

**MIDDLETON SELECT BOARD  
MEETING AGENDA  
FULLER MEADOW ELEMENTARY SCHOOL  
NATHAN MEDIA CENTER  
143 SOUTH MAIN STREET, MIDDLETON, MA 01949  
TUESDAY, JANUARY 10, 2023**

*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/88446830179?pwd=WHBjbjY0Z0IrYmNiREVRDE5dXRVdz09>

7:00 pm 1. Business

- a. Warrant: 2314
- b. Minutes: Open Session: December 13, 2022  
Executive Session: December 13, 2022
- c. Town Administrator Updates and Reports

7:10 pm 2. Public Comment

7:20 pm 3. Updates on the Town Administrator Recruitment Process; votes may be taken

7:30 pm 4. Joint meeting with the Memorial Day Committee on their recommendation for a name change and charge to Patriotic Observances Committee; votes may be taken

7:40 pm 5. Joint meeting with Charter Review Committee for an update on the Committee's work; votes may be taken

7:50 pm 6. Presentation and discussion by GPI re: Central St./Washington St. Traffic Study; votes may be taken

8:10 pm 7. Review action plan requirements for MBTA Communities program; votes may be taken

8:20 pm 8. Review and discuss Financial Policy regarding Assessor's Overlay; votes may be taken

8:30 pm 9. Review and vote on annual license renewals; votes may be taken

8:35 pm 10. Review and vote to open the May 9, 2023 Annual Town Meeting warrant; votes may be taken

8:40 pm 11. Review and discuss Interim Town Administrator contract; votes may be taken

8:45 pm 12. Review and vote to accept the following donations; votes may be taken:

- a. \$3,781 for Middleton Fire Department for the Student Awareness of Fire Education (SAFE) Grant
- b. \$2,077 for Middleton Fire Department for the Senior SAFE grant
- c. \$1,000 for Middleton Veterans from Salem Firefighters Local 172
- d. \$1,000 for the Middleton Food Pantry from Gary Silacci Jr.
- e. \$500 for the Middleton Food Pantry from Marion and Richard Gilman

*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.*

f. \$1,000 for the Middleton Food Pantry from Margaret Lee and Christopher Sansoucie

13. Updates & Announcements

|                    |                 |                                       |
|--------------------|-----------------|---------------------------------------|
| Upcoming Meetings: | January 24      | Regular Select Board meeting          |
|                    | February 4      | Saturday FY24 Operating Budget Summit |
|                    | February 7 & 21 | Regular Select Board meetings         |
|                    | March 4         | Saturday FY24 Capital Budget Summit   |

## MEETING MINUTES

SELECT BOARD  
FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER  
143 SOUTH MAIN STREET, MIDDLETON, MA 01949  
TUESDAY, December 13, 2022  
7:00 PM

This meeting was recorded

*Present: Chair Kosta Prentakis, Brian Cresta (remote), Rick Kassiotis, Jeff Garber (remote), Debbie Carbone*

*Others Attending: Town Administrator Andy Sheehan; Assistant Town Administrator (ATA)/HR Director Jackie Bresnahan; Catherine Tinsley, Recording Secretary*

*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.*

**7:04 PM** With a quorum present, Prentakis called the meeting to order.

At the last meeting Town Administrator Andy Sheehan informed the Board he was offered the Town Administrator position in Sudbury; his last day in the Middleton is the end of January.

### BUSINESS

**Warrant Approval:** Town Administrator Andy Sheehan provided a brief overview of Warrant #2312. The Town Accountant reviewed the warrant and requested the Board's approval. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Kassiotis**, second by **Carbone**, the Select Board **VOTED** unanimously by roll call to approve warrant # 2312 as presented.

**Minutes Approval:** The Board was provided with the minutes from the November 15, 2022 & November 29, 2022 Open Session meeting and Executive Session meeting November 15, 2022 and took the following action:

On a **MOTION** made by **Kassiotis**, second by **Carbone**, the Select Board **VOTED** unanimously by roll call to approve the minutes as presented.

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

- The Town received a \$3080 grant for intersection improvements on Route 114.
- The Roselli, Clark & Associates completed the FY22 audit. An exit interview with the Auditors is scheduled for January 24. The Town of Middleton is the first City/Town in the state to complete the single audit for the expenditure of federal funds over \$750,000. The Finance Team was recognized for their continued excellence keeping the books in line.
- The December 2022 Winter festival was well attended.
- The FY24 budget process has begun; February 4 & March 4 are all day budget meeting sessions.
- Only one bid for a new transportation contract was received by the school district; there will be a 15% increase.

