

MIDDLETON SELECT BOARD
MEETING AGENDA
FLINT PUBLIC LIBRARY
1 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, SEPTEMBER 6, 2022
6:30 PM EXECUTIVE SESSION
7:00 PM OPEN SESSION
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/88938544609?pwd=aHR1bmJwOzluZXdHL2RjYVczYWxNdz09>

6:30 pm 1. Executive Session pursuant to Mass. General Law chapter 30A, section 21(a)(2) with respect to the Fire Chief and other non-union personnel; and pursuant to Mass. General Law chapter 30A, section 21(a)(3) with respect to collective bargaining with Middleton Clericals; votes may be taken

7:00 pm 2. Recommendation and Appointment of Fire Chief; votes may be taken

7:10 pm 3. Business

 a. Warrant: 2304 & 2305

 b. Minutes: August 9, 2022, open session minutes and executive session minutes

 c. Town Administrator Updates and Reports

7:15 pm 4. Update on 49 South Main Street/10-18 Boston Street 40B negotiations, if necessary; votes may be taken

7:25 pm 5. Public Comment

7:35 pm 6. Review recommendation of Police Chief William Sampson to appoint Samantha Cila as a Reserve Police Officer; votes may be taken

7:45 pm 7. Review and discussion about Temporary Outdoor Dining; votes may be taken

7:55 pm 8. Review and discussion on Ambulance/EMS fees; votes may be taken

8:05 pm 9. Review and discussion on the DoubleTree liquor license status; votes may be taken

8:15 pm 10. Review and discuss IMA with the Town of Danvers regarding shared Information Technology services; votes may be taken

8:25 pm 11. Cemetery Regulations Waiver request from Frank Procopio Jr.; votes may be taken

8:35 pm 12. Review and discuss method of evaluating options for the future of the Fire Station, Police Station, Memorial Hall, Old Town Hall; votes may be taken

8:45 pm 13. Close the warrant for the October 18, 2022, Special Town Meeting; votes may be taken

8:55 pm 14. Updates & Announcements

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.

9:10 pm 15. Executive Session pursuant to Open Meeting Law (Chapter 30A Section 21 (a)(3)) - To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares – Anticipated, Threatened Litigation *Marino v. Town*.

9:20 pm 16. Executive Session pursuant to Open Meeting Law (Chapter 30A Section 21 (a)(1)) - To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual – Robert Marino

Upcoming Meetings:	September 20	Regular Select Board meeting
	October 4	Regular Select Board meeting
	October 18	Special Town Meeting, Howe Manning School

Town of Middleton
Summary of Weekly Bills Payable and Payroll Warrants
Office of the Town Accountant

3.

Warrant Date: August 25, 2022

Warrant Number: 2304

Payroll Warrant Total:	\$ 604,080
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<u>Department</u>	<u>Amount</u>	<u>Detail of Expenses</u>
Board of Health	\$6,066	
COA	\$10,618	
Conservation	\$3,717	
Election	\$0	
Electric Light	\$73,700	\$5,818 Overtime; \$2,939 Call Out
Fire	\$65,375	\$17,390 Overtime; \$9,301 Part time
Inspections	\$9,601	
Library	\$17,320	
Memorial Hall	\$40,472	
Planning	\$3,698	
Police	\$66,213	\$5,509 Overtime; \$235 Reserves
Police Details	\$23,607	
Public Works	\$38,898	\$0 Snow; \$1,748 Overtime; \$3,828 Summer Pay
Recreation	\$5,369	
Senior Work Off	\$0	
School	\$239,426	
Teacher Balloon Pay	\$0	
Town Officers	\$0	

Bills Payable Warrant Total:	\$ 822,500
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<u>Department</u>	<u>Amount</u>	<u>Detail of Expenses</u>
All Payroll Deductions	\$72,588	
Administrator	\$4,420	\$2,051 Copier Contractual
Accounting	\$175	Miscellaneous Expenses
Assessor	\$8,038	\$7,878 FY22 Water Lien
Clerk	\$7,090	\$5,852 ICC Contractual Services
Cultural Council	\$0	
COA	\$2,860	\$1,930 Food Pantry
DPW	\$128,042	\$57,950 Rail Trail; \$34,442 Peabody St Bridge; \$14,403 Waste Disposal
Fire	\$21,407	\$10,824 Fire Alarm Material (ATM); \$4,495 Ambulance Misc; \$2,183 Training
Health Director	\$110	Miscellaneous Expenses
Inspections	\$560	Miscellaneous Expenses
IT	\$27,142	\$20,000 Police Server Upgrade (ATM)
Library	\$16,107	\$4,722 Purchase Books; \$4,927 FY23 Contractual Services
MELD	\$108,586	\$85,362 Purchase Power
Planning	\$321	Miscellaneous Expenses
Police	\$11,824	\$5,139 Fuel; \$2,829 Details; \$1,655 Clothing
Recreation	\$1,531	Park Program Expenses
School	\$267,750	\$188,133 Health Ins Deduct; \$45,217 IT Related
Treasurer	\$143,774	\$137,568 Health Ins. Deduct; \$5,060 Postage
Veterans' Agent	\$174	Miscellaneous Expenses



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

August 26, 2022

6.

Andy Sheehan, Town Administrator
Town of Middleton
Memorial Hall
48 S Main Street
Middleton, MA 01949

Re: Letter of recommendation to appoint Samantha Cila as a Reserve Police Officer

Dear Town Administrator Sheehan,

I am sending this letter to recommend Samantha Cila for consideration as the next Reserve Middleton Police Officer.

Ms. Cila is a Middleton resident and has completed the Massachusetts State Police Academy's full-time 84th RTT and is currently up-to-date with all MPTC in-service training requirements. Ms. Cila worked as a State Trooper for the Massachusetts State Police from January 2019 until April 2022 and holds a Bachelor's Degree in Criminal Justice from Endicott College.

