first immediately following the official publication of the most recently conducted federal census, the Committee shall determine, on the basis of such census figures, the total population of each Member Town. (For the purpose of this provision, "official publication" means transmittal to Congress by the President in the case of the federal census.) Elected membership on the Committee shall be adjusted at that time, as is necessary to maintain compliance with one person one vote

D. Vacancies

(Section I C Replaced by the Eighth AmendmentMay 2011)

If a vacancy occurs among the members, the Selectmen and the remaining Committee members from the town concerned shall appoint a member to serve until the next annual election, at which election a successor shall be elected to serve until the next annual election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any.

E. Quorum

The quorum of the Committee for the transaction of business shall be a majority of the entire membership, but a lesser number may adjourn.

F. Organization

Promptly upon the appointment and qualification of the initial members and annually thereafter upon the election or appointment and qualification of successors, the Committee shall organize and choose by ballot a chairman from its own membership. At the same meeting, or at any other meeting, the Committee shall appoint a treasurer and secretary who may be the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the Chairman who shall be elected annually as provided above) and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings, and provide for the calling of special meetings.

(Section I H Added by Second Amendment 1965)

Masconomet Regional Agreement Updated After 8th Amendment- May 2011 Page 2

SECTION II
TYPE OF REGIONAL DISTRICT SCHOOL

The regional district school shall be a middle school consisting of grades 7 and 8, inclusive, and a high school consisting of grades 9 through 12, inclusive.

(Section II was Amended by the Seventh Amendment, May 2000)

SECTION III
LOCATION OF THE REGIONAL DISTRICT SCHOOL

The regional district school shall be located within the geographic limits of the District and within a radius of two miles of the point of convergence of the three towns of Boxford, Middleton, and Topsfield.

SECTION IV
APPORTIONMENT AND PAYMENTS OF COSTS INCURRED BY THE DISTRICT

A. Classification of Costs

For the purpose of apportionment to the member towns, all costs of the District shall be classified as capital costs or operating costs.

B. Capital Costs

Capital costs shall include all expenses in the nature of capital outlay such as the cost of real estate, cost of buildings and additions to buildings and costs of remodeling and making extraordinary repairs to buildings or additions to buildings, including the cost of original equipment and furnishings for such buildings or additions, plans, architect and consultant fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition. Capital costs shall include the payment of principal of and of interest on bonds or other obligations issued by the District to finance capital costs.

C. Operating Costs

Operating costs shall include all costs not included in capital costs as defined in subsection IV (B). Without limiting the generality of the preceding sentence, the following shall be classified as operating costs: salaries, wages, supplies, textbooks, ordinary repair and maintenance expenditures, other costs incurred in the day-to-day operation of school buildings and interest on temporary notes issued in anticipation of revenue.

D. Apportionment of Capital Costs

All capital costs of the regional school district for each fiscal year shall be apportioned annually to the member towns on the basis of their respective pupil enrollments on October 1 of the preceding year in grades 7 through 12 residing in each member town and receiving education at such town's expense, except that pupils for whom a member town is paying tuition for special education as provided under Chapters 74 and 71 of the General Laws, and pupils attending the Essex County Agricultural School shall be excluded from pupil enrollments for this purpose. Each member town's share for each fiscal

year shall be determined by computing the ratio which that town's pupil enrollment as specified above bears to the total of such pupil enrollments in all the member towns of the regional school district on the same date. Debt service included in capital costs shall be apportioned as a capital cost of the year in which the same falls due.

This amendment shall first take effect with the apportionment for the year 1962.

(Section IV D was Amended by the First Amendment in 1961)

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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.

F. Fiscal Year and Times of Payments of Apportioned Costs

The fiscal year or period of the District shall be the same as the fiscal period of the member towns as provided by law, and the word year or fiscal year or calendar year as it relates in this Agreement to a fiscal or budget year shall mean the fiscal year of the District.

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection V (C), of the capital and operating costs. Except as otherwise provided in subsection V (A), the annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

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

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.

(Section IV F was Amended by the Third Amendment December 1972)

SECTION V BUDGET

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

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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 IV 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.

B. Tentative Maintenance and Operating Budget

On or before the thirty-first (31st) day preceding the date herein after set for the adoption of the "Final Maintenance and Operating Budget" the Committee shall annually prepare a tentative maintenance and operating budget for the ensuing fiscal year, including therein provision for any installment of principal or interest to become due in such year on any bonds or other evidences of indebtedness of the District and any other capital costs to be apportioned to the member towns in such year. The said budget shall be in reasonable detail, including the amounts payable under the following classification of expenses and such other classifications as may be necessary:

1. General Control
2. Expenses of Instruction
3. Operation of Plant
4. Maintenance of Plant
5. Auxiliary Agencies
6. Outlay
7. Debt Service
8. Cost of Transportation
9. Special Charges

Copies of such tentative budget shall be mailed 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 Selectman of such town.

(Section V (B) Amended by the Fourth Amendment December 5,

1973) C. Final Maintenance and Operating Budget

The Committee shall, not later than forty-five (45) days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held (but in any event, not later than March thirty-first (31st) in each year) adopt an annual maintenance and operating budget for the ensuing fiscal year, said budget to include debt and interest charges and any other current capital costs as separate items, and shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV (D) and IV (E). The amounts so apportioned for each member town shall, within thirty (30) days from the date on which the budget is adopted, be certified by the district treasurer to the treasurers of the member towns, and each town shall be liable for and shall appropriate the amounts so certified to it.

(Section V (C) Amended by the Fourth Amendment December 5,

1973)

**SECTION VI
TRANSPORTATION**

Transportation to and from the regional district school and any other transportation for regional school purposes shall be the responsibility of the regional school district, and the cost thereof shall be apportioned to the member towns as an operating cost.

**SECTION VII
AMENDMENTS**

A. Limitation

This agreement may be amended from time to time in the manner hereinafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof, providing that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

B. Procedure

A proposal for amendment may be initiated by a majority vote of all the members of the Committee or by a petition signed by 10% of the registered voters of any one of the member towns. In the latter case, said petition shall contain at the end thereof, a certification by the town clerk of such member town as to the number of registered voters in said town according to the most recent voting list and the number of signatures on the petition which appear to be names of registered voters of said town. Any such proposal for amendment shall be presented to the secretary of the Committee, who shall mail or deliver a notice in writing to the Board of Selectmen of each of the member towns that a proposal to amend this agreement has been received and shall enclose of copy of such proposal (without the signatures in the case of a proposal by petition). The selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the proposal or the substance thereof. Such amendment shall take effect upon its acceptance by all of the

member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid.

SECTION
VIII
ADMISSION

By an amendment of this agreement adopted under and in accordance with Section VII above, any other town or towns may be admitted to the regional school district upon adoption as therein provided of such amendment and upon acceptance by the town or towns seeking admission of the agreement as so amended and also upon compliance with such provisions of law as may be applicable, and such terms as may be set forth in such amendment.

SECTION IX
WITHDRAWAL

A. Procedure

Any member town may withdraw from the regional school district by a majority vote of the voters present and voting on the question at an annual or special town meeting called for the purpose, such withdrawal to become effective on June 30 of the year named in the question, provided: (1) that in pursuance of such vote, the withdrawing town gives the regional school district at least one year's written notice of its intention to withdraw, (2) that the said town has paid over to the District any costs which have been certified by the district treasurer to the treasurer of the withdrawing town, including the entire amount so certified for the year in which such withdrawal takes effect, and (3) that the said town shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as if the town had not withdrawn from the District, except that such liability shall be reduced by any amount which such town has paid over at the time of withdrawal and which has been applied to the payment of such indebtedness or interest.

B. Cessation of Terms of Office of Withdrawing Town's Members

Upon the effective date of the withdrawal the terms of office of all the-members serving on the regional district school committee from the withdrawing town shall terminate and the total membership of the Committee, as provided in subsection I (A), shall be decreased accordingly.

C. Payments of Certain Capital Costs Made by a Withdrawing Town

Any money received by the District from the withdrawing town for payment of indebtedness or interest thereon shall be used only for such purposes and until so used shall be deposited in the name of the District with a Massachusetts bank or trust company having a combined capital and surplus of notless than \$5, 000,000.

SECTION X
TUITION STUDENTS

The Committee may accept for enrollment in the regional district school pupils from towns other than the member towns on a tuition basis and upon such terms as it maydetermine. Income received by the District from tuition pupils shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under section IV to the member towns.

SECTION XI
EMPLOYMENT OF TEACHERS AND EXTENSION OF TENURE

All teachers in positions to be superseded by the establishment of the regional district school shall be given preferred consideration for similar positions in the district school to the extent that such positions exist therein; and any such teacher who on the date of his contract of employment with the District is on tenure shall continue thereafter to serve on a tenure basis.

SECTION XII
INCURRING OF DEBT

Within three days after the date upon which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, the Committee shall cause written notice of the amount of the debt and of the general purposes for which it was authorized to be given to the Board of Selectmen of each member town.

(Initial Agreement was Approved on August 20, 1956)

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5.