- The Department of Public Works has a shortage for plowing. New ads were recently and interviews are being scheduled. The snow plowing rates have been adjusted to be in line with surrounding communities.

**Public Comment Period:** There were none.

**Presentation of donations** from organizers of the Turkey Trot: Courtney Lee and Michelle DeBonis; votes may be taken

The event saw a 151 % growth over last year with 606 registrations and 37 sponsors.

Donations of \$17,825 were dispersed as follows: Middleton Food Pantry (\$5,325); Friends of the Council on Aging (\$3,000); Friends of the Flint Public Library (\$3,000); Veterans Donation Account (\$3,000).

Newly supported groups included: Town Soccer, Softball & Baseball (\$1,500); Middleton Rail Trail marker (\$300); Middleton PTO (\$1,500).

On a **MOTION** made by *Kassiotis*, second by *Carbone*, the Board **Voted** unanimously by roll call to accept the Turkey Trot donations as listed.

**Update on Public Facilities Project from Town Building Committee;** votes may be taken

Present: Kyle Smith, Paul Armitage, Frank Twiss; owners project manager Brian Laroche, PCA360

William Renault, Chair of the Building Committee referenced a slide presentation and provided an updated on the Public Facilities Project. This included a review of the revised schedule to modify the plan, conduct space need assessments for the departments, and conceptual plans. The design meets the needs of the town and anticipated growth; construction is slated to start early 2024.

Focus on range of construction cost by square foot increased from \$420 in 2016 to \$824 in 2023; Current construction range is \$49,000,000 to \$54,000,000. The Committee will have better cost estimates in the fall. Additional funding sources identified; earmarks, grant, project control savings. Grant opportunities continue to be sought.

Renault fielded questions from the Board.

**Review and discuss employee merit policy;** votes may be taken

ATA Jackie Bresnahan spoke on the Merit Pay Program as recommended by Collins Center in the Compensation and Classification Study completed last spring.

Merit pay is the third and final action item; this is different from the COLA.

The goal of the Merit Pay Policy is to retain current employees, year after year. The merit pay program is structured as an (ATA) supplemental request for 1-3 percentage, for all eligible employees (20-30) based on their evaluation, as part of the budget process which allows flexibility each year.

On a **MOTION** made by *Carbone*, second by *Kassiotis*, the Select Board **VOTED** unanimously by roll call to adopt the Merit Pay Policy as presented.

**Review and discuss annual license renewals;** votes may be taken

The Board was provided with an updated list of those applicants in full compliance, those waiting for inspections, and eleven businesses that did not submit supporting documents before the November 28 deadline. These businesses may not operate after January 1.

A letter will be sent certified and regular mail to those businesses with an incomplete license application.

The Board was amendable to meeting again before the end of the year to consider semi-completed applications, otherwise, the remaining license approvals will be as scheduled, January 10, 2023.

The Board tentatively scheduled a meeting for December 29 at 2 pm.

On a **MOTION** made by **Kassiotis**, second by **Cresta**, the Select Board **VOTED** unanimously by roll call to approve the licenses on the list under "To be signed by the Select Board December 13" and "Pending" licenses waiting on inspection / reinspection, contingent on passing the inspection.

**Review and discuss appointments to the Affordable Housing Trust with terms as noted;** votes may be taken

- Select Board member: Brian Cresta, through June 30, 2024
- Members/designees of other boards, through June 30, 2024
  - Planning Board: Jason Bernhard
  - Housing Authority: Maria Paikos-Hantzis
  - Community Preservation Committee: Anthony DiGregorio
  - Finance Committee: Richard Gregorio

On a **MOTION** made by **Kassiotis**, second by **Carbone**, the Select Board **VOTED** unanimously by roll call to appoint the board members/ designees as presented.

- At large members, through June 30, 2023: Two positions

Candidates: Beth Andres-Beck; Herman Learmand-Criqui; William Renaul; Jeff Schultz

Beth Andres Beck and Bill Renaul were present and spoke on their request to be appointed to the AHT and relative experience.

On a **MOTION** made by **Cresta**, second by **Garber**, the Select Board **VOTED** unanimously by roll call to place all for candidates for nomination.