I believe with Ms. Cila's training and experience in the field of criminal justice that he will be an asset to the Middleton Police Department as our next Reserve Police Officer. I respectfully request that the Select Board appoint Ms. Cila to the position of Reserve Police Officer.

Thank you in advance for your consideration in this matter and please feel free to contact me if you have any questions or concerns.

Respectfully submitted,

Chief William P. Sampson

Chief William P. Sampson
Middleton Police Department



OFFICE OF THE TOWN ADMINISTRATOR

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

7

August 23, 2022

To: Select Board
From: Town Administrator's Office
CC: Fire Chief, Building Commissioner, Town Planner, Public Health Director
RE: Temporary Outdoor Dining Approvals

MEMORANDUM

As Board members may recall, the Town extended Temporary Outdoor Dining Approvals (TODA) until April 2023. Currently, no restaurants are utilizing the TODA process that was initiated in 2020 to help restaurants deal with COVID occupancy restrictions.

At this time, we are recommending a repeal of the outdoor dining option. Restaurants always have the option of filing for a Site Plan approval or amendment to have outdoor seating.

Incorporating outdoor seating into the Site Plan ensures that there is adequate parking and circulation. It also ensures that the septic system design and approval accommodates the volume of patrons dining. These items have been of concern to the Fire, Building, and Health Departments. Site Plan ensures that these items are identified and addressed prior to occupancy permits and in compliance with the codes enforced by the Fire, Building, and Health Departments.

Andrew Sheehan

From: Chief Tom Martinuk (MFD) <tom.martinuk@midfire.com>
Sent: Thursday, August 18, 2022 4:15 PM
To: Andrew Sheehan; Sarah Wood; Jackie Bresnahan
Subject: FW: AMBULANCE RATES
Attachments: Middleton MA Rate Change Form-2022.pdf

8.

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Good afternoon,
Attached are the current and top fifty average ambulance rates from Comstar.
Last time rates were raised were in 2020.

I would suggest the following rates:

	<u>Current</u>	<u>Proposed</u>
BLS Emergency	\$1,500	\$1,700
BLS non-emergency	\$1,500	\$1,700
ALS non-emergency	\$2,350	\$2,500
ALS1 Emergency	\$2,350	\$2,500
ALS2 Emergency	\$3,450	\$3,700
Specialty Care	\$4,000	\$4,200
Mileage	\$36.50	\$40.00 (I would suggest \$50 but some might think it is too big of a jump, but could easily be justified with the price of fuel etc.)
Intercept fee	\$450.00	\$500.00

Thank you

Tom

Thomas J. Martinuk
Chief of Department
Middleton Fire Department
4 Lake St.
Middleton, MA 01949

(Office) 978-774-0700
(Fax) 978-774-0709



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COMSTAR 
Ambulance Billing Service

8 Turcotte Memorial Drive, Rowley, MA 01969
Ph: 800-742-3001 FAX: 978-356-3721

TOWN OF MIDDLETON
2022 Rate Change Form

Charges	2022 Medicare Fee Schedule Allowed Amounts	Avg Bundled Comstar Top 50	Current Rates	New Rates Effective On:
BLS EMERGENCY BASE RATE	\$409.05	\$1,580.81	\$1,500.00	_____
BLS NON-EMERGENCY BASE RATE	\$255.66	\$1,580.81	\$1,500.00	_____
ALS NON-EMERGENCY BASE RATE	\$306.79	\$2,412.45	\$2,350.00	_____
ALS1 EMERGENCY BASE RATE	\$485.75	\$2,412.45	\$2,350.00	_____
ALS2 EMERGENCY BASE RATE	\$703.06	\$3,543.29	\$3,450.00	_____
SPECIALTY CARE TREATMENT	\$830.89	\$4,011.50	\$4,000.00	_____
MILEAGE	\$7.89	\$37.31	\$36.50	_____
INTERCEPT FEE	\$0.00	N/A	\$450.00	_____

Signature -- Authorized Signer

Date

Printed Name -- Authorized Signer

Title -- Authorized Signer

Please scan and email completed Rate Change form to:
ratechange@comstarbilling.com



OFFICE OF THE TOWN ADMINISTRATOR

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

9.

August 16, 2022

Michael Frotten, Manager
Aimbridge Hospitality, LLC, d/b/a Double Tree Boston North Shore, Middleton
51 Village Road
Middleton, MA 01949

RE: Safety Inspections
Order to Correct

Dear Mr. Frotten:

The Commonwealth of Massachusetts requires that holders of certain licenses and places of assembly be inspected annually for compliance with safety regulations, particularly building and fire codes. Middleton Building Commissioner Scott Fitzpatrick recently reported to the Middleton Select Board that the Double Tree Hotel is out of compliance with its safety inspections. He reported that he has made repeated calls to which no response has been received. Non-compliance is a significant concern and the lack of communication an equally significant concern.

Mr. Fitzpatrick and I brought this issue to the Middleton Select Board on August 9, 2022. The Board is concerned about the non-compliance and the failure to respond to the Building Commissioner.

Please be advised you have 10 business days from the date of this letter to comply with the requirements.

The Select Board will take up this item at its September 6, 2022, meeting. If you remain in non-compliance at that time the Board will take punitive action, up to and including revocation of your licenses to operate.