CLIENT ADVISORY: Division of Open Government Hands Down New Interpretation of Exception for Public Body Quorums Attending Meeting of another Public Body

On December 22, 2021, the Division of Open Government ("DOG") issued a decision titled OML 2021-199, in which it determined that a select board quorum attending a council on aging meeting violated the Open Meeting Law ("OML") by deliberating without first posting notice even though the members DID NOT communicate between or among themselves. This is a sharp departure from the DOG's long-standing interpretation of the statutory exception to the definition of "meeting" for public body quorums attending the meeting of another public body. Below is breakdown of the exception and the DOG's prior interpretation of it; a summary of the DOG's decision; and a note on what it means for your public bodies going forward.

I. The Statutory Exception for Public Bodies Attending the Meeting of another Public Body

There are five exceptions to the definition of a meeting under the Open Meeting Law, one of which is attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate. G.L. c. 30A, § 18(c).

II. The DOG's Prior Interpretation of the Exception

In determining whether a quorum of a public body deliberated at another public body's meeting, the DOG used to "look for indicia of deliberation such as whether the visiting body members were seated with the general public and whether they participated by open participation." OML 2020-93; *see also* OML 2020-18; OML 2016-117. The DOG has also held that "[w]hen members of a public body attend a meeting or forum of another public body and participate as members of the public, communicating openly and not between or among a quorum of the public body, such communications do not constitute deliberation." *Id.*

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III. Facts of OML 2021-199

A three-member quorum of a select board attended a council on aging (“COA”) meeting. The members were seated separately from one another and with the rest of the public attendees. The chair asked the members if they would like to speak regarding the location of the new town hall and COA building as well as the process for finding and assessing additional potential locations, if needed. Each of the three members responded to the chair individually. At no point did the members act in common or jointly by communicating with one another; when questioned by the Chair, they addressed the chair only and did so separately. The members only spoke when prompted by the chair.

IV. The DOG’s Reasoning

- The DOG determined that the members’ communications were a deliberation that did not fall within the statutory exception for three reasons:
 1. The chair “expressly stated at the beginning of the meeting that no comments would be accepted from members of the public;”
 2. The members “were invited to speak on the issue of the new Town Hall and the [Council] facility precisely because of their positions as members of the Board;” and
 3. The members “discussed their opinion regarding the potential location of the Town Hall and [COA] facility and the process for finding and assessing additional potential locations if needed, including the Board’s role in that process and next steps it might take [instead of] simply report[ing] on a discussion or vote of the Board that had already taken place...”
- The DOG summed up its determination as follows: “We find here that the Board members were not participating in the Council’s June 29 meeting as members of the general public, nor were they simply reporting on discussions held or actions taken at a previous Board meeting. Instead we find that the three Board members violated the Open Meeting Law by deliberating during the Council’s June 29 meeting without first posting notice.”
- In other words, the DOG determined that the exception did not apply even though the members did not communicate between or among themselves. What mattered to the DOG was that the members spoke about action(s) it might take instead of reporting on prior action(s) or discussion(s).

V. Additional Clarification from the DOG

- The DOG subsequently clarified that, ultimately, the exception is “useless,” “unnecessary,” and that “it does not do very much.”
- As to the new standard for public body quorums attending the meeting of another public body, the DOG will perform a “fact-specific” analysis of the content of the members’ communications, NOT whether said members were communicating between or among themselves.

VI. Moving Forward

- There is now no guarantee that DOG will apply the section 18(c) exemption for public body quorums attending the meeting of another public body, even where the members do not communicate with one another and sit separately with the rest of the public attendees.
- As such, we advise that such public body quorums either (1) do not discuss or respond to any questions within its jurisdiction; or (2) treat it as a meeting, post notice, and record the minutes.

6.

A. Program Description

1. Issued By

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)

2. Assistance Listings Number

97.083

3. Assistance Listings Title

Staffing for Adequate Fire and Emergency Response (SAFER) Grant

4. Funding Opportunity Title

Fiscal Year 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant

5. Funding Opportunity Number

DHS-21-GPD-083-00-99

6. Authorizing Authority for Program

Section 34 of the *Federal Fire Prevention and Control Act of 1974*, Pub. L. No. 93-498, as amended (15 U.S.C § 2229a); and Section 4013 of the *American Rescue Plan Act of 2021*, Pub. L. No. 117-2

7. Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2021 (Pub. L. No. 116-260); and *American Rescue Plan Act of 2021* (Pub. L. No. 117-2)

8. Announcement Type

Initial

9. Program Category

Preparedness: Fire and Life Safety

10. Program Overview, Objectives, and Priorities

a. Overview

The Fiscal Year (FY) 2021 Staffing for Fire and Emergency Response (SAFER) Grant Program (hereafter referred to as the SAFER Program) is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The SAFER Program provides funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate fire protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. The SAFER Program has awarded approximately \$4.8 billion in grant funding to provide critically needed resources to hire new, additional firefighters (or to change the status of part-time or paid-on-call firefighters to full-time firefighters), to rehire laid off firefighters, or to retain firefighters facing layoff, as well as

recruitment and retention of volunteer firefighters. Information about success stories for this program can be found at [Assistance to Firefighters Grants Program | FEMA.gov](#).

The SAFER Program is part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the five basic homeland security missions noted in the [DHS Strategic Plan](#), the SAFER Program supports the goal to Strengthen National Preparedness and Resilience. In awarding grants, the FEMA Administrator is required to consider:

- The findings and recommendations of the Technical Evaluation Panel;
- The degree to which an award will reduce deaths, injuries and property damage by reducing the risks associated with fire-related and other hazards;
- The extent of an applicant's need for a SAFER Program grant and the need to protect the United States as a whole; and,
- The number of calls requesting or requiring a firefighting or emergency medical response received by an applicant.

The [2018-2022 FEMA Strategic Plan](#) creates a shared vision for the field of emergency management and sets an ambitious, yet achievable, path forward to unify and further professionalize emergency management across the country. The SAFER Program supports the goal of Readyng the Nation for Catastrophic Disasters. We invite all of our stakeholders and partners to also adopt these priorities and join us in building a stronger Agency and a more prepared and resilient Nation.

b. *Objectives*

The objectives of the SAFER Program are to assist local fire departments with staffing and deployment capabilities to respond to emergencies and assure that communities have adequate protection from fire and fire-related hazards. Local fire departments accomplish this by improving staffing and deployment capabilities, so they may more effectively and safely respond to emergencies. With enhanced staffing levels, recipients should experience a reduction in response times and an increase in the number of trained personnel assembled at the incident scene.

c. *Priorities*

Information on program priorities and objectives for the FY 2021 SAFER Program can be found in [Appendix B – Programmatic Information and Priorities](#) of this NOFO.

11. Performance Measures

The grant recipient is required to collect data to allow FEMA to measure performance of the awarded grant in support of the SAFER Program metrics, which are tied to the programmatic objectives and priorities. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient must submit sufficient information to demonstrate it has met the performance goal as stated in its award. FEMA will measure the recipient's performance of the grant by comparing the number of items, supplies, projects, and activities needed and requested in its application with the number of items, supplies, projects, and activities acquired and delivered by the end of the period of performance using the following programmatic metrics:

- Percent of “majority career” SAFER Program recipients’ structural fire responses that complied with National Fire Protection Association (NFPA) 1710 structural response standards.
- Percent of “majority volunteer” SAFER Program recipients’ structural fire responses that complied with NFPA 1720 structural response standards.
- Percent of SAFER Program recipients who reported and provided evidence that the grant funding increased compliance with NFPA 1710 or 1720 assembly and deployment standards.

B. Federal Award Information

1. Available Funding for this NOFO:	\$560,000,000.00¹
2. Projected Number of Awards:	500
3. Period of Performance:	12-48 months
<ul style="list-style-type: none"> • Hiring of Firefighters (Hiring) Activity: The period of performance for applications funded under the Hiring Activity will be 36 months. • Recruitment and Retention (R&R) Activity: The period of performance for applications funded under the R&R Activity will be 12, 24, 36 or 48 months. 	

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to [Section H](#) of this NOFO.

FEMA awards only include one budget period, so it will be same as the period of performance. See 2 C.F.R. § 200.1 for definitions of “budget period” and “period of performance.”

4. Projected Period of Performance Start Date(s):	June 1, 2022 (will vary based on award date and activity type)
5. Projected Period of Performance End Date(s):	May 31, 2023 – May 31, 2026 (will vary based on award date and activity type)
6. Funding Instrument Type:	Grant

C. Eligibility Information

1. Eligible Applicants

a. Hiring Activity

Fire departments operating in any of the 50 states, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands,

¹ Note that this figure differs from the total amount appropriated under the *Department of Homeland Security Appropriations Act, 2021*, Pub. L. No. 116-260. In this FY 2021 SAFER Program NOFO, percentages of “available grant funds” refers to the total amount appropriated—\$360,000,000—by Pub. L. No. 116-260 to meet the statutory requirements of § 34 of the *Federal Fire Prevention and Control Act of 1974*, as amended (codified at 15 U.S.C. § 2229a). Additionally, the total available funding amount includes an additional \$200,000,000 appropriated by the *American Rescue Plan Act of 2021*, Pub. L. No. 117-2.

Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a state, local, tribal, or territorial authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a geographically fixed primary first due response area.

b. *R&R Activity*

Volunteer and combination fire departments operating in any of the 50 states, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a state, local, tribal, or territorial authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a geographically fixed primary first due response area. National, regional, state, local, tribal and nonprofit interest organizations representing the interests of volunteer firefighters are eligible to receive a SAFER Program award under the R&R Activity.

Information on ineligible applications and/or organizations is in [Appendix B – Programmatic Information and Priorities](#) of this NOFO.

2. Applicant Eligibility Criteria

- a. ***Hiring Activity:*** The Hiring Activity offers grants to support applications to hire new, additional firefighters (or to change the status of part-time or paid-on-call firefighters to full-time firefighters), rehire laid off firefighters, or to retain firefighters facing layoff. National, regional, state, local, tribal and nonprofit interest organizations representing the interests of volunteer firefighters are not eligible to receive a SAFER Program award under the Hiring Activity.
- b. ***R&R Activity:*** The R&R Activity offers grants to support applications to assist fire departments with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. Career fire departments are not eligible to apply for funding under the R&R Activity.

Each activity has its own application and eligibility requirements, as further outlined in [Appendix B – Programmatic Information and Priorities](#) of this NOFO.

An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: ***1) a current employee, personnel, official, staff or leadership of the non-federal entity; and 2) duly authorized to apply for an award on behalf of the non-federal entity at the time of***

² The District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico are all defined as “States” in the Federal Fire Prevention and Control Act of 1974. See 15 U.S.C. § 2203(10).

application.

Further, the Authorized Organization Representative (AOR) must be a duly authorized current employee, personnel, official, staff or leadership of the recipient and *provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR of the recipient.*

3. Other Eligibility Criteria

a. National Incident Management System (NIMS) Implementation

SAFER Program applicants are not required to comply with NIMS to apply for SAFER Program funding or to receive a SAFER Program award. Any applicant who receives an FY 2021 SAFER Program award must achieve the level of NIMS compliance required by the Authority Having Jurisdiction (AHJ) over the applicant's emergency service operations (e.g., a local government), prior to the end of the grant's period of performance.

b. Maintenance of Effort (MOE)

There is no MOE or minimum budget requirement for the FY 2021 SAFER Program.

c. Cost Share or Match

There is no cost share or match or position cost limit for the FY 2021 SAFER Program. The award budget will not account for any voluntary committed cost sharing or overmatch. The use of an overmatch is not given additional consideration when scoring applicants.

d. Economic Hardship Waivers

Because there is no minimum budget requirement, no cost share requirement, and no position cost limit, an economic hardship waiver process is not necessary. Therefore, no economic hardship waiver process applies to the FY 2021 SAFER Program.

D. Application and Submission Information

1. Key Dates and Times

a. Application Start Date: **January 3, 2022 at 8 a.m. ET**

b. Application Submission Deadline: **February 4, 2022 at 5 p.m. ET**

All applications **must** be received by the established deadline.

FEMA's Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled "Timely Receipt Requirements and Proof of Timely Submission" in [Section D](#) of this NOFO.

FEMA will not review applications that are received after the deadline or consider these late applications for funding. FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant's control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline. Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. "Timely notification" of FEMA means the following: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

A list of FEMA contacts can be found in [Section G](#) of this NOFO, "DHS Awarding Agency Contact Information." For technical assistance with the FEMA GO system, please contact the FEMA GO Help Desk at FEMAGO@fema.dhs.gov or (877) 585-3242, Monday through Friday, 8 a.m. – 6 p.m. ET.

For programmatic or grants management questions, please contact your Preparedness Officer or Grants Management Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the SAFER Program Help Desk by phone at (866) 274-0960 or by e-mail at FireGrants@fema.dhs.gov, Monday through Friday, 8 a.m. – 4:30 p.m. ET.

- c. ***Anticipated Funding Selection Date:*** No later than May 31, 2022
- d. ***Anticipated Award Date:*** Beginning on approximately May 30, 2022 and continuing thereafter until all FY 2021 SAFER Program grant awards are issued, but no later than Sept. 30, 2022
- e. ***Other Key Dates***

Event	Suggested Deadline for Completion
Obtaining DUNS Number	Four weeks before actual submission deadline
Obtaining a valid EIN	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or Updating SAM registration	Four weeks before actual submission deadline
Registering Organization in FEMA Grants Outcomes (FEMA GO) System	Prior to beginning application
Submitting complete application in FEMA GO	One week before actual submission deadline



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TO: Andrew Sheehan, Town Administrator
FR: Collins Center for Public Management
DT: January 21, 2022
RE: Follow Up Information

7.

Attached please find a spreadsheet that updates the DLS analysis previously submitted. The municipalities that were discussed at the Board meeting have been added to the analysis. While most are NOT in the labor market, a few could be in the mix. You will see where the updated recommendations on the bottom of the last worksheet.

As I stated at the meeting, the Collins Center does not really care which towns are used but do recommend the market be considered over what the town views as "comparable". According to the Bureau of Labor Statistics, a Labor Market is defined as

an economically integrated area within which individuals can reside and find employment within a reasonable distance or can readily change jobs without changing their place of residence.

I would suggest the Board choose approximately 15 municipalities from the list. Once selected, I will provide the survey analysis and recommendations using those municipalities. While not every municipality has the same title or definition of work, using as many of 15 municipalities equalizes the nuances of the data. Please let me know which municipalities the Board selects.

I received your email with additional questions, which were excellent ones. See answers in bold below.

1. What is an ideal number of communities to use in a classification & compensation study?

10-15, but the market area should dictate. In a more rural area, you would use fewer.

2. The same title in one community may not be comparable in another community. How are those distinctions addressed and do you use the same list of communities for all positions?

Yes, you should use the same communities for all titles. You do not want to "cherry pick" one community for some things, and others for other things. It is the market area. Where you adjust for this is in the nuances of the positions and you discount the survey data, or not include it for a specific title that is different, or the salary data reveals an outlier. For example, a town planner can be a one person department or the head of community development and planning, we adjust for those nuances.

3. This is getting into the next portion of the project, but how do you recommend slotting incumbents within the grades?

If there is a new pay scale created, we are recommending placing people in the scale at the rate that provide for an increase. However, the Town may choose to make policy decisions about having a guarantee for a minimum adjustment, or providing additional increases based on years in a title or years of service with the Town. That is totally a policy decision. We recommend the groupings (grade) and ranges.

4. Beverly is included in your comps. Why doesn't the form of government matter?

The job duties dictate the pay. For example, a receptionist is a receptionist wherever he works. Classification is about the duties performed, not where it is performed. Some positions have more complexity than others but that is based on size of the workforce and at times population, not necessarily the form of government. These issues, similar to the example of the town planner and head of community development and planning, are evaluated against the market data.

Municipality	2019 Population	FY 2021 Single Family Tax Bill	FY 2018 DOR Income Per Capita	FY 2020 EQV Per Capita
Andover	36,356	10,629	87,339	256,592
Beverly	42,174	7,174	50,164	189,565
Billerica	43,367	5,663	39,856	184,441
Boxford	8,332	10,938	101,339	243,304
Burlington	28,627	5,711	48,304	282,972
Danvers	27,549	6,664	51,853	208,663
Georgetown	8,768	7,322	52,365	162,594
Groveland	6,849	6,823	42,413	163,000
Hamilton	8,051	10,914	77,046	218,134
Ipswich	14,074	7,750	59,943	230,681
Lynnfield	12,999	9,283	84,195	269,916
Middleton	10,110	8,781	55,533	234,071
North Andover	31,188	7,945	60,207	184,758
North Reading	15,865	9,622	64,187	227,398
Reading	25,400	9,077	66,250	229,034
Rowley	6,473	7,515	48,107	185,687
Saugus	28,361	5,772	36,470	193,883
Tewksbury	31,178	7,152	43,048	180,830
Topsfield	6,641	10,963	81,043	227,789
Wakefield	27,045	7,088	51,145	211,998
Wenham	5,278	13,713	76,927	179,297
Wilmington	23,445	7,017	53,879	227,774

3 or more factors that are outliers

Lawrence	80,028	3,457	17,984	66,363
Lynn	94,299	4,882	23,099	104,083
Peabody	53,070	4,812	34,926	171,070
Salem	43,226	6,071	33,517	153,637
Haverhill	64,014	4,791	31,363	118,581
Dracut	31,634	5,028	36,546	131,314