The Board members **VOTED** Beth Andres-Beck and Bill Renaul by roll call:

Cresta: Beth/Bill  
 Garber: Bill/Beth  
 Carbone: Bill/Beth  
 Kassiotis: Jeff/Beth  
 Prentakis -Bill/Beth

**Review and vote to accept the following donations and grant;** votes may be taken

- \$500 from Steven and Moira Mitus to the Middleton Food Pantry
- \$5,000 from New England Biolabs, Inc. to the Middleton Food Pantry
- \$1,000 from Jeff and Carol Curvey Foundation to the Middleton Food Pantry
- \$11,749.95 from the Executive Office of Public Safety & Security, Department of Fire

On a **MOTION** made by **Cresta**, second by **Kassiotis**, the Select Board **VOTED** unanimously by roll call to accept all donations as listed.

**Information Technology Inter-Municipal Agreement with Danvers, revised Exhibit D;** votes may be taken.

ATA Ms. Bresnahan reviewed the updated Agreement with the Town of Danvers and changes since the October 18 meeting. ATA Bresnahan introduced Exhibit D - Definitions and Exhibit E clarifying the Key Performance Indicators(KPI) and Monthly Reporting Examples; there will be new KPI for the day to day items. The (Danvers) IT Department will contribute to the Security IT Plan for the new municipal complex and the FY24 IT budget and begin an assessment of the Middleton IT.

ATA Bresnahan fielded questions from the board.

On a **MOTION** made by **Cresta**, second by **Carbone**, the Select Board **VOTED** unanimously to accept the amended Exhibits.

**Review and discuss responses to request for proposals (RFP) for consulting services for Town Administrator Recruitment; votes may be taken**

Two firms submitted written responses to the RFP for consulting services, which were reviewed by the board members. The initial consensus of the board was to go with Municipal Resources Inc. (MRI).

Town Administrator Sheehan presented the proposals:

1. MRI – \$17,200 plus, \$1200-\$1500 for advertising. In person meetings were not identified as a separate cost.
2. Community Paradigm – \$13,500 including advertising plus \$800 for in person meetings.

It was noted MRI previously worked with the Town of Middleton. A discussion ensued on the timeframe, process, and requests of the board members.

On a **MOTION** made by *Cresta*, second by, the Select Board **VOTED** unanimously to approve MRI a the consultant per terms of the proposals in the contract to be executed.

**Review and discuss appointment of Interim Town Administrator for a term beginning February 1, 2023; votes may be taken.**

ATA Jackie Bresnahan was unanimously supported as the sole candidate for the Interim Town Administrator. Members noted ATA Bresnahan is familiar and up to date on town affairs, and has the insight to help the Town through the process of hiring a new Town Administrator.

A list of priority projects is being drafted and staff members being consulted on their availability. Additional resources will be considered as needed.

On a **MOTION** made by *Cresta* second by *Garber*, the Select Board **VOTED** unanimously to appoint Jackie Bresnahan as the Interim Town Administrator effective February 1, 2023 until the start of the new Town Administrator.

**Updates & Announcements-** There were none

**9:19 PM           Executive Session**

ON a **MOTION** made by *Kassiotis*, second by *Cresta*, the Select Board **VOTED** unanimously by roll call to enter into Executive Session pursuant to Mass General Law chapter 30A, section 21(a)(3) to discuss strategy with respect to collective bargaining negotiations; and pursuant to c. 30A, s. 21 (a) (2) relative to Interim Town Administrator and not return to open session but adjourn directly from Executive Session.

**Upcoming Meetings:**

|                 |                               |
|-----------------|-------------------------------|
| January 10 & 24 | Regular Select Board meetings |
| February 4      | FY24 Operating Budget Summit  |
| February 7 & 21 | Regular Select Board meetings |

**Adjourn** - Select Board adjourned after Executive Session at 10:38 PM.

Respectfully submitted,  
**Catherine Tinsley**  
Catherine Tinsley, Minutes Secretary

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Jeff Garber, BOS Clerk

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

Agenda: December 13, 2022

Warrant #2312: Payroll: \$ 822,928; Bills Payable: \$ 3,125,565

Minutes:

- Open Session -November 15, 2022; November 29, 2022.
- Executive session November 15, 2022

Middleton Municipal Complex Project Update, 12.13.22

Merit Pay Program Approved

Town of Middleton Talent Bank Application

Resumes & Email regarding Talent Bank Application, J. Bresnahan

B. Andres- Beck

W. Renault, Jr. P.E.

Letter regarding Middleton Food Bank Donations, J. Smith, Director, 12/1/22

Letter, Firefighter Safety Equipment Grant Program Award

Memo to Select Board regarding Appointment of Interim Town Administrator , A. Sheehan, 12/13/22

Central Street/ Washington Street Traffic and Pedestrian Safety Study, Greenman-Pedersen, Inc.

