

MIDDLETON SELECT BOARD
MEETING AGENDA
FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, FEBRUARY 8, 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=aThoMXZINW50K2hiN3NMaEh2VldNUT09>

- 1 7:00 Warrants: 2217
Town Administrator updates and reports
- 2 7:10 Public Comment Period
- 3 7:15 Continue discussion of compensation & classification plan: update of plan and discussion of policy decisions; Mary Aicardi, Collins Center for Public Management
- 4 7:25 Review and authorize the Town Administrator to apply for and expend Shared Streets grant funds for the design and construction of sidewalks on Boston Street
- 5 7:50 Review and approve sub-recipient agreements for use of ARPA funds
- 6 7:55 New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

Upcoming Meetings:	February 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.

3.

CLASSIFICATION & COMPENSATION REVIEW

TOWN OF MIDDLETON, MASSACHUSETTS

EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT

FEBRUARY 2022

Edward J. Collins, Jr. Center for Public Management

McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES



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Executive Summary

The Town of Middleton retained the Edward J. Collins, Jr. Center for Public Management (Collins Center) to conduct a classification and compensation review of selected positions after having received concerns and feedback on a previous review. The goal was to

- Review the recommended classification structure
- Review the accuracy of the salary survey
- Recommend a revised classification and compensation structure

Position Descriptions

The Collins Center distributed a position description review worksheet to incumbents of the study position. The review worksheet gathered information about the accuracy of existing positions. Each incumbent was offered an individual meeting with the Collins Center to discuss the position description and provide feedback on the previous review.

The Collins Center made suggestion to the Town about recommended changes to the position descriptions. The edits to position descriptions were minor.

After the collection of completed questionnaires from all relevant positions, they were incorporated into the drafting of new job descriptions. These new job descriptions were then provided to Town leadership to be distributed to incumbents and department heads for comments prior to the preparation of final descriptions. Comments were received and the majority were incorporated into the final recommended descriptions, the electronic provision of which are under separate cover.

Rating of Positions for Classification & Internal Equity

Once descriptions were reviewed the Collins Center used a point factor rating method to objectively evaluate all study positions. The application of an objective position evaluation system that is consistently applied to each position is critical in assuring the internal equity of the classification plan. The evaluation system utilized by the Collins Center is one that has been successfully implemented in many cities, towns, and other governmental organizations in the Commonwealth. Each position was assigned a point factor in a series of categories, including those listed below, and the total points determined the groupings of positions. These categories include:

<ul style="list-style-type: none">• Supervision Required• Supervision Responsibility• Accountability• Judgement and Complexity• Nature of Personal Contacts	<ul style="list-style-type: none">• Education and Experience• Confidentiality• Work Environment• Physical Requirement• Motor and Visual Skills
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Recommended Classification Structure

The review of position descriptions revealed that the core of most descriptions was accurate. Having a standardized classification system will benefit the Town in recruitment efforts and in efforts to conduct comparisons to other municipalities for functions and compensation. The Collins Center recommends the following classification structure which represents a slight realignment of the previous review.

GRADE	TITLE	DEPARTMENT
E	Finance Director	Accounting
E	DPW Superintendent	DPW
E	Assistant Town Administrator/HR Director	TA
D	Principal Assessor	Assessing
D	Building Commissioner	Building
D	Council on Aging Director	COA
D	Deputy DPW Superintendent	DPW
D	Health Director	Health
D	Library Director	Library
D	Town Planner	Planning
D	Town Clerk	Town Clerk
D	Treasurer/Collector	Treasurer/Collector
C	Conservation Agent	Conservation
C	Assistant Library Director	Library
B	Assistant Assessor	Assessing
B	Assistant Town Clerk	Town Clerk
B	Assistant Treasurer-Collector	Treasurer/Collector
A	Assistant COA Director	COA
A	Administrative Assistant to Police Chief	Police
A	Administrative Secretary to Town Administrator	TA

Market Salary Survey

A market salary survey was conducted after the classification of all relevant positions in order to determine the ranges within which other area municipalities compensate positions studied. A summary of the results is attached to this report. Obtaining survey data is one of the most challenging aspects of a classification and compensation study. Not all municipalities have the same titles or definitions of duties under a specific title, which can make comparisons difficult. After meeting with the Board, the municipalities used for the review were refined. The following municipalities responded to the survey: and were used for analysis, in accordance with the Board's decision: Boxford, Georgetown, Groveland, Hamilton, Ipswich, Littleton, Lynnfield, North Reading, Rowley, Topsfield Wakefield, and Wilmington.