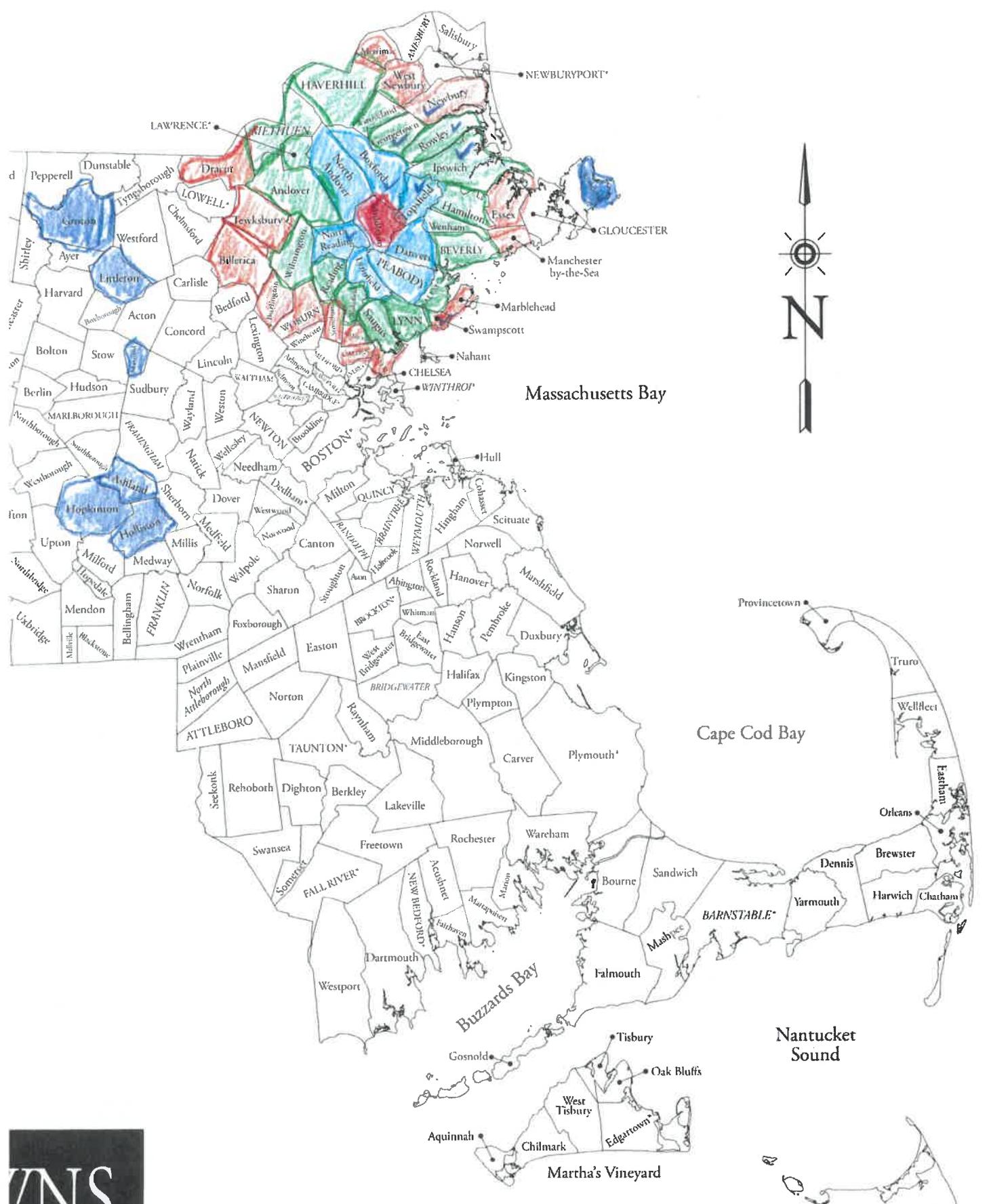
Municipality	2019 Population	FY 2021 Single Family Tax Bill	FY 2018 DOR Income Per Capita	FY 2020 EQV Per Capita
Wenham	5,278	13,713	76,927	179,297
Rowley	6,473	7,515	48,107	185,687
Topsfield	6,641	10,963	81,043	227,789
Groveland	6,849	6,823	42,413	163,000
Rockport	6,992	7,248	52,922	353,996
Hamilton	8,051	10,914	77,046	218,134
Boxford	8,332	10,938	101,339	243,304
Georgetown	8,768	7,322	52,365	162,594
Middleton	10,110	8,781	55,533	234,071
Littleton	10,141	9,178	58,520	219,516
Maynard	10,746	8,498	42,854	150,754
Groton	11,315	9,198	68,993	179,691
Lynnfield	12,999	9,283	84,195	269,916
Ipswich	14,074	7,750	59,943	230,681
Holliston	14,996	9,089	86,398	192,188
North Reading	15,865	9,622	64,187	227,398
Hopkinton	18,758		87,002	237,487
Ashland	18,832	8,277	53,140	170,714
Wilmington	23,445	7,017	53,879	227,774
Reading	25,400		66,250	229,034
Wakefield	27,045		51,145	211,998
Danvers	27,549	6,664	51,853	208,663
Saugus	28,361	5,772	36,470	193,883
Burlington	28,627	5,711	48,304	282,972
Tewksbury	31,178	7,152	43,048	180,830
North Andover	31,188	7,945	60,207	184,758
Dracut	31,634	5,028	36,546	131,314
Andover	36,356		87,339	256,592
Beverly	42,174	7,174	50,164	189,565
Salem	43,226	6,071	33,517	153,637
Billerica	43,367	5,663	39,856	184,441
Peabody	53,070	4,812	34,926	171,070
Haverhill	64,014	4,791	31,363	118,581
Lawrence	80,028	3,457	17,984	66,363
Lynn	94,299	4,882	23,099	104,083

Municipality	2019 Population	FY 2021 Single Family Tax Bill	FY 2018 DOR Income Per Capita	FY 2020 EQV Per Capita
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Boxford	8,332	10,938	101,339	243,304
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Updated 6/17/2020 (population figures are based on the 2010 Census)

VNS



OFFICE OF THE TOWN ADMINISTRATOR

Town of Middleton
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www.middletonma.gov

7.

MEMORANDUM

TO: Board of Selectmen and Andrew Sheehan
FROM: Tanya Stepasiuk, Assistant Town Administrator/HR Coordinator
SUBJ.: Possible Comparable Towns for Middleton
DATE: May 28, 2019

Seeing as we may be embarking on a compensation study of Department Heads and Assistant Department Heads, it seems like a good time to discuss potential comparable towns to Middleton. Some municipalities have a regular list of "comps" which they use for a variety of purposes. We could utilize a list for several purposes going forward or we could utilize these for this project only.

I have provided a list of 15 possible comparable towns knowing that we may not want to utilize all of these perhaps even based on "gut reactions" that Middleton is not similar enough to compare positions.

Possible Middleton Comparable Towns:

- Ashland
- Boxford
- Georgetown
- Groton
- Holliston
- Hopkinton
- Ipswich
- Littleton
- Maynard
- Newbury
- North Reading
- Rockport
- Rowley
- Swampscott
- Topsfield

In order to choose these possible comps, I looked at several criteria. These towns all have a population between 5,000 and 20,000 and are located either in Essex or Middlesex counties.

Out of this narrowed field, I looked at population, income per capita, average single family tax bill, and population density. I chose towns (exempted cities) that were characteristically similar to Middleton in each area and then deleted those that were similar in one category, but very dissimilar in others (i.e. had a very similar population, but significantly dissimilar income per capita). I obtained all of this data from the DLS website. I will make the excel spreadsheet to anyone who would like to take a further look at specifics.

Once we have settled on a list of comps, I will be able to survey these towns regarding their salaries, hours, and benefits of selected positions and utilize this data to see how each position in Middleton compares to towns we have deemed similar.



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8.

MEMORANDUM

TO: Middleton Select Board

FROM: Andrew J. Sheehan, Town Administrator 

SUBJ.: Public Facilities Project
Selection of Delivery Method, GL c. 149A

DATE: January 25, 2022

Massachusetts General Law provides two paths for the construction of public construction projects estimated to cost more than \$5M:

- Chapter 149 design-bid-build and
- Chapter 149A construction manager at risk.

At its meeting of December 20, 2021, the Middleton Town Building Committee voted to recommend constructing the public facilities project using the chapter 149A construction manager at risk (CMR) delivery method. The Committee in consultation with its owner's project manager PCA360 determined that c. 149A was the most advantageous delivery method for the Town.

Under the statute the Town must seek the approval of the Office of the Inspector General (OIG) to utilize c. 149A. The OIG requires a vote from the Select Board stating its permission to apply to use c. 149A.

On behalf of the Committee please accept this correspondence as the request for the Select Board's affirmative vote to apply to the Office of the Inspector General.



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9.

MEMORANDUM

TO: Middleton Select Board

FROM: Andrew J. Sheehan, Town Administrator

SUBJ.: Multi-Family Districts for MBTA Communities
An Act Enabling Partnerships for Growth
Section 18 of Chapter 358 of the Acts of 2020

DATE: January 25, 2022

Item 9 on the Select Board agenda pertains to a new requirement for MBTA communities. Town Planner Katrina O'Leary's memo explains how this applies to Middleton and summarizes the requirements for compliance.

No affirmative action is required from the Board at this time. We are required only to present the guidelines to the Board and respond back to the Department of Housing & Community Development (DHCD). This initial discussion will buy us time to develop a path that is appropriate for Middleton.

Compliance with these new requirements will be challenging for Middleton. However, failure to comply will make us ineligible for certain State grant programs.

Feedback from land use boards, staff, and the public may be worthwhile in helping develop a supportable plan. We will also monitor practices in other communities that may fit in Middleton.

I look forward to discussing this and constructing a plan of action.