Sincerely,

Andrew J. Sheehan
Town Administrator

CC: Scott Fitzpatrick, Building Commissioner
Whitney Gillings, Bluebonnet Consulting

Exhibit A
Scope of Services

10-

1. The Town of Danvers will provide access to expertise held collectively by the IT Department of the Town of Danvers.
2. IT positions in Danvers include IT Director, Assistant IT Director, Network Engineer, Systems Administrator, IT Project Manager, IT Office Coordinator.
3. Danvers will follow a methodology of planning and discovery, fundamental implementation, optimization, and maintenance over the life of the contract.
4. Primary responsibilities include but are not limited to a strategic review of Middleton's current IT status, goal setting for a future state, gap analysis, and definition of objectives to reach IT goals.
5. Offer ongoing strategic management of IT, full participation in Middleton building projects, and IT project management to implement strategic objectives defined by Danvers and accepted by Middleton.
6. Provide communications to all Middleton users regarding upcoming changes, updates, and potential outages they may be affected by.
7. IT budget analysis and development, invoice management and processing, including a preliminary budget meeting in October, final budget meeting in January, and a post Town Meeting procurement meeting in late May/Early June.
8. Interviews with key stakeholders as part of the strategic analysis.
9. Strategic network design recommendations and oversight of implementation.
10. Active Directory design recommendations and oversight of implementation.
11. Telephone and cellular service and management recommendations and oversight of implementation.
12. Endpoint device and deployment recommendations and oversight of implementation.
13. Recommendations for opportunities to leverage regional IT services and infrastructure.
14. Ongoing IT vendor vetting, vendor management, and procurement assistance.
15. Ongoing IT special project vetting and project management.
16. Ongoing development of IT related recommendations, initiatives, and deliverables based on observations of Middleton's IT environment, stakeholder requirements and the collective experience of the Danvers IT staff.
17. Ongoing evaluation of Middleton's cybersecurity posture.
18. Software evaluations and project management of implementation. Hardware evaluations, inventory, and project management of implementation
19. General advisory services in response to normal IT operational questions.

20. Danvers will attend touch point meetings (e.g., quarterly business reviews with selected managed service provider for the North Shore IT Collaborative).
21. Analyses of business processes as candidates for modernization via information technology.
22. Assistance with management and implementation of current and ongoing Municipal Fiber project.
23. The Town of Danvers requires that the Town of Middleton retain the services of the selected managed service provider for the North Shore IT Collaborative. Help Desk services are out of scope of this agreement and will be provided by the partnership with the North Shore IT Collaborative Managed Services Provider.
24. The Town of Danvers will engage the services of the North Shore IT Collaborative Managed Services Provider for significant data collection throughout the strategic management process; no additional costs will be incurred without prior approval.
25. Middleton will designate a managerial point of contact as well as backups per service area for Danvers to engage with and report to. Protocol for managerial point of contact in Exhibit B.
26. Danvers will designate a point of contact for Middleton to engage with and respond for emergencies, including loss of services and outages. Said point of contact would be front line service to Middleton, regardless of Danvers' emergency status to allow for Middleton to have primary access due to any and all types of emergencies or issues. Protocol for emergency point of contact in Exhibit B.

Exhibit B
Managerial and Emergency Points of Contract

All managerial points of contact will be provided to Danvers within 5 business days of contract execution. All staffing changes to the managerial points of contact will be made in writing by the Middleton Town Administrator or Assistant Town Administrator/HR Director within 5 business days of staffing changes to the Danvers IT Director or Assistant IT Director.

All emergency points of contact will be provided to Middleton within 5 business days of contract execution. All staffing changes to the managerial points of contact will be made in writing by the Danvers IT Director or Assistant Director within 5 business days of staffing changes to the Middleton Town Administrator or Assistant Town Administrator/HR Director.

Jackie Bresnahan

From: Paul Goodwin
Sent: Monday, August 22, 2022 3:17 PM
To: Deb Mahoney; Andrew Sheehan
Cc: Jackie Bresnahan
Subject: FW: Frank Procopio / Grave Marker

11.

Hi Deb,

Any chance this could get on the next BOS agenda? Please see below. Thanks.

Paul

From: Corbu 2 <6centralstreet@gmail.com>
Sent: Monday, August 22, 2022 3:10 PM
To: Paul Goodwin <paul.goodwin@middletonma.gov>
Cc: Ann Marie. Senese <annmarie.senese@middletonma.gov>
Subject: Frank Procopio / Grave Marker

[CAUTION:] This message was sent from outside of the Town of Middleton. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Goodafternoon,

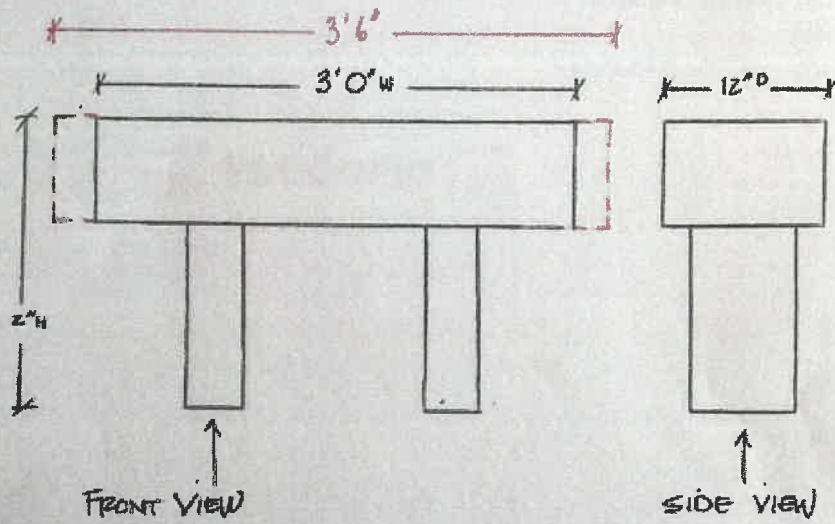
Please find attached line drawing of my Father and Mothers proposed grave marker. The current regulations for a two-grave, side by side, plot states that the width cannot exceed 3'0".