The Collins Center converts all salary data to an hourly rate so that comparisons are accurate. The Collins Center evaluates both the average and the median pay in order to obtain accurate information. The analysis of median pay removes the outlying data points.

In most instances, the compensation ranges for the Town are well within, or above the market. A few positions are below the maximum rate of the market. However, in those instances the results are impacted by the nature of the work done in the responding municipality or represent outliers either above or below the market. This is also why the Collins Center evaluates average and median rates.

Of note is the rate of pay for the administrative positions of the Administrative Assistant positions in the Police Department and the Town Administration offices.

Development of the Compensation Schedule

In classification evaluation, it is important to note that each municipality is different and the comparability within an organization is as important, if not more so, than external comparability. In developing the recommended schedule, the Collins Center coalesced the position classification with the results of the salary survey to establish salary ranges for each of the grades. The salary ranges were established by evaluating the median and average pay with respect to the existing pay of the positions in each grade.

The salary schedule recommended aligns with the foundation of the previous review with small changes in the classification of positions and the addition of a classification grade, as shown above. The following is the recommended compensation structure for the study positions.

GRADE	MINIMUM HOURLY	MAXIMUM HOURLY
E	\$45.00	\$58.50
D	\$40.00	\$52.00
C	\$35.00	\$45.50
B	\$27.00	\$35.10
A	\$24.00	\$31.20

Discussion of Specific Positions

In discussions with the Town Administrator, department managers and incumbents of positions, it became clear in two instances changes in classification should occur.

The first is that of the Conservation Agent. Currently, the Conservation Agent reports to the Health Director on the Town's organizational chart. The reality is that this is not the case and that the Conservation Agent is truly a department head. As such, the Collins Center recommends adjusting the organization and the budgets to reflect the reality, that Conservation is a separate department, and the Conservation Agent is a department head reporting to the Town Administrator. The recommended classification and compensation structure reflects this recommendation.

The second is the position of Administrative Assessor. The position should be re-titled to reflect that the position serves as an Assistant Assessor and performs work above the clerical level. The recommended classification and compensation structure reflects this recommendation.

Stipends

Historically, the Town has used stipends as a mechanism to provide additional compensation to employees, either based on merit, as a way to increase pay or to compensate for additional duties.

Stipends are useful when duties outside of the regular responsibilities of a position are assigned. As such, the Collins Center does not recommend removing all stipends. However, the Collins Center does recommend removing those stipends that are actually part of the responsibilities of a position, or example building management. The recommended classification and compensation structure reflects this recommendation.

The following table summarizes the stipends provided and the recommendation of the Collins Center. A complete analysis of the hourly impact of stipends is attached to the report.

POSITION	PURPOSE	STIPEND AMOUNT	RECOMMENDATION
DPW Superintendent	Clothing	\$1,235	Keep clothing stipend as it is standard for DPW positions
DPW Superintendent	Winter Operations	\$5,000	Winter Operations are an integral responsibility of the position. The stipend should be eliminated and added to regular rate.
Deputy DPW Superintendent	Clothing	\$1,235	Keep clothing stipend as it is standard for DPW positions
Deputy DPW Superintendent	Facilities	\$3,500	Keep stipend, as facilities is not an integral responsibility of the position

POSITION	PURPOSE	STIPEND AMOUNT	RECOMMENDATION
Principal Assessor	Car/Mileage	\$3,600	Eliminate and adhere to the Town's mileage policy
Library Director	Building Manager	\$3,500	Building Management is an integral responsibility of the position. The stipend should be eliminated and added to regular rate.
Planner	Phone	\$480	Review/create cellular phone policy and apply consistently across departments and positions clarifying who is eligible
Health Director	Supervision of Conservation	\$8,337	Supervision is an integral part of a position; Eliminate stipend as Conservation does not report to Health
Health Director	Animal Control Supervision	\$2,863	Animal Control is an integral responsibility of the position. The stipend should be eliminated and added to regular rate.
Health Director	IT Liaison	\$5,000	Keep stipend, as IT liaison not an integral responsibility of the position
COA Director	Phone	\$312	Review/create cellular phone policy and apply consistently across departments and positions clarifying who is eligible
Town Clerk	Records Access Official	\$2,500	Serving as the keeper of the records is an integral responsibility of the position. The stipend should be eliminated and added to regular rate.
Town Clerk	Municipal Hearing Officer	\$2,500	Keep stipend, as Municipal Hearing Officer responsibilities could easily be transferred to another employee
Town Clerk	Certification	\$1,000	Maintain stipend as it is provided under statute. The Town should ensure others who are entitled to similar stipends are also receiving.
Asst COA Director	Phone	\$180	Review/create cellular phone policy and apply consistently across departments and positions clarifying who is eligible