Town of Middleton

Planning Department

Town Planner Katrina O'Leary, AICP katrina.oleary@middletonma.gov

195 North Main Street, Middleton, MA 01949

Ph: (978)777-8917

January 12, 2022

Chairman Brian Cresta
Middleton Select Board
48 South Main Street
Middleton, MA 01949

RE: Section 3A of the Zoning Act – New Requirement for Multi-Family Districts for all “MBTA” Communities

Dear Mr. Cresta,

You are probably already aware of the newly passed “Section 3A” of the Zoning Act that requires each of the 175 MBTA communities, including Middleton, to have a certain size zoning district in which multifamily zoning is permitted as of right. Non compliance with these new requirements will make the town ineligible for certain grants. The state has issued official guidelines [**ATTACHMENT A**] and our Town Counsel has also issued an advisory on the newly passed Act (Section 18 of chapter 358 of the Acts of 2020 - An Act Enabling Partnerships for Growth [**ATTACHMENT B**]). Below, I offer a summary of the major points of the new law pertinent to Middleton and a timeframe for compliance with the same.

MAJOR POINTS:

1. Middleton is defined as an MBTA Community as it is “adjacent” to communities that have access to either trains or buses.
2. Based on the guidelines, Middleton’s “minimum unit capacity” is 750 multi-family units, this is the amount of units Middleton must create zoning for.
3. The law requires an appropriately located zoning district of at least 50 acres which allows multi-family housing by-right (we can require Site Plan Review) and must have a minimum gross density of 15 units per acre, subject to wetlands and Title V limitations.
4. Middleton has no transit station; therefore, the multi-family district should, if feasible, be located in an area that otherwise is consistent with the Commonwealth’s sustainable development principles—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.
5. Middleton must comply with the timeframes in the guidelines or will not be eligible for funds from the Housing Choice Initiative, Local Capital Projects Fund, and the MassWorks Infrastructure Program. The state also reserves the right to take noncompliance into consideration when making other discretionary grant awards.

TIMEFRAME FOR COMPLIANCE

DUE DATE	REQUIRED ACTION
5/2/2022	The first step in complying with this new law is to present the Draft Guidelines in a Select Board meeting and then submit the MBTA Community Information Form. [ATTACHMENT C]
7/1/2023	The second step will be to have DHCD approve a timeline and action plan no for the creation of the required multi-family districts.
12/31/2024	The third, and final step, will be to adopt the required multi-family district and to have DHCD review and approve a “Request for Determination of Full Compliance” application within 90 days after adoption of the zoning amendment.

POINTS FOR CONSIDERATION:

- A “Zoning Bylaw Audit” is currently being conducted with assistance from Town Counsel. The result will be a list of necessary changes and recommendations. I expect the state will be offering funds or technical assistance to help MBTA communities comply with Section 3A of the Zoning Act. The Town could leverage the expected assistance/funds to hire an outside consultant to conduct a complete zoning bylaw update.
- Middleton has applied for Housing Choice and MassWorks funds in the past, but we were never awarded funds.

FULL TEXT OF LAW

[Text of section added by 2020, 358, Sec. 18 effective January 14, 2021.]

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

(c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act

1. Overview of Section 3A of the Zoning Act

Section 18 of chapter 358 of the Acts of 2020 added a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA communities (referred to herein as “Section 3A”). Subsection (a) of Section 3A provides:

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

The purpose of Section 3A is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021. These guidelines provide further information on how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community with no transit station within its border or within 0.5 mile of its border.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring occupancy by at least one person age 55 or older.

“Bus service community” means an MBTA community with a bus station within its borders or within 0.5 miles of its border, or an MBTA bus stop within its borders, and no subway station or commuter rail station within its border, or within 0.5 mile of its border.

“Bus station” means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation.

“Chief executive officer” means the mayor in a city, and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

“Commonwealth’s sustainable development principles” means the principles set forth at <https://www.mass.gov/files/documents/2017/11/01/sustainable%20development%20principles.pdf> as such principles may be modified and updated from time to time.

“Commuter rail community” means an MBTA community with a commuter rail station within its borders, or within 0.5 mile of its border, and no subway station within its borders, or within 0.5 mile of its border.

“Developable land” means land on which multi-family housing units have been or can be permitted and constructed. Developable land shall not include land under water, wetland resource areas, areas lacking adequate water or wastewater infrastructure or capacity, publicly owned land that is dedicated to existing public uses, or privately owned land encumbered by any kind of use restriction that prohibits residential use.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no legal restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.” A list of MBTA communities is attached, including the designation of each MBTA community as a rapid transit community, a bus service community, a commuter rail community or an adjacent community for purposes of these compliance guidelines.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family district” means a zoning district, including an overlay district, in which multi-family uses are allowed by right.

“Rapid transit community” means an MBTA community with a subway station within its borders, or within 0.5 mile of its border. An MBTA community with a subway station within its borders, or within 0.5 mile of its border, shall be deemed to be a rapid transit community even if there is one or more commuter rail stations or MBTA bus lines located in that community.

“Reasonable size” means not less than 50 contiguous acres of land with a unit capacity equal to or greater than the unit capacity specified in section 5 below.

“Residential dwelling unit” means a dwelling unit equipped with a full kitchen and bathroom.

“Unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district, made in accordance with the requirements of section 5.b below.

3. General Principles of Compliance

a. These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to permit multi-family housing “as of right”;
- The metrics that determine if a multi-family district is “of reasonable size”;
- How to determine if a multi-family district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code;
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children”; and
- The extent to which MBTA communities have flexibility to choose the location of a multi-family district.

b. The following general principles have informed the more specific compliance criteria that follow:

- All MBTA communities should contribute to the production of new housing stock.
- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries nonetheless benefit from being close to transit stations in nearby communities.
- MBTA communities should adopt multi-family districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community’s long-term planning goals.

- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family district that is “reasonable” in one city or town may not be reasonable in another city or town. Objective differences in community characteristics must be considered in determining what is “reasonable” for each community.
- To the maximum extent possible, multi-family districts should be in areas that have safe and convenient access to transit stations for pedestrians and bicyclists.

4. Allowing Multi-Family Housing “As of Right”

To comply with Section 3A, a multi-family district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval. Site plan review and approval may be required for multi-family uses allowed as of right. Site plan review is a process by which a local board reviews a project’s site layout to ensure public safety and convenience. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it infeasible or impractical to proceed with a multi-family use that is allowed as of right.

5. Determining “Reasonable Size”

In making determinations of “reasonable size,” DHCD will take into consideration both the area of the district and the district’s multi-family unit capacity (that is, the number of units of multi-family housing that can be developed as of right within the district).

a. *Minimum land area*

Section 3A’s requirement that a multi-family district be a “reasonable size” indicates that the purpose of the statute is to encourage zoning that allows for the development of a reasonable amount of multi-family housing in each MBTA community. A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. A district should not be a single development site on which the municipality is willing to permit a particular multi-family project. To comply with Section 3A’s “reasonable size” requirement, multi-family districts must comprise at least 50 acres of land—or approximately one-tenth of the land area within 0.5 mile of a transit station.

An overlay district is an acceptable way to achieve compliance with Section 3A, provided that such an overlay district should not consist of a collection of small, non-contiguous parcels. At least one portion of the overlay district land areas must include at least 25 contiguous acres of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family district must also be able to accommodate a reasonable number of multi-family housing units as of right. MBTA communities seeking a determination of compliance with Section 3A must provide to DHCD an accurate assessment of the number of multi-family housing units that can be developed as of right within the multi-family district, referred to as the district’s unit capacity.

A compliant district's multi-family unit capacity must be equal to or greater than a specified percentage of the total number of housing units within the community. The required percentage will depend on the type of transit service in the community, as follows:

Category	Minimum multi-family units as a percentage of total housing stock
Rapid transit community	25%
Bus service community	20%
Commuter rail community	15%
Adjacent community	10%

The minimum unit capacity applicable to each MBTA community is determined by multiplying the number of housing units in that community by 0.25, 0.20, 0.15 or 0.10, depending on the type of service in that community. For example, a rapid transit community with 7,500 housing units is required to have a multi-family district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. When calculating the minimum unit capacity, each MBTA community should use 2020 census data to determine the number of total housing units, unless another data source has been approved by DHCD.

When determining the unit capacity for a specific multi-family district, each MBTA community must estimate how many units of multi-family housing could be constructed on each parcel of developable land within the district. The estimate should take into account the amount of developable land in the district, as well as the height limitations, lot coverage limitations, maximum floor area ratio, set back requirements and parking space requirements applicable in that district under the zoning ordinance or bylaw. The estimate must also take into account the restrictions and limitations set forth in any other municipal bylaws or ordinances; limitations on development resulting from inadequate water or wastewater infrastructure, and, in areas not served by public sewer, any applicable limitations under Title 5 of the state environmental code or local septic regulations; known title restrictions on use of the land within the district; and known limitations, if any, on the development of new multi-family housing within the district based on physical conditions such as the presence of waterbodies, and wetlands.

If the estimate of the number of multi-family units that can be constructed in the multi-family district is less than the minimum unit capacity, then the MBTA community must change the boundaries of the multi-family district or make changes to dimensional regulations applicable to that district (or to other local ordinances or bylaws) to allow for the development of a greater number of multi-family units as of right.