I am asking if you would consider allowing a slightly wider bench-top by 6". Please refer to the red-dashed lines on the scaled line drawing. The black line shows the allowed size of 3'0" w. The red line shows the additional 6" in width to accommodate names, and dates.

I appreciate your consideration. Also kindly confirm your receipt of this email.

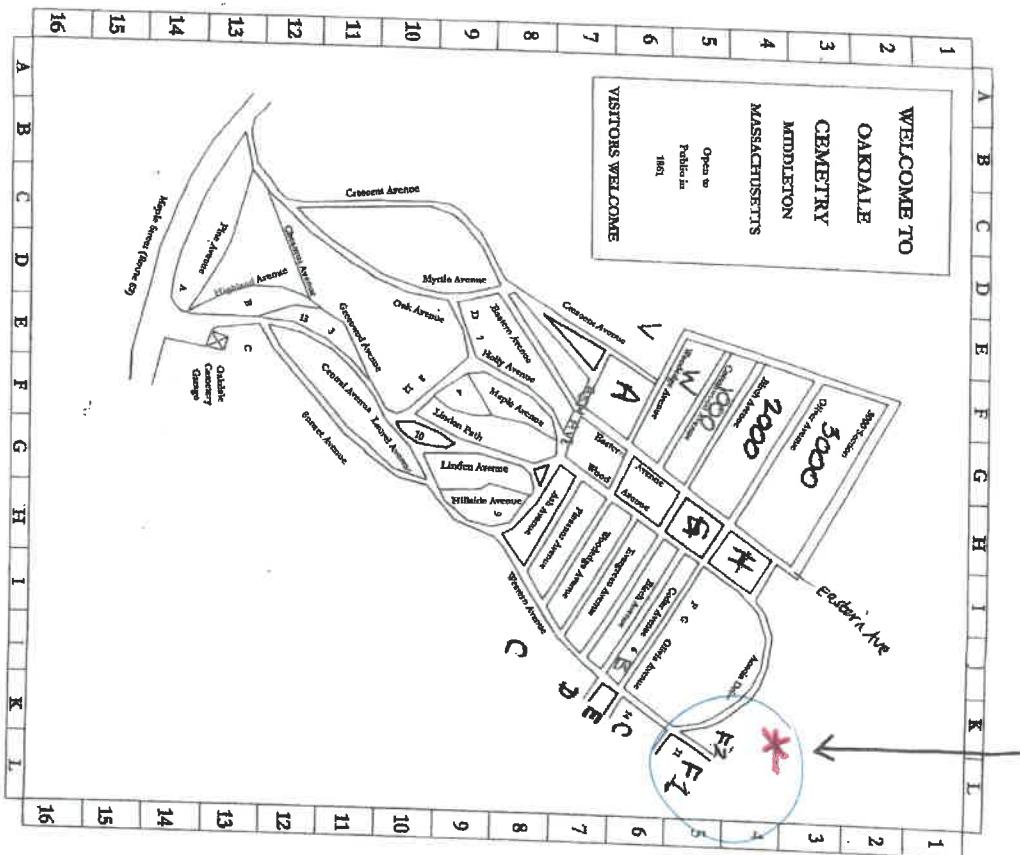
Kind regards,
Frank Procopio Jr.
802-345-4050

REQUEST TO EXTEND TOP BENCH DIMENSION FROM
3'0" to 3'6" AS SHOWN BELOW.



PROCOPIO PLOTS F232-F233 (SIDE BY SIDE PLOTS)
SCALE: $1\frac{1}{2}'' = 1'0''$

Procopio Lot
F 233 (F232)



TOWN BUILDING COMMITTEE

**48 SOUTH MAIN STREET
MIDDLETON, MA 01949**

12.

MEMORANDUM

TO: Middleton Select Board

FROM: Town Building Committee

SUBJ.: Disposition of Existing Town Buildings

DATE: August 16, 2022

The Town Building Committee and our design team are diligently working on the design of the buildings and layout of the site at 105 South Main Street. Questions have come up relative to the future of the existing facilities that will become obsolete once the new buildings open in a couple of years. The Committee's focus remains on the new project; focusing on the future disposition of existing buildings will only detract from our primary mission.

The Committee suggests the Select Board designate another entity to evaluate the future of 4 Lake Street, 65 North Main Street, 48 South Main Street, and 38 Maple Street.

Thank you for your consideration.

*George Dow, Bill Renault, Frank Twiss, Paul Armitage, Nicholas Bonugli, Kyle Smith, Roger Bourgeois
Ex Officio: Fire Chief Thomas Martinuk, Police Chief William Sampson, Council on Aging Director Jillian Smith, Town Administrator Andrew Sheehan*

Town of Middleton

Massachusetts



SPECIAL TOWN MEETING

Tuesday, October 18, 2022

Howe Manning School Gymnasium
26 Central Street, Middleton, MA

<<Photo>>

Fire Chief Thomas Martinuk: Special thanks and congratulations to Tom Martinuk, Chief, Middleton Fire Department, who retires this month. Chief Martinuk served on the Middleton Fire Department for **XX** years, **XX** as a Call Firefighter, **XX** as a Fulltime Firefighter, and 6 years as Chief of the Department. We thank him for his dedicated service to the community through the department, his presence and support at community events, and the wonderful photos he would take memorializing Town activities for future generations. We extend our best wishes for a long and happy retirement.

Middleton Select Board

Kosta E. Prentakis, Chair

Jeffrey P. Garber, Clerk

Brian M. Cresta

Richard W. Kassiotis, Jr.