It should be noted that the review revealed that the Town has an inconsistent cellular phone policy that should be reviewed and applied uniformly across positions. Additionally, the Town should adhere to a standard mileage reimbursement policy and not provide gasoline or car allowances outside of an authorized employment contract with the Board.

Implementation

The Collins Center recommends placing employees in the recommended range. Those with stipends to be absorbed into the existing rate should have their base pay adjusted by the corresponding amount which will be increased in any future across the board increased.

The Town will need to make policy decisions on any other adjustments such as length of service in position and in regard to applying across the board or cost of living adjustments (COLA) to the entire pay scale.

Conclusion

The Collins Center would like to thank the Town for welcoming the Collins Center. We believe the recommended position descriptions and classification plan will serve the Town well for many years to come.

Recommended Classification and Compensation Structure

GRADE	TITLE	DEPARTMENT	PAY RANGE
E	Finance Director	Accounting	\$45.00 - \$58.50
E	DPW Superintendent	DPW	
E	Assistant Town Administrator/HR Director	TA	
D	Principal Assessor	Assessing	\$40.00 - \$52.00
D	Building Commissioner	Building	
D	Council on Aging Director	COA	
D	Deputy DPW Superintendent	DPW	
D	Health Director	Health	
D	Library Director	Library	
D	Town Planner	Planning	
D	Town Clerk	Town Clerk	
D	Treasurer/Collector	Treasurer/Collector	
C	Conservation Agent	Conservation	\$35.00 - \$45.50
C	Assistant Library Director	Library	
B	Assistant Assessor	Assessing	\$27.00 - \$35.10
B	Assistant Town Clerk	Town Clerk	
B	Assistant Treasurer-Collector	Treasurer/Collector	
A	Assistant COA Director	COA	\$24.00 - \$31.20
A	Administrative Assistant to Police Chief	Police	
A	Administrative Secretary to Town Administrator	TA	

Summary of Salary Survey Minimum Pay Comparison

TITLE	DEPARTMENT	MIDDLETON MINIMUM HOURLY RATE	MIDDLETON MAXIMUM HOURLY RATE	SURVEY AVERAGE MINIMUM	SURVEY MEDIAN MINIMUM	MIDDLETON MINIMUM MINUS AVE MINIMUM	MIDDLETON MINIMUM MINUS MED MINIMUM
Town Administrator	TA			\$60.28	\$60.22		
DPW Superintendent	DPW	\$52.70	\$59.57	\$49.20	\$49.76	\$3.50	\$2.94
Finance Director	Accounting		\$58.70	\$52.68	\$51.08		
Assistant Town Administrator/ HR Director	TA	\$52.70	\$59.57				
Library Director	Library	\$45.83	\$59.57	\$39.71	\$40.74	\$6.12	\$5.09
Treasurer/Collector	Treasurer/Collector	\$45.83	\$59.57	\$39.45	\$37.66		
Building Commissioner	Building	\$39.83	\$51.80	\$37.92	\$37.61	\$1.91	\$2.22
Deputy DPW Superintendent	DPW	\$39.83	\$51.80				
Health Director	Health	\$39.83	\$51.80	\$37.50	\$37.30	\$2.33	\$2.53
Principal Assessor	Assessing	\$39.83	\$51.80	\$41.89	\$39.92	(\$2.06)	(\$0.09)
Town Planner	Planning	\$39.83	\$51.80	\$40.00	\$37.66	(\$0.17)	\$2.17
Council on Aging Director	COA	\$34.65	\$45.05	\$35.38	\$35.73	(\$0.73)	(\$1.08)
Town Clerk	Town Clerk		\$43.99	\$35.72	\$34.98		
Conservation Agent	Conservation	\$34.65	\$45.05	\$30.12	\$30.62	\$4.53	\$4.03
Assistant Library Director	Library	\$30.13	\$39.17	\$31.39	\$31.91		
Assistant Treasurer-Collector	Treasurer/Collector	\$26.20	\$34.06	\$28.00	\$28.63		