It is important to understand that a multi-family district's unit capacity is not a mandate to construct a specified number of housing units, nor is it a housing production target. Section 3A requires only that each MBTA community has a multi-family zoning district of reasonable size. The law does not require the production of new multi-family housing units within that district. There is no requirement nor expectation that a multi-family district will be built out to its full unit capacity.

In some communities, there may be a significant number of multi-family units already existing in the multi-family district; those communities should generally expect fewer new units to be produced in the district, because it is more fully built out. Conversely, there may be some communities with relatively little multi-family housing in its multi-family district; there generally will be more opportunity for new

housing production in those districts in which there is a large gap between unit capacity and the number of existing multi-family units.

6. Minimum Gross Density

Section 3A states that a compliant multi-family district must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. DHCD will deem a zoning district to be compliant with Section 3A's minimum gross density requirement if the following criteria are met.

a. District-wide gross density

Section 3A expressly requires that a multi-family district—not just the individual parcels of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. To comply with this requirement, the zoning must legally and practically allow for a district-wide gross density of 15 units per acre. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

To meet the district-wide gross density the municipality must demonstrate that the zoning for the district permits a gross density of 15 units per acre of land within the district, “include[ing] land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” By way of example, to meet that requirement for a 50-acre multi-family district, the municipality must show at least 15 existing or potential new multi-family units per acre, or a total of at least 750 existing or potential new multi-family units.

b. Achieving district-wide gross density by sub-districts

Zoning ordinances and bylaws typically limit the unit density on individual parcels of land. To comply with the statute’s density requirement, an MBTA community may establish sub-districts within a multi-family district, with different density requirements and limitations for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre.

7. Determining Suitability for Families with Children

Section 3A states that a compliant multi-family district must be without age restrictions and must be suitable for families with children. DHCD will deem a multi-family district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions and does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants.

8. Location of Districts

Section 3A states that a compliant multi-family district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” DHCD will interpret that requirement consistent with the following guidelines.

a. General rule for measuring distance from a transit station.

To maximize flexibility for all MBTA communities, the distance from a transit station may be measured from the boundary of any parcel of land owned by a public entity and used for purposes related to the transit station, such as an access roadway or parking lot.

b. MBTA communities with some land area within 0.5 miles of a transit station

An MBTA community that has a transit station within its boundaries, or some land area within 0.5 mile of a transit station located in another MBTA community, shall comply with the statutory location requirement if a substantial portion of the multi-family district is located within the prescribed distance. Absent compelling circumstances, at least [one half] of the land area of the multi-family district should be located within 0.5 mile of the transit station. The multi-family district may include land areas that are further than 0.5 mile from the transit station, provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections.

In unusual cases, the most appropriate location for a multi-family district may be in a land area that is further than 0.5 miles of a transit station. Where none of the land area within 0.5 mile of transit station is appropriate for development of multi-family housing—for example, because it comprises wetlands or land publicly owned for recreation or conservation purposes—the MBTA community may propose a multi-family use district that has less than one-half of its land area within 0.5 miles of a transit station. To the maximum extent feasible, the land areas within such a district should be easily accessible to the transit station based on existing street patterns, pedestrian connections, and bicycle lanes.

c. MBTA communities with no land area within 0.5 miles of a transit station

When an MBTA community has no land area within 0.5 mile of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

9. Determinations of Compliance

DHCD will make determinations of compliance with Section 3A upon request from an MBTA community, in accordance with the following criteria and schedule. An MBTA community may receive a determination of full compliance when it has a multi-family district that meets all of the requirements of Section 3A. An MBTA community may receive a determination of interim compliance for a limited duration to allow time to enact a new multi-family district or amend an existing zoning district in order to achieve full compliance with Section 3A.

a. Requests for determination of compliance

When an MBTA community believes it has a multi-family district that complies with the requirements for Section 3A, as set forth in these guidelines, it may request a determination of compliance from DHCD. Such a request may be made for a multi-family district that was in existence on the date that Section 3A became law, or for a multi-family district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on a form required by DHCD and shall include, at a minimum, the following information, which shall be provided in a format or on a template prescribed by DHCD:

General district information

- i. A map showing the municipal boundaries and the boundaries of the multi-family district;
- ii. A copy of those provisions in the municipal zoning code necessary to determine the uses permitted as of right in the multi-family district and the dimensional limitation and requirements applicable in the multi-family district;
- iii. A plan showing the boundaries of each parcel of land located within the district, and the area and ownership of each parcel as indicated on current assessor records;

Location of districts

- iv. A map showing the location of the nearest transit station and how much of the multi-family district is within 0.5 miles of that transit station;
- v. In cases where no portion of the multi-family district is located within 0.5 miles of a transit station, a statement describing how the development of new multi-family housing within the district would be consistent with the Commonwealth's sustainable development principles;

Reasonable size metrics

- vi. A calculation of the total land area within the multi-family district;
- vii. A calculation of the multi-family district's unit capacity, along with a statement describing the methodology by which unit capacity was determined, together with:
 - a. A description of the water and wastewater infrastructure serving the district, and whether that infrastructure is sufficient to serve any new multi-family units included in the unit capacity;
 - b. A description of any known physical conditions, legal restrictions or regulatory requirements that would restrict or limit the development of multi-family housing within the district;
 - c. The number and age of multi-family housing units already existing within the multi-family district, if any.

District gross density

- viii. The gross density for the multi-family district, calculated in accordance with section 6 of these guidelines.

Housing suitable for families

- ix. An attestation that the zoning bylaw or ordinance does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants in multi-family housing units within the multi-family district.

Attestation

- x. An attestation that the application is accurate and complete, signed by the MBTA community's chief executive officer.

As soon as practical after receipt of a request for determination of compliance, DHCD will either send the requesting MBTA community a notice that it has provided all of the required information, or identify the additional information that is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family use district complies with Section 3A, or identifying the reasons why the multi-family use district fails to comply with Section 3A and the steps that must be taken to achieve compliance.

An MBTA community shall be deemed to be in compliance with Section 3A for the period of time during which a request for determination of compliance, with all required information, is pending at DHCD.

b. Action plans and interim compliance—New or amended district

Many MBTA communities do not currently have a multi-family district of reasonable size that complies with all of the requirements set out in Section 3A and these guidelines. These MBTA communities must take affirmative steps towards the creation of a compliant multi-family district within a reasonable time. To achieve interim compliance, the MBTA community must, by no later than the dates specified in section 9.c, send to DHCD written notice that a new multi-family district, or amendment of an existing multi-family district, must be adopted to come into compliance with Section 3A. The MBTA community must then take the following actions to maintain interim compliance:

- i. *Creation of an action plan.* Each MBTA community must provide DHCD with a proposed action plan and timeline for any planning studies or community outreach activities it intends to undertake in order to adopt a multi-family district that complies with Section 3A. DHCD may approve or require changes to the proposed action plan and timeline by sending the MBTA community written notice of such approval or changes. Rapid transit communities and bus service communities must obtain DHCD approval of an action plan by no later than March 31, 2023. Commuter rail communities and adjacent communities must obtain DHCD approval of a timeline and action plan by no later than July 1, 2023.
- ii. *Implementation of the action plan.* The MBTA community must timely achieve each of the milestones set forth in the DHCD-approved action plan, including but not limited to the drafting of the proposed zoning amendment and the commencement of public hearings on the proposed zoning amendment.

- iii. *Adoption of zoning amendment.* An MBTA community must adopt the zoning amendment by the date specified in the action plan and timeline approved by DHCD. For rapid transit communities and bus service communities, DHCD will not approve an action plan with an adoption date later than December 31, 2023. For commuter rail communities and adjacent communities, DHCD will not approve an action plan with an adoption date later than December 31, 2024.
- iv. *Determination of full compliance.* Within [90] days after adoption of the zoning amendment, the MBTA community must submit to DHCD a complete application requesting a determination of full compliance. The application must include data and analysis demonstrating that a district complies with all of the compliance criteria set forth in these guidelines, including without limitation the district's land area, unit capacity, gross density and location.

During the period that an MBTA community is creating and implementing its action plan, DHCD will endeavor to respond to inquiries about whether a proposed zoning amendment will create a multi-family district that complies with Section 3A. However, DHCD will issue a determination of full compliance only after final adoption of the proposed zoning amendment and receipt of a complete application demonstrating the unit capacity.

c. *Timeframes for submissions by MBTA communities*

To remain in interim compliance with Section 3A, an MBTA community must take one of the following actions by no later than December 31, 2022:

- i. Submit a complete request for a determination of compliance as set forth in section 9.a above; or
- ii. Notify DHCD that there is no existing multi-family district that fully complies with these guidelines, and submit a proposed action plan as described in section 9.b above.

10. Renewals and Rescission of a Determination of Compliance

a. *Term and renewal of a determination of compliance*

A determination of compliance shall have a term of 10 years. Each MBTA community shall apply to renew its certificate of compliance at least 6 months prior to its expiration. DHCD may require, as a condition of renewal, that the MBTA community report on the production of new housing within MBTA community, and in the multi-family district that was the basis for compliance. Applications for renewal shall be made on a form proscribed by DHCD.

b. *Rescission of a determination of compliance*

DHCD reserves the right to rescind a determination of compliance if DHCD determines that (i) the MBTA community submitted inaccurate information in its application for a determination of compliance, (ii) the MBTA community amended its zoning or enacted a general bylaw or other rule or regulation that materially alters the Unit capacity in the applicable multi-family use district.