Debbie Carbone

Andrew J. Sheehan, Town Administrator

Jackie Bresnahan, Assistant Town Administrator/Human Resources Director

**TOWN OF MIDDLETON
SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
OCTOBER 18, 2022**

ESSEX s.s.

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs, to meet at the Howe Manning School Gymnasium, 26 Central Street, on ~~Tuesday, October 18, 2022 at 7:00PM~~, then and there to act on the following articles:

ARTICLE 1. To hear Committee Reports.

ARTICLE 2. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds to supplement the Fiscal Year 2023 operating budget; or take any other action relative thereto.

Purpose: This article transfers funds and supplement monies, if necessary, to meet departmental expenses in the current fiscal year ending on June 30, 2023. Requires a simple majority vote.

ARTICLE 3. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to pay bills of prior fiscal years; or take any other action relative thereto.

Purpose: This article will appropriate \$X,000 to fund the payment of bills from prior fiscal years and requires a 9/10 majority vote.

ARTICLE 4. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds to fund collective bargaining agreements; or take any other action relative thereto.

Purpose: This article funds costs associated with contracts negotiated with collective bargaining groups (public employee unions). At the time of printing agreements have been reached with the Middleton Call Firefighters Association and the Middleton Clericals. The

anticipated amount is **\$XX,000** to be transferred from Free Cash to fund the contracts. Requires a simple majority vote.

ARTICLE 5. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds to supplement the Fiscal Year 2023 capital budget; or take any other action relative thereto.

Purpose: This article transfers funds and supplement monies to fund capital appropriations in the current fiscal year ending on June 30, 2023. These include additional funds a Clerical Compensation Study..... Requires a simple majority vote.

ARTICLE 6. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds to the following reserve accounts:

- Stabilization Fund
- Capital Stabilization Fund
- Special Education Stabilization Fund
- Pension Stabilization Fund
- Other Post-Employment Benefits Liability Irrevocable Trust Fund
- Facilities Complex Stabilization Fund

Or take any other action relative thereto.

Purpose: This article will transfer funds to various reserve accounts. Requires a simple majority vote.

ARTICLE 7. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of **\$XX** for any expenses incurred by the Town, including, but not limited to analysis, study, or legal costs associated with the proposed development of the property at 49 South Main Street, with any costs to be approved by the Select Board before being incurred; or take any other action relative thereto.

Purpose: This article transfers funds and supplement monies to fund any and all strategies to evaluate and respond to the proposed development at 49 South Main Street, formerly the Angelica's parcel.

ARTICLE 8. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds certain sums of money

to fund right of way work associated with the Maple Street Bridge reconstruction project; or take any other action relative thereto.

Purpose: This article will allow the Select Board to respond to needed right of way access issues related to the Maple Street Bridge reconstruction project by being able to purchase needed parcels and easements along the construction path. Requires a simple majority vote.

ARTICLE 9. On petition of the Select Board and Finance Committee, to see if the Town will authorize the Select Board to acquire by purchase, gift, or eminent domain easements and/or fee interests in property and/or parcels necessary for the Maple Street Bridge reconstruction project; and to authorize the Select Board to convey and accept easements, fee interests, or parcels related thereto; or take any other action relative thereto.

Purpose: This article authorizes the acquisition of easements, parcels or other means of access for the Maple Street Bridge reconstruction project. Plans and/or descriptions are available for viewing in the Department of Public Works or Town Clerk's Office. Requires a **2/3 majority** vote.

Insert exhibits

ARTICLE 10. On petition of the Select Board and Finance Committee, to see if the Town will authorize the Select Board to convey and accept the Conservation Restriction for certain parcels of land at 105 South Main Street: Lot **XX** on Middleton Assessor's Map **XX** consisting of **XX** or more square feet more or less and Lot **XX** on Middleton Assessor's Map **XX** consisting of **XX** or more square feet more or less; and to authorize the Select Board to convey and accept easements relative thereto; or take any other action relative thereto.

Purpose: This article authorizes the Select Board to convey a conservation restriction on a portion of the property at 105 South Main Street. Requires a **2/3 majority** vote.

Insert exhibits

ARTICLE 11. On petition of the Town Clerk, to amend the Town's General Bylaws, Chapter 56, Town Meetings, of the Middleton Code to be consistent with a prior charter change; or take any other action relative thereto.

Purpose: In 2018, the Town's Charter was updated to reflect Town Election day being the third Tuesday in May of each year. This article updates the Town's General Bylaws, currently reading "the third *Monday* in May" to reflect the change already made to the Charter and current

practice. The General Bylaws will read “the third *Tuesday* in May.” Requires a simple majority vote.

ARTICLE 12. On petition of the Town Clerk, to accept the provisions of Massachusetts General Laws Chapter 41, Section 110A; or take any other action relative thereto.

Purpose: This article pertains to the last date to register to vote for a local, state, or federal election and would allow the Town Clerk’s Office to hold all last days to register to vote on regular business days instead of Saturdays. This is already current legal practice for when the last day to register to vote falls on a Sunday or legal holiday. Requires a simple majority vote.

ARTICLE 13. On petition of the Select Board, to see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a Municipal Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing in the Town of Middleton for the benefit of low and moderate income households and for the funding of community housing, and to amend the Town’s General By-Laws by adding the following as Chapter 4 for the administration of the same, or to take any other action relative thereto.

Town of Middleton General Bylaws Chapter 4, Affordable Housing Trust Fund

Section 1 Affordable Housing Trust Fund

There shall be an Affordable Housing Trust Fund, herein referred to as the “Trust”, which shall be governed by a Board of Trustees in accordance with Massachusetts General Laws Chapter 44, Section 55C and the authority granted by Town Meeting, as revised from time to time.