TITLE	DEPARTMENT	MIDDLETON MINIMUM HOURLY RATE	MIDDLETON MAXIMUM HOURLY RATE	SURVEY AVERAGE MINIMUM	SURVEY MEDIAN MINIMUM	MIDDLETON MINIMUM MINUS AVE MINIMUM	MIDDLETON MINIMUM MINUS MED MINIMUM
Assistant Assessor	Assessing	\$26.20	\$34.06				
Assistant Town Clerk	Town Clerk	\$26.20	\$34.06	\$24.92	\$25.23		
Administrative Assistant to Police Chief	Police		\$26.37	\$24.18	\$25.38		
Assistant COA Director	COA	\$19.81	\$25.75				
Administrative Secretary to Town Administrator	TA		\$24.33	\$29.74	\$29.01		

Summary of Survey Maximum Pay Comparison

TITLE	DEPARTMENT	MIDDLETON MINIMUM HOURLY RATE	MIDDLETON MAXIMUM HOURLY RATE	SURVEY AVERAGE MAXIMUM	SURVEY MEDIAN MAXIMUM	MIDDLETON MAX MINUS MED MAXIMUM
Town Administrator	TA			\$83.96	\$77.95	
DPW Superintendent	DPW	\$52.70	\$59.57	\$61.11	\$62.03	(\$1.54) (\$2.46)
Finance Director	Accounting		\$58.70	\$60.75	\$58.70	(\$2.05)
Assistant Town Administrator/ HR Director	TA	\$52.70	\$59.57	\$59.04	\$59.74	\$0.53 (\$0.17)
Library Director	Library	\$45.83	\$59.57	\$47.42	\$47.51	\$12.15
Treasurer/Collector	Treasurer/Collector	\$45.83	\$59.57	\$48.36	\$45.45	\$11.21
Building Commissioner	Building	\$39.83	\$51.80	\$47.51	\$48.29	\$4.29
Deputy DPW Superintendent	DPW	\$39.83	\$51.80	\$54.79	\$54.85	(\$2.99) (\$3.05)
Health Director	Health	\$39.83	\$51.80	\$47.47	\$45.70	\$4.33
Principal Assessor	Assessing	\$39.83	\$51.80	\$53.32	\$52.65	(\$1.52) (\$0.85)
Town Planner	Planning	\$39.83	\$51.80	\$47.37	\$48.32	\$4.43
Council on Aging Director	COA	\$34.65	\$45.05	\$41.08	\$41.75	\$3.97
Town Clerk	Town Clerk		\$43.99	\$42.31	\$42.90	\$1.68
Conservation Agent	Conservation	\$34.65	\$45.05	\$38.27	\$39.32	\$6.78
Assistant Library Director	Library	\$30.13	\$39.17	\$40.99	\$39.84	(\$1.82) (\$0.67)
Assistant Treasurer-Collector	Treasurer/Collector	\$26.20	\$34.06	\$33.55	\$33.57	\$0.51
						\$0.50

TITLE	DEPARTMENT	MIDDLETON MINIMUM HOURLY RATE	MIDDLETON MAXIMUM HOURLY RATE	SURVEY AVERAGE MAXIMUM	SURVEY MEDIAN MAXIMUM	MIDDLETON MAX MINUS MED MAXIMUM
Assistant Assessor	Assessing	\$26.20	\$34.06	\$32.56	\$31.68	\$1.50
Assistant Town Clerk	Town Clerk	\$26.20	\$34.06	\$27.31	\$25.54	\$6.75
Administrative Assistant to Police Chief	Police		\$26.37	\$31.33	\$31.09	(\$4.96)
Assistant COA Director	COA	\$19.81	\$25.75	\$23.47	\$23.47	\$2.28
Administrative Secretary to Town Administrator	TA		\$24.33	\$37.59	\$34.69	(\$13.26)
						(\$10.36)