11. Effect of Noncompliance

If at any point DHCD determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

ATTACHMENT B



Mead, Talerman & Costa, LLC
Attorneys at Law

227 Union Street
Suite 606
New Bedford, MA 02740
www.mtclawyers.com

CLIENT ADVISORY

To: Town Managers, Town Administrators, Town Planners
From: Elizabeth Lydon, Esq.
Date: December 29, 2021
Re: Guidance on MBTA Communities Released

This advisory is to inform you of the updated guidance issued by the Department of Housing and Community Development (the “Department” or “DHCD”) on December 15, 2021, regarding compliance with the newly amended Section 3A of Chapter 40A (The Zoning Act). This advisory supplements prior advisories we provided regarding the recently enacted amendments to G.L. c. 40A.

Section 18 of chapter 358 of the Acts of 2020 (*An Act Enabling Partnerships for Growth*) created a new section 3A of the Zoning Act applicable to the newly defined “MBTA Communities.” The new section 3A requires “MBTA Communities” to have at least “one district of reasonable size” in which multi-family housing is permitted as of right, otherwise, they will not be eligible for certain grant programs.

The new DHCD guidance updates and supplements the Preliminary Guidance for MBTA Communities issued on January 29, 2021, which did not address requirements for MBTA communities, which include communities that host an MBTA station as well as communities that are adjacent to communities with an MBTA station. Simultaneously with the release of the 2022 compliance requirements, DHCD issued corresponding Draft Guidelines for public comment www.mass.gov/mbtacommunities which establishes draft guidelines for whether an MBTA Community is in compliance with Section 3A. An MBTA Community that does not comply with Section 3A is not eligible for funding from the Housing Choice Initiative, the Local Capital Projects Fund, or the MassWorks Infrastructure Program.

The Draft Guidelines, which are open to public comment through March 31, 2022, include substantial new requirements for MBTA communities. Particularly, the Draft Guidelines will require an appropriately located new (or amended) zoning district of at least 50 acres, within which by-right multi-family housing will be allowed at significant density. The new district need not be vacant land; nor must the new district be (re)developed in order for the Town to be compliant. Furthermore, Site Plan Review is still allowed in these new zoning districts. However, the requirements are rigorous and will most certainly be the subject of substantial debate within each MBTA Community. For your reference, I attach the Draft Guidelines for your reference and review.

In that the Draft Guidelines will not become final until further review and comment is received through this Spring (at least), there is no immediate requirement to make changes to your Zoning Bylaws at this Spring’s Annual Town Meeting. However, DHCD is requiring that Towns take certain interim actions in anticipation of the enactment of final guidelines. Specifically, in order to remain compliant and be eligible for the above-described grant programs, an MBTA community must take the following actions by no later than 5:00 p.m. on May 2, 2022:

Newburyport Office
30 Green Street
Newburyport, MA 01950

Millis Office
730 Main Street, Suite 1F
Millis, MA 02054
Phone/Fax 508.376.8400

- (1) Include a presentation of the Draft Guidelines in a meeting of the Select Board, City Council or Town Council, as applicable;
- (2) Complete and submit the MBTA Community Information Form, found here: www.mass.gov/forms/mbta-community-information-form; and
- (3) Submit updated GIS parcel maps to MassGIS if the most recent updated parcel maps were submitted prior to January 1, 2020. DHCD will contact each of the 14 MBTA communities that need to submit updated GIS parcel maps.

See attached compliance guidelines for more information on these requirements.

As a reminder, based on the statutory definition, MBTA communities include, but are not limited to:

Abington, Acton, Amesbury, Andover, Arlington, Ashburnham, Ashby, Ashland, Attleboro, Auburn, Ayer, Bedford, Bellingham, Belmont, Berkley, Beverly, Billerica, Boston, Boxborough, Boxford, Braintree, Bridgewater, Brockton, Brookline, Burlington, Cambridge, Canton, Carlisle, Carver, Chelmsford, Chelsea, Cohasset, Concord, Danvers, Dedham, Cover, Dracut, Duxbury, East Bridgewater, Easton, Essex, Everett, Fitchburg, Foxborough, Framingham, Franklin, Freetown, Georgetown, Gloucester, Grafton, Groton, Groveland, Halifax, Hamilton, Hanover, Hanson, Haverhill, Harvard, Hingham, Holbrook, Holden, Holliston, Hopkinton, Hull, Ipswich, Kingston, Lakeville, Lancaster, Lawrence, Leicester, Leominster, Lexington, Lincoln, Littleton, Lowell, Lunenburg, Lynn, Lynnfield, Malden, Manchester-by-the-Sea, Mansfield, Marblehead, Marlborough, Marshfield, Maynard, Medfield, Medford, Medway, Melrose, Merrimac, Methuen, Middleborough, Middleton, Millbury, Millis, Milton, Nahant, Natick, Needham, Newbury, Newburyport, Newton, Norfolk, North Andover, North Attleborough, Northborough, Northbridge, North Reading, Norton, Norwell, Norwood, Paxton, Peabody, Pembroke, Plymouth, Plympton, Princeton, Quincy, Randolph, Raynham, Reading, Rehoboth, Revere, Rochester, Rockland, Rockport, Rowley, Salem, Salisbury, Saugus, Scituate, Seekonk, Sharon, Sherborn, Shirley, Shrewsbury, Somerville, Southborough, Sterling, Stoneham, Stoughton, Stow, Sudbury, Sutton, Swampscott, Taunton, Tewksbury, Topsfield, Townsend, Tyngsborough, Upton, Wakefield, Walpole, Waltham, Wareham, Watertown, Wayland, Wellesley, Wenham, West Boylston, Westborough, West Bridgewater, Westford, Westminster, West Newbury, Weston, Westwood, Weymouth, Whitman, Wilmington, Winchester, Winthrop, Woburn, Worcester, and Wrentham.

We will keep you up to date when any further guidance is released. Until we receive such guidance, it is our suggestion that you review the draft guidelines and prepare a presentation for your local governing board. As always, we are pleased to assist you as you prepare your community for these significant new requirements.

In the meantime, do not hesitate to contact us with any questions that you may have.

ATTACHMENT B

HOW MBTA COMMUNITIES CAN COMPLY IN 2022

1. What is your Municipality*

Middleton

2. Name of person filling out this form*

First Name Katrina

Last Name O'Leary

3. Title of person filling out this form*

Town Planner

4. Email of the person filling out this form*

Katrina.oleary@middletonma.gov

5. Phone number of the person filling out this form*

(978)777-8917

5.a Will the person filling out this form ALSO be responsible to ensure compliance with section 3A of c40A and/or lead a committee that will undertake compliance with section 3A of c.40A?? *

Yes

No

Section 2 - Community Information

6. Does your municipality have any land area within 0.5 miles of a public transit station, defined as a Subway station, Commuter rail station, Ferry terminal or Bus station. Note: the definition of "Bus Station" in the Draft Guidelines: "Bus station" means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation.*

Yes

No

Note: See Section 9 of the Draft Guidelines for details on measuring 0.5 miles from a transit station. Find Draft Guidelines here: www.mass.gov/mbtacommunities

7. Does your municipality have any zoning district(s) where multifamily development of 15 units/gross acre is allowed as of right without age restrictions and without restrictions on the number of bedrooms?*

Yes, one district

Yes, more than one district

No

Unsure

8. In accordance with the How to Comply in 2022 requirements for MBTA Communities issued on December 15, 2021, MBTA Communities are required to hold a briefing about the Draft Guidelines at a meeting of the Select Board, City Council or Town Council prior to May 2, 2022. Have you held such a meeting? **

Yes

No

Note: How to Comply in 2022 requirements can be found here:

www.mass.gov/mbtacomunities

Section 3 Technical Assistance and Next Steps

9. Please tell us what, if any, technical assistance you might need in order to comply with section 3A of c40A based on the Draft Guidelines issued on December 15, 2021.*

We can draft multifamily zoning without technical assistance

We can calculate multifamily capacity without technical assistance

We need technical assistance to draft multifamily zoning

We need technical assistance to calculate multifamily capacity

Unsure whether we need technical assistance to draft multifamily zoning

Unsure whether we need technical assistance to calculate multifamily capacity

Select as many as apply

10. If your municipality needs Technical Assistance, please indicate which resources you prefer.*

Support from your Regional Planning Agency

Funding from a state agency

Consultant procured by a state agency

Model bylaw or ordinance

Other:

Choose as many as you would like, if you chose Other, please give us information about that source of Technical Assistance

11. Use the space below to provide other information that you were unable to answer in the questions above. Please do not provide comments on Draft Guidelines here.



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

10.

Financial Administration of Grants Policies and Procedures

Approved by: Select Board

Effective: 1/25/2022

PURPOSE:

To establish financial and control standards and practices for federal and state grants that are centralized for purposes of control within the Town Accountant's office, to prevent deficits in grant funds (special revenue funds) and to promote timely grant reimbursements to minimize reliance on the Town's cash and accordingly optimize the Town's cash flow.