Section 2 Purpose

The purpose of this Trust shall be to provide for the creation and preservation of affordable housing in the Town of Middleton for the benefit of low and moderate income households and for the funding of community housing.

Section 3 Board of Trustees

There shall be a Board of Trustees (“Board”) consisting of five (5) Trustees who shall be appointed by the Select Board. The members of the Board shall be comprised of as follows: one (1) member of the Select Board; one (1) member of the Community Preservation Committee or its designee; one (1) member of the Housing Authority or its designee; one (1) member of the Planning Board or its designee; and one (1) member of the Finance Committee or its designee. The Trustees shall designate a chair, vice chair, treasurer, and clerk.

Section 4 Tenure of Trustees

Trustees shall serve for a term not to exceed two years except that two of the initial Trustee appointments shall be for a term of one year and may be re-appointed at the discretion of the

Select Board. "Cause" for removal may include excessive absences from Trust meetings. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Section 5 Meetings of the Trust

Meetings of the Trustees shall be held quarterly and at all other times deemed advisable at such time and at such place as the Trustees shall determine. A written notice stating the place, day, hour and agenda of each Meeting of the Board shall be posted in accordance with the Open Meeting Law. A quorum at any meeting shall be a majority of the Trustees qualified. Meetings may be scheduled as needed in conformance with the requirements of the Massachusetts Open Meeting Law.

Section 6 Powers of Trustees

The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in M.G.L. c. 44 § 55C, and inclusive of any future amendments, and pursuant to the provisions of a Declaration of Trust to be approved by the Select Board, shall include the following:

- (1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the Middleton Community Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;
- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

- (7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- (10) to carry property for accounting purposes other than acquisition date values;
- (11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;
- (12) to make distributions or divisions of principal in kind;
- (13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;
- (14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;
- (15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- (16) to extend the time for payment of any obligation to the trust.

The Trustees are authorized to execute a Declaration of Trust and Certificate of Trust for the Middleton Affordable Housing Trust Fund, subject to approval by the Select Board.

Section 7 Limitations on the Powers of Trustees

These powers shall be subject to the following limitations:

- a) any purchase, sale, lease, exchange, transfer, or conveyance of any interest in real property must be approved by three of the five voting members.
- b) the Trustees may incur debt, borrow money, grant mortgages, and pledge Trust assets only in an amount not to exceed 80% of the Trust's total assets.
- c) no debt incurred by the Trustees shall constitute a pledge of the full faith and credit of the Town of Middleton and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Middleton with an acknowledgement of said statement by the holder.

Section 8 Acts of Trustees

A majority of Trustees, as fully constituted, may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. The Trustees may, by instrument executed by all the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including power to execute, acknowledged or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for the account of the Trustees of the Trust. The Trustees shall not delegate the authority to amend or terminate the Trust and no such

delegation shall be effective. No Trustee shall be required to post bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

Section 9 Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Middleton, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of G. L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

Section 10 Amendments

This Declaration of Trust may be amended from time to time except as to those provisions specifically required under M.G.L. Chapter 44 Section 55C and Middleton By-laws, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Registry of Deeds and filed with the Land Registration Office.

Section 11 Accounts

The books and records of the Trust shall be maintained by the Town Treasurer and audited annually by an independent auditor in accordance with accepted accounting practices. The results of the audit shall be provided to the Town.

Section 12 Duration of the Trust

This Trust shall be of indefinite duration. However, it may be terminated by a vote of Town Meeting that terminates the Trust and repeals this Bylaw. Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Middleton and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 13 Recording

A Declaration of Trust shall be recorded with the Southern Essex District Registry of Deeds and filed with the Southern Essex District of the Land Court, following approval by the Select Board. The Select Board may authorize the Trustees to execute, deliver and record with the Registry of Deeds and Land Court any documents required for any conveyance authorized hereunder.

Purpose: This article authorizes the creation of an Affordable Housing Trust. Affordable Housing Trusts (AHTs) are created to assist municipalities in meeting affordable housing goals, including, but not limited to, reaching the mandated 10% of housing stock deemed "affordable" under Chapter 40B. Requires a simple majority vote.

ARTICLE 14. On petition of the Select Board, to see if the Town will vote authorize the Select Board to seek special legislation for additional liquor license; and to authorize the Select Board to approve any non-substantive edits of the below special legislation as provided by the Massachusetts General Court or Town Counsel; or take any other action relative thereto.

SPECIAL LEGISLATION

AN ACT RELATIVE TO THE NUMBER OF ALL ALCOHOLIC BEVERAGE LICENSES IN THE TOWN OF MIDDLETON.

Be it enacted by the Senate and the House of Representatives in the General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, or any other general or special law or any rule or regulation to the contrary, the licensing authority of the town of Middleton is hereby authorized to issue eight (8) additional licenses for the sale of alcoholic beverages, as follows: two (2) licenses for the sale of all alcoholic beverages to be drunk off the premises; two (2) licenses for the sale of wine and malt beverages to be drunk off the premises; two (2) licenses for wine and malt beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight; and two (2) seasonal licenses for the sale of wine and malt beverages. Said licenses shall be subject to all of the provisions of said chapter one hundred and thirty-eight except said section seventeen.

SECTION 2. This act shall take effect upon its passage.

Purpose: The purpose of this article will provide the local approval required by the Massachusetts Legislature for the process of attaining more liquor licenses for the Town. This legislation does not require that those licenses be issued and the Select Board and Alcoholic Beverages Control Commission would still require the same application processes used for current licenses. If this article moves forward, the Select Board would then provide a copy of the draft legislation and the Town Meeting approval to the state delegation for filing with their respective bodies.