Summary of Stipends and Recommendations

POSITION	BASE HOURLY	STIPEND	HOURLY COST	PURPOSE	RECOMMENDATION
DPW Superintendent	\$53.56	\$1,235		Clothing	Keep clothing stipend as it is standard for DPW positions
DPW Superintendent	\$53.56	\$5,000		Winter Operations	Winter Operations are an integral responsibility of the position. The stipend should be eliminated and added to regular rate.
Deputy DPW Superintendent	\$45.91	\$1,235		Clothing	Keep clothing stipend as it is standard for DPW positions
Deputy DPW Superintendent	\$45.91	\$3,500	\$1.68	Facilities	Keep stipend, as facilities is not an integral responsibility of the position
Principal Assessor	\$42.67	\$3,600	\$1.72	Car/Mileage	Eliminate and adhere to the Town's mileage policy
Library Director	\$46.98	\$3,500	\$1.92	Building Manager	Building Management is an integral responsibility of the position. The stipend should be eliminated and added to regular rate.
Planner	\$39.85	\$480		Phone	Review/create cellular phone policy and apply consistently across departments and positions clarifying who is eligible
Health Director	\$46.23	\$8,337	\$3.99	Supervision of Conservation	Supervision is an integral part of a position; Eliminate stipend as Conservation does not report to Health
Health Director	\$46.23	\$2,863	\$1.37	Animal Control Supervision	Animal Control is an integral responsibility of the position. The stipend should be eliminated and added to regular rate.
Health Director	\$46.23	\$5,000	\$2.40	IT Liaison	Keep stipend, as IT liaison not an integral responsibility of the position

POSITION	BASE HOURLY	STIPEND	HOURLY COST	PURPOSE	RECOMMENDATION
COA Director	\$34.65	\$312		Phone	Review/create cellular phone policy and apply consistently across departments and positions clarifying who is eligible
Town Clerk	\$43.99	\$2,500	\$1.41	Records Access Official	Serving as the keeper of the records is an integral responsibility of the position. The stipend should be eliminated and added to regular rate.
Town Clerk	\$43.99	\$2,500	\$1.41	Municipal Hearing Officer	Keep stipend, as Municipal Hearing Officer responsibilities could easily be transferred to another employee
Town Clerk	\$43.99	\$1,000	\$0.56	Certification	Maintain stipend as it is provided under statute. The Town should ensure others who are entitled to similar stipends are also receiving.
Asst COA Director	\$21.86	\$180		Phone	Review/create cellular phone policy and apply consistently across departments and positions clarifying who is eligible



OFFICE OF THE TOWN ADMINISTRATOR

Town of Middleton
Memorial Hall
48 South Main Street
Middleton, MA 01949-2253
978-777-3617
www.middletonma.gov

5.

MEMORANDUM

TO: Middleton Select Board

FROM: Andrew J. Sheehan, Town Administrator 

DATE: February 8, 2022

RE: Covid-19 Test Kit subrecipient agreements for ARPA reporting

As approved by the Select Board on January 11, 2022, the Town went forward with the purchase of a pallet of Covid-19 test kits. The Town of Ipswich also purchased a pallet. Several other North Shore communities have agreed to buy kits from both Ipswich and Middleton.

The Towns and entities purchasing kits from Middleton include the Towns of Boxford, Hamilton, Salisbury, Manchester-by-the-Sea, North Andover, and Action Ambulance. Based on the requirements of the Treasury Department's Final Rule, we have drafted the attached subrecipient agreements between the Town of Middleton and each of these entities. These agreements are a necessary piece of the ARPA financial reporting. They will be filed with the Finance Director/Town Accountant along with the invoices and final receipt of payments. We are billing each community for the kits at cost and for their share (based on number of kits) of the shipping and handling costs.

The Towns and entities are:

Salisbury	500 kits	\$ 5,065
Boxford	800 kits	\$ 8,104
Manchester-by-the-Sea	800 kits	\$ 8,104
Hamilton	1,250 kits	\$12,662.50
North Andover	1,150 kits	\$11,649.50
Action Ambulance	50 kits	\$ 506.50
<hr/>		
Total payments to Middleton		\$46,091.50
Total cost of the pallet		\$76,600.00
Net cost from ARPA funds for Middleton kits		\$30,508.50

We have already begun distribution of some of the Middleton kits through the COA Meals on Wheels; Middleton Food Pantry; Housing Authority; Veterans Services; and Middleton Health Department. Additional details on Covid-19 test kit distribution will be made available on www.middletonma.gov in the next few days.