AUTHORITY:

MGL Chapter 44 §53A

POLICY:

Consistent with the requirements of state law, it is the policy of the Town that the Town Accountant will only record a grant budget on the General Ledger for a municipal department based upon a vote of the Select Board to accept the grant. The Town Accountant will monitor grant expenditures for consistency with the grant award requirements. The Town Accountant will monitor the department's submittal of reimbursement requests to assure timely reimbursements.

Federal Grants and State Grants (Award Programs)

Procedures:

- Award of Grant**

When any department receives a grant award, they should notify the Accountant and provide copies of grant guidelines, regulations and allowable costs. The Accountant and relevant department official will discuss control procedures and set up of a line item budget on the General Ledger.

- Preparation of Grant Budget Order**

After notification of an award from a granting agency, the Accountant will prepare a grant acceptance order indicating the total amount of the grant for vote of the Select Board. The

documentation submitted to the board should include an assessment of the fiscal impact on the Town.

- **Vote of the Select Board**

A majority vote of the Select Board is required to formally authorize the Town to begin to make obligations and expend funds.

- **Recording of the Grant Budget Order**

The Town Accountant should record the grant budget in the appropriate fund and subfund of the General Ledger based on receipt of both the grant award letter/documentation and the vote of the selectmen. Each grant will have a unique TOWN'S FUND ACCOUNTING sub fund number. The budget should be recorded in total and then by line items approved in the grant award budget (personal services, professional services, materials etc.). DOE grants should assure coding also by program, location and grade level to assure ability to complete the Department Of Education's End-of-Year Report.

Grant Amendments and Revisions

After the award of the grant, a granting agency may decrease the grant, increase the grant or make revisions to line item budgets.

- o When a department managing the grant receives a grant amendment or adjustment the department must immediately forward it to the Accountant.
- o The Accountant will record the grant amendment on the General Ledger and make the appropriate increase or decrease to the grant budget. If line items were adjusted the "object" budgets will be revised on the General Ledger.

Payment of Project Invoices and Reimbursement Requests

- Each Town department is responsible for the management of their grant expenditures consistent with the grant award requirements.
- When grant funded invoices are received, they should be reviewed, coded, and then submitted to the Accountant's Office consistent with the procedures in the town's Accounts Payable Policy.
- The Town Accountant and the relevant department official should discuss grant requirements and timing of reimbursement requests (at time of expenditure, monthly or quarterly) consistent with the reimbursement standards of the granting agency.
- Each Town department should request reimbursements from the granting agency as often as allowed per grant guidelines. The town department must submit evidence of the grant reimbursement request at the same time it is submitted to the granting agency, to assure timeliness of reimbursements.

- Since many grants are processed as reimbursements, the Accountant will monitor the “deficit” balances to assure that they are temporary balances and that reimbursements are received within the allowable timelines (60 days, 90 days etc) for that grant.
- Upon the completion of a grant project/program, the department should complete their final grant status/expenditure report to be submitted to the granting agency. The General Ledger of the Town is the official record of grants funds expended and receipts received.
- The Accountant will review the department's final grant report/close out for accuracy of funds received and expenditures. The Town's General Ledger is the official record of all grant activity. Any funds due to the granting agency should be subject to review and certification by the Accountant based upon the activity as recorded on the General Ledger.

Closeout of Grants Procedures:

As grants are completed, the municipal department that received the grant must prepare a grant close out package and submit it to the Accountant. If the grant had allowed drawing of funds based on estimated expenditure and actual expenditures were less, then the granting agency will require the return of unexpended funds.

The Accountant will review the department's documentation to the grant receipts and expenditures as recorded on the General Ledger. Any funds due to a granting agency must reconcile to the grant activity as recorded on the General Ledger. Only after the Accountant reviews the grant close out documentation to the General Ledger and approves it can a check be drawn to “refund” a granting agency.



Council on Aging
Old Town Hall
38 Maple Street
Middleton, MA. 01949
978-777-4067
www.townofmiddleton.org

11.

January 18, 2022

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

Re: Middleton Food Bank Donations

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

Thank you,

Jillian Smith

Jillian Smith
COA Director

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

Date: 12/22/2021

Name: Bostik

Donation: \$3,000.00

Check Number 411619

This donor would like to remain anonymous

Yes

xx No

INVOICE DATE	INVOICE NO.	GROSS AMOUNT	CASH DISC.	NET AMOUNT
12/10/2021	DONATION2021	3,000.00	0.00	3,000.00

TOTAL	3,000.00	0.00	3,000.00
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Bostik, Inc.
11320 Watertown Plank Road, Wauwatosa, WI 53226-3434



Bostik, Inc.
11320 W. Watertown Plank Road, Wauwatosa, WI 53226-3434

12/22/2021

PAY ONLY **3000.00**
THREE ZERO ZERO ZERO CTSCTS

Citibank, N.A.
One Penn's Way
New Castle, DE 19720

411619

62-20
311

*****\$3,000.00

THREE THOUSAND DOLLARS AND ZERO CENTS *****

PAY TO THE
ORDER OF
MIDDLETON FOOD PANTRY
PO BOX 855
MIDDLETON, MA 01949
US


Christine M. De
AUTHORIZED SIGNATURE

Correspondence and informational materials

January 18, 2022

Middleton Board of Selectpersons

At this time of my life it is time to give up my appointment to the Industrial Commercial Design Review Committee. It has been an honor to serve this Town, which I love so much. My last day will be January 31, 2022. Thank you to all who had confidence in me to keep appointing me to different committees.

Thanks again and keep Middleton great ---don't screw up

A handwritten signature in black ink, appearing to read "Paul Richardson".

Paul Richardson



The Commonwealth of Massachusetts
Local Election Districts Review Commission
c/o Elections Division
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Brian Cresta, Chair
Select Board
48 South Main St.
MIDDLETON, MA 01949

January 11, 2022

Dear Select Board Chair:

At a meeting held on December 2, 2021, the Local Election Districts Review commission considered the submission re-dividing MIDDLETON into precincts.

The Commission is pleased to inform you that this division meets the requirements of Massachusetts General Laws chapter 54, section 6, and is otherwise consistent with law and has thus been approved by the Commission. Please note that the effective date of your new precincts was December 31, 2021.

Thank you for your cooperation in this matter.

Sincerely,

LOCAL ELECTION DISTRICTS
REVIEW COMMISSION

A handwritten signature in black ink that reads "William Francis Galvin".

Hon. William Francis Galvin

A handwritten signature in black ink that reads "Bradley H. Jones".

Hon. Bradley H. Jones, Jr.

A handwritten signature in black ink that reads "Beth Huang".

Beth Huang

Andrew Sheehan

From: Chief Tom Martinuk (MFD) <tom.martinuk@midfire.com>
Sent: Wednesday, January 19, 2022 12:25 PM
To: David Leary Jr (Midfire); Blayne Courtemanche (MFD); John Sossei (MFD)
Cc: Andrew Sheehan
Subject: FW: Thanks!

Thank you from the Salisbury Fire Chief.

From: Ronald Giovannacci <giovannacci@verizon.net>
Sent: Wednesday, January 19, 2022 11:06 AM
To: Ronald Giovannacci <giovannacci@verizon.net>
Subject: Fwd: Thanks!

-----Original Message-----

From: Scott Carrigan <scarrigan@salisburyma.gov>
To: Ronald Giovannacci <giovannacci@verizon.net>
Sent: Wed, Jan 19, 2022 10:59 am
Subject: Thanks!

Ron please pass on to the email list.

Good morning,

I would like to thank all of the communities and organizations that assisted with our 9-alarm fire on Monday morning. As many of you can attest from having been there, if not for the strong work of the individual fire crews this incident could have been much worse. While 5 structures were completely destroyed, they were lost within the first 20 minutes of this incident. The fact that the fire did not extend to further structures, other than minor damage, is miraculous. The same can be said about the lack of injuries to civilians and fire personnel. These fortunate outcomes are a direct result of the quick action and hard work performed by responding fire companies and the leadership and decision making of company and chief officers. The members of our community and our first responders are indebted to the professional assistance provided by more than 40 organizations.

Unfortunately, right now we don't have an accurate accounting of all of the agencies and personnel that assisted. In the future we hope to be able to thank everyone individually, but we wanted to send something out as soon as possible and initiate the process of gathering feedback about the incident so that any lessons learned or opportunities for improvement are documented. So, if you or your personnel assisted in any capacity, Captain Murphy (The IC for this incident), myself, and Town Manager Neil Harrington offer our sincere thanks. If you have any feedback related to the incident please forward it to me.

For anyone that is interested, the following links have some very good photos of the incident as well as the dispatch audio from start to finish.

<https://www.617images.com/blog/2022/1/17/salisbury-massachusetts-10-alarm-fire>
<https://michaeljkent.zenfolio.com/p231199569>
<https://www.dropbox.com/sh/fhbdtq6hiraq8/AABjzjLCEY7xvCtj19vnCwya?dl=0>
<https://youtu.be/2mmwQ75QmWc> - audio

Regards,

Scott Carrigan, Fire Chief
Salisbury Fire Department