END OF SPECIAL TOWN MEETING WARRANT

DRAFT

TO THE TOWN CONSTABLE:

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

Memorial Hall
Post Office

Flint Public Library
Howe's Station Market

Ferncroft Towers
Fuller Pond Village

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

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

MIDDLETON SELECT BOARD

A true copy Attest:

Constable of the Town of Middleton

Date Posted

Correspondence and informational materials



ESSEX NORTH SHORE AGRICULTURAL & TECHNICAL SCHOOL DISTRICT

August 1, 2022

To the Treasurer of the following Massachusetts Cities and Towns:

Beverly	Gloucester	Marblehead	Salem
Boxford	Hamilton	Middleton	Swampscott
Danvers	Lynnfield	Nahant	Topsfield
Essex	Manchester-by-the- Sea	Peabody	Wenham
		Rockport	

In accordance with the Agreement entered into, by the representatives of the cities of Beverly, Gloucester, Peabody and Salem, the towns of Boxford, Danvers, Essex, Hamilton, Lynnfield, Manchester-by-the Sea, Marblehead, Middleton, Nahant, Rockport, Swampscott, Topsfield and Wenham (each a "Member Municipality") and also by representatives appointed by the Commissioner of Agriculture of The Commonwealth of Massachusetts (the "Commissioner of Agriculture"), dated January 6, 2011, pursuant to Chapter 463 of the Acts of 2004, as amended by Chapter 9 of the Acts of 2006, Chapter 304 of the Acts of 2008 and by Chapter 130 of the Acts of 2010 (collectively, the "Enabling Act"), I hereby certify that the Essex North Shore Agricultural & Technical School District has adopted its budget for Fiscal Year 2023

Gross Budget Operating and Maintenance	\$34,566,578
Less Anticipated Revenue	\$7,866,952
Local Receipts	\$6,481,430
Net Assessment to Municipalities	\$20,218,196

The budget has also received the approval of two-thirds of the member communities as required by the District Agreement.

Sincerely,

Kathleen McMahon
District Treasurer

Attachments

Essex North Shore Agricultural and Technical School District
FY 2023 Final Assessments

Community	Enrollment 1-Oct-21	\\----- Foundation -----/			Above Minimum Assessment	Transportation Assessment	Service Assessment	Debt	Capital Improvement Assessment	FY 2023 Final Assessment
		Enrollment Participation Percentage	Required Minimum Contribution	Transportation Assessment						
Beverly	140	10.695%	2,049,175	0	32,545	195,744	28,083	2,305,547		
Boxford	25	1.910%	361,562	0	5,812	34,958	5,015	407,347		
Danvers	231	17.647%	3,442,556	0	53,699	322,983	46,338	3,865,576		
Essex	16	1.222%	228,647	0	3,718	22,366	3,209	257,940		
Gloucester	99	7.563%	1,434,574	0	23,014	138,421	19,859	1,615,368		
Hamilton	19	1.452%	281,806	0	4,418	26,575	3,813	316,612		
Lynnfield	42	3.209%	628,365	0	9,765	58,732	8,426	705,288		
Manchester	13	0.993%	199,577	0	3,022	18,174	2,607	223,380		
Marblehead	34	2.597%	521,970	0	7,903	47,531	6,819	584,223		
Middleton	49	3.743%	745,128	0	11,390	68,506	9,828	834,852		
Nahant	11	0.840%	168,873	0	2,556	15,374	2,206	189,009		
Peabody	352	26.891%	4,167,251	0	81,829	492,170	70,611	4,811,861		
Rockport	16	1.222%	260,985	0	3,718	22,366	3,209	290,278		
Salem	190	14.515%	2,251,967	0	44,169	265,659	38,115	2,599,910		
Swampscott	37	2.827%	562,705	0	8,603	51,741	7,423	630,472		
Topsfield	27	2.063%	393,118	0	6,278	37,758	5,417	442,571		
Wenham	8	0.611%	122,816	0	1,859	11,183	1,604	137,462		
Total	1,309	100.000%	17,821,075	0	304,298	1,830,241	262,582	20,218,196		

ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT
Fiscal Year 2023 Budget Summary

<u>Description</u>	<u>Amount</u>	<u>\$ Incr(Decr) from FY 22</u>	<u>% Incr(Decr) from FY 22</u>
<u>FOUNDATION BUDGET</u>	\$30,426,666	\$1,663,794	5.78%
Chapter 70 Aid	6,649,161	\$1,219,243	22.45%
Local Receipts	5,956,430	(\$625,510)	-9.50%
Foundation Budget Assessment	17,821,075	\$1,070,061	6.39%
<u>TRANSPORTATION BUDGET</u>	2,047,089	\$52,959	2.66%
Regional Transportation Reimbursement	1,217,791	\$34,280	2.90%
Local Receipts	525,000	(\$189,200)	-26.49%
Transportation Assessment	304,298	\$207,879	215.60%
<u>DEBT SERVICE</u>	1,830,241	\$5,499	0.30%
Local Receipts	0	\$0	
Debt Service Assessment	1,830,241	\$5,499	0.30%
<u>CAPITAL IMPROVEMENTS</u>	262,582	(\$47,553)	-15.33%
Local Receipts	0		
Capital Improvements Assessment	262,582	(\$47,553)	-15.33%
<u>GROSS BUDGET</u>	<u>\$34,566,578</u>	<u>\$1,674,699</u>	<u>5.09%</u>
Total Estimated State Aid	7,866,952	\$1,253,523	18.95%
Total Assessment to Communities	20,218,196	\$1,235,886	6.51%
Local Receipts	6,481,430	(\$814,710)	-11.17%
Gross Budget	<u>34,566,578</u>	<u>\$1,674,699</u>	<u>5.09%</u>

Received August 2, 2022 by hand delivery *for*

July 29, 2022

Town Administrator
48 S Main Street
Memorial Hall
Middleton, MA 01949

RE: Paving of Lake Street

Dear Mr. Andrew Sheehan,

We are the local residents of Lake St and Forest St, residing on the street portion that connects Forest St to Rt 114. We beg to draw your kind attention about the bad road condition that we face every day.