**SUBRECIPIENT AGREEMENT TO USE
CORONAVIRUS RELIEF FUND MONIES FROM THE AMERICAN RESCUE PLAN
ACT BETWEEN TOWN OF MIDDLETON and _____**

WHEREAS, the American Rescue Plan Act of 2021 (ARPA) established the Coronavirus State and Local Fiscal Recovery Funds under sections 602 and 603 of the Social Security Act to help states and localities address the economic and health consequences of the pandemic; and

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds to respond to the COVID-19 public health emergency and its economic impacts through four categories

- To respond to the public health emergency or its negative economic impacts, including assistance to households, small business, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- To make necessary investments in water, sewer, and broadband infrastructure; and

WHEREAS, TOWN OF MIDDLETON has received ARPA funding from the State of Massachusetts as a pass through from the federal government to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); and

NOW, THEREFORE, in consideration of the foregoing promises, the parties hereto agree that the use of American Rescue Plan Funds be conveyed to the by the TOWN OF MIDDLETON to _____ (hereafter referred to as the "subrecipient") subject to the following award information, conditions, and limitations:

A. Award Information

Awarding Agency: TOWN OF MIDDLETON

Subrecipient Names: _____

Federal Awarding Agency: US Dept. of Treasury

CFDA #: 21.027 – Coronavirus State and Local Fiscal Recovery (CSLFRF)

Period of Performance: JANUARY 1, 2022 – JUNE 30, 2022

Amount to be paid to Middleton: \$ _____

Amount of test kits purchased by Middleton and provided to subrecipient: _____

B. Project Description

The TOWN OF MIDDLETON will award an amount, not to exceed

_____ test kits purchased with ARPA Funds to _____ (name of subrecipient) for the purposes of dispensing test kits to vulnerable populations; public safety and public health personnel; employees; and residents.

C. General Conditions

1. Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties.

2. The subrecipient shall hold harmless and indemnify the TOWN OF MIDDLETON from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the subrecipients' distribution of the Covid-19 test kits.
3. TOWN OF MIDDLETON or subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, and signed by a duly authorized representative of both organizations. Such amendments shall not invalidate this Agreement, nor relieve or release TOWN OF MIDDLETON or subrecipient from its obligations under this Agreement.
 - The TOWN OF MIDDLETON may, in its discretion, amend this Agreement to conform with federal, state, or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both the TOWN OF MIDDLETON and the subrecipient.
4. Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, reports, or other materials prepared by subrecipient under this Agreement shall, at the option of the TOWN OF MIDDLETON, become the property of the TOWN OF MIDDLETON.
 - TOWN OF MIDDLETON may also suspend or terminate this Agreement, in whole or in part, if subrecipient materially fails to comply with any term of this Agreement, or with any of the rules, regulations, or provisions referred to herein; and the TOWN OF MIDDLETON may declare subrecipient ineligible for any further participation in TOWN OF MIDDLETON's award agreements, in addition to other remedies as provided by law. In the event there is probable cause to believe subrecipient is in noncompliance with any applicable rules or regulations, TOWN OF MIDDLETON withhold funding.

D. Award Assurances

A signature on this Agreement indicates that subrecipient is capable of and agrees to meet the following requirements, and that all information contained in this proposal is true and correct.

1. Adopt and maintain a system of internal controls which results in the fiscal integrity and stability of the organization, including the use of Generally Accepted Accounting Principles (GAAP).
2. Compliance with state insurance requirements for general, professional, and automobile liability; workers' compensation and employer's liability; and, if advance funds are required, commercial crime insurance.
3. No portion of these award funds will be subcontracted without prior written approval unless expressly identified in the award agreement.
4. Compliance with the requirements of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, P.L. 93-112, as amended, and any relevant program-specific regulations, and shall not discriminate against any employee for employment because of race, national origin, creed, color,

sex, religion, age, disability, or handicap condition (including AIDS and AIDS-related conditions).