We are aware that our street is designated private with public access. However, we believe that the increased traffic volume that cuts through the road warrants for it to be included in the town's paving/repair schedule. This high traffic directly contributes to the number and magnitude of the potholes, and damages that we are forced to endure daily, with the highest impact during the winter months.

We recently witnessed that the rest of the Lake St, road was paved and we would like to request that the paving initiative continue on the rest of the road to include our portion. We feel that our tax payments, same as the rest of town residents, should go towards infrastructure that directly affects our wellbeing and lives, providing safe access to our homes for our senior citizens, children, as well as emergency and health services.

We would like to thank you for the consideration, and we hope to hear soon with a favorable solution to our concerns.

Sincerely,
Lake Street and Forest Street Residents

Hilda Sanchez *✓* *178 Lake St 617-840-3364*
~~*Margie Barnhouse*~~ *✓* *176 Lake St*
~~*Team & Jeff Hyde*~~ *✓* *177 Lake St.*
~~*Pat Wenzel and Sheri Wenzel*~~ *✓* *180 Lake St.*
~~*Darryl Dogn*~~ *✓* *95 Forest St*
~~*Suzanne Duhman-Dogn Lynn Duhman*~~ *✓* *95 Forest St*
~~*Tan Yam*~~ *✓* *92 Forest St*
~~*Kathy Whithaar*~~ *✓* *174 Lake St.*
~~*Marilyn*~~ *✓* *174 LAKE ST 781-953-8270*
~~*Mary E. Landry*~~ *✓* *175 Lake St 978-774-4740*
~~*Ronald Landry*~~ *✓* *175 LAKE ST 978-774-4740*



TETRA TECH

August 22, 2022

Mr. Andrew Sheehan, Town Administrator
Town of Middleton
Memorial Hall
48 South Main Street
Middleton, MA 01949-1696

**Re: 295 North Main Street
Middleton, Massachusetts
RTN 3-31499**

Dear Mr. Sheehan:

On behalf of our client, Prolerized New England Company, LLC (PNE), a Potentially Responsible Party for the referenced Disposal Site, and in accordance with the requirements of the Massachusetts Contingency Plan (MCP) (310 CMR 40.0510 (3) (a) (3)), we are providing notification that we are submitting a Revised Tier Classification Submittal to the Massachusetts Department of Environmental Protection (DEP) in relation to the referenced property on or about August 22, 2022, to reclassify the Disposal Site from Tier II to Tier I. The Tier Reclassification will be available for review at the DEP Northeast Regional Office in Wilmington, Massachusetts by appointment. Electronic versions of the document will also be available on the DEP Searchable Waste Site List which can be accessed from the DEP web Site:

http://eeaonline.eea.state.ma.us/DEP/wsc_viewer/main.aspx

The MCP provides the opportunity to request additional Public Involvement Activities under 310 CMR 40.1403(9) and 310 CMR 40.1404. Please contact the undersigned if you have questions.

Very truly yours,

A handwritten signature in black ink that reads "Raymond C. Johnson".

Raymond C. Johnson, P.G., L.S.P.
Senior Vice President

Attachments: Copy of Public Notice

C: Mr. Derek Fullerton, Director of Public Health

P:\78452\143-78452-21002\DOCS\REPORTS\TIER RECLASSIFICATION_295 NORTH MAIN STREET\PUBLIC NOTIFICATION\NOTIFICATION LETTER_CMO_AUGUST 2022.DOCX

NOTICE OF RECLASSIFICATION FROM TIER II TO TIER I

**295 North Main Street
Middleton, Massachusetts
Release Tracking Number 3-31499**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. To evaluate the release, a Phase I Initial Site Investigation was performed pursuant to 310 CMR 40.0480. As a result of this investigation, the site was initially classified as Tier II pursuant to 310 CMR 40.0500. Based on sampling implemented subsequent to submission of the Phase I report, and revisions to the Massachusetts Contingency Plans approach to Tier Classification, the disposal site has been reclassified from Tier II to Tier I. To obtain more information on this disposal site please contact Raymond C. Johnson, Tetra Tech, Inc., 100 Nickerson Road, Suite 200, Marlborough, MA, (508) 786-2200.

The Tier II Classification Submittal and the disposal site file can be reviewed at the Massachusetts Department of Environmental Protection (Mass DEP), Northeast Regional Office, 205B Lowell Street, Wilmington, MA (978-694-3200).

Additional public involvement opportunities are available under 310 CMR 40.1403(6) and 310 CMR 40.1404.

Town News and Notices

Posted on: August 29, 2022

Transfer Station Stickers Available September 1, 2022



TRANSFER STATION
STICKER ONLINE OR MAIL-
IN SALES **ONLY**

**No stickers will be sold at
Town Hall**

Pricing schedule:

1st Transfer station sticker

\$125.00

Additional sticker for car in same household \$

25.00

Recycle sticker \$

25.00

Electronic item sticker \$

25.00

Bulk Item Sticker \$

25.00

Car must be registered in Middleton to obtain stickers.

Go to the Town of Middleton web page and click on pay my bill on homepage to find link. Credit card or ACH payment accepted. Stickers will be mailed to you within 7 business days.

<https://unipaygold.unibank.com/customerinfo.aspx>

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Fairwell Luncheon for Chief Thomas Martinuk



Stop by the fire station to congratulate Chief Martinuk as he finishes his 36 year career in the fire service.

Date: Friday, October 7th

Time: 11a – 2p

Location: Middleton Fire Department
4 Lake Street