5. Compliance with the Americans with Disabilities Act of 1990 (P.L. 101-136), 42 U.S.C. 12101, as amended, and regulations adopted thereunder contained in 28 CFR 26.101-36.999 inclusive, and any relevant program-specific regulations.
6. Compliance with Title 2 of the Code of Federal Regulations (CFR) and any guidance in effect from the Office of Management and Budget (OMB) related (but not limited to) audit requirements for grantees that expend \$750,000 or more in Federal awards during the grantee's fiscal year must have an annual audit prepared by an independent auditor in accordance with the terms and requirements of the appropriate circular. Certifications that neither Court Appointed Advocates for Children nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. This certification is made pursuant to regulations implementing Executive Order 12549, Department and Suspension, 28 C.F.R. pt. 67 §67.510, as published as pt. VII of May 26, 1988, Federal Register (pp. 19150-19211). No funding associated with this award will be used for lobbying.
7. Disclosure of any existing or potential conflicts of interest relative to the performance of services resulting from this award.
8. Provision of a work environment in which the use of tobacco products, alcohol, and illegal drugs will not be allowed.
9. An organization receiving award funds or materials through the TOWN OF MIDDLETON shall not use these funds for any activity related to the following:
 - Any attempt to influence the outcome of any federal, state, or local election, referendum, initiative or similar procedure, through in-kind or cash contributions, endorsements, publicity or a similar activity.
 - Establishing, administering, contributing to or paying the expenses of a political party, campaign, political action committee or other organization established for the purpose of influencing the outcome of an election, referendum, initiative, or similar procedure.
 - Any attempt to influence:
 - The introduction or formulation of federal, state, or local legislation; or
 - The enactment or modification of any pending federal, state, or local legislation, through communication with any member or employee of Congress, the Massachusetts Legislature or a local governmental entity responsible for enacting local legislation, including, without limitation, efforts to influence State or local officials to engage in a similar lobbying activity, or through communication with any governmental official or employee in connection with a decision to sign or veto enrolled legislation.
 - Any attempt to influence the introduction, formulation, modification or enactment of a federal, state, or local rule, regulation, executive order or any other program, policy or position of the United States Government, the State of Massachusetts or a local governmental entity through communication with any officer or employee of the

United States Government, the State of Massachusetts or a local governmental entity, including, without limitation, efforts to influence state or local officials to engage in a similar lobbying activity.

- Any attempt to influence:
 - The introduction or formulation of federal, state or local legislation;
 - The enactment or modification of any pending federal, state, or local legislation; or
 - The introduction, formulation, modification or enactment of a federal, state, or local rules, regulation, executive order, or any other program, policy, or position of the United States Government, the State of Massachusetts or a local governmental entity, by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign.
- Legislative liaison activities, including, without limitation, attendance at legislative sessions or committee hearings, gathering information regarding legislation and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in an activity prohibited pursuant to subsections 1 to 5, inclusive.
- Executive branch liaison activities, including, without limitation, attendance at hearings, gathering information regarding a rule, regulation, executive order or any other program, policy or position of the United States Government, the State of Massachusetts or a local governmental entity and analyzing the effect of the rule, regulation, executive order, program, policy, or position, when such activities are carried on in support of or in knowing preparation of an effort to engage in an activity prohibited pursuant to subsections 1 to 5, inclusive.

10. An organization receiving award funds or materials through the TOWN OF MIDDLETON may, to the extent and in the manner authorized in its award, use award funds or materials for any activity directly related to educating persons in a nonpartisan manner by providing factual information in a manner that is:

- Made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television or other medium of mass communication; and
- Not specifically directed at:
 - Any member or employee of congress, the Massachusetts Legislature or a local governmental entity responsible for enacting local legislation;
 - Any governmental official or employee who is or could be involved in a decision to sign or veto enrolled legislation; or
 - Any officer or employee of the United States Government, the State of Massachusetts, or a local governmental entity who is involved in introducing, formulating, modifying, or enacting a Federal, State or local rule, regulation, executive order, or any

other program, policy, or position of the United States Government, the State of Massachusetts or a local governmental entity.

This provision does not prohibit a recipient or an applicant for the award from providing information that is directly related to the award.

11. Subrecipient proposed uses of the funds provided as payment under sections 601, 602 and 603 of the Social Security Act will be used only to cover those costs that:

- a. Respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c. Are for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d. Are necessary investments in water, sewer, or broadband infrastructure.

12. Subrecipient understands that any funds or materials provided pursuant to this certification cannot be used for depositing funds into any pension fund.

13. Subrecipient understands that funds received pursuant to this certification cannot be used for expenditures for which subrecipient has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and intend to be legally bound thereby, this _____ day of _____.

Signed by:

Authorized signatory(ies) of the Subrecipient

Middleton Select Board

Andrew J. Sheehan, Town Administrator