Boy Scouts of America Troop 19 Eagle Scout Achievement

Memorandum regarding the Appointment of Interim Town Administrator, A. Sheehan, 12/13/22

Email (forwarded) thanking Middleton Fire/EMT, LeColst 12/12/22

Pending Licenses

Signed Licenses

Exhibit A –IT Scope of Services, Town of Danvers

Exhibit B – Managerial and Emergency Points of Contract, Town of Danvers

Exhibit C – Fee Structure, Town of Danvers

Exhibit D – Definitions, Town of Danvers

Exhibit E -KPI and Monthly Reporting Examples

Employment Agreement Between the Town of Middleton, Massachusetts and Jackie Bresnahan, Interim Town Administrator

## Middleton TA Recruitment Schedule

3.

### DRAFT (2022-2023)

Members of the Middleton Select Board:

Below you will see a preliminary proposed draft timeline for the search involving your next Town Administrator. We are on our way with the process and we have presented below a tentative schedule for us to adhere to over the next few months to complete the task of finding your Town Administrator in an efficient and timely manner. Given the competitive environment we are facing for finding professional and competent candidates, we need to work to keep as closely as possible to the proposed schedule. This should act as our guide in moving through the process.

**January 9th, 2023:** Original Date of Advertisement. We will advertise in the 6 New England Municipal Associations as well as the ICMA. There have been occasions when the individual Associations have set guidelines for job ad submittals that may conflict with our timing. Our central staff handles all of this and the town will receive a summary of ad venues with cost for your records. We always recommend a 30+/- day advertising period for these senior level positions. We will provide the Board with a proposed timeline to allow the Board members to avoid conflicts on their personal calendars as well as town obligations during this busy time of the year for municipal officials.

**January 9th-February 6th:** During the 30 day advertising period, MRI will develop a profile and challenge statement for the community based upon input from staff, SB, other individuals as identified by the Board. We will work with the administration to set up conversations with staff. This will include an in person event to provide Dept. managers with an update on the process and allow for individual conversations with your Dept. leaders. (tentatively scheduled for January 12<sup>th</sup>). The Board may want us to speak to others in the community such as School Supt., Moderator, Chairpersons of various boards and committees, community leaders (Chamber of Commerce/Rotary president etc.). You can simply let us know and we will work with staff on the contact information. Our team will begin these contacts the first week in January and will have a draft profile and challenge statement for the community to review in mid to late January. In addition, MRI will set up an **anonymous email link for anyone in Middleton** who would like to express their views, in confidence, to MRI regarding the next Town Administrator. We will actively recruit candidates we know might have an interest in the Middleton position during this phase.

**Feb 6th:** Responses to the initial advertisement are due in the MRI office. In these competitive times, we will likely receive 20-25 candidates for the position. (We just finished Westford and they had 27 responses).

**Feb 6<sup>th</sup>-10th:** MRI will screen and vet the responses received and narrow the candidates for consideration down to a reasonable number to move forward in the process. We will also

conduct preliminary social media searches of the candidates chosen to move forward. This will likely mean 8-12 responsive and qualified candidates.

**Feb 13<sup>th</sup>-17<sup>th</sup>**: MRI will develop 3 essay questions relevant to the candidates skillset and possibly relating to issues in Middleton expressed to us by the Select Board, staff and/or members of the community. These questions will be developed by MRI staff and will be confidential internal documents and will be sent to the candidates on the 17<sup>th</sup>. **Note:** The early part of this week can also be reserved for the community outreach component of the search.

**Feb 27<sup>th</sup>**: Responses to the essays are due in the MRI office by this date. (Typically 2-3 candidates will drop out at this stage). MRI team will score the responses from the candidates regarding their writing techniques/style, answers to the questions asked and understanding of the community from their research needed in answering the questions. We always try to provide candidates with two weekends to complete the essay responses. *This schedule may change somewhat based upon school vacations, holidays etc. Please keep in mind, this is also a very busy time for currently employed municipal executives.*

**Feb 27<sup>th</sup>-March 10<sup>th</sup>** : MRI team conducts phone interviews with candidates who responded to essays and who were not eliminated by our review of their materials. We speak with each candidate for 30-40 minutes about their careers, why the interest in Middleton, any voids or time gaps in their resumes, issues in other positions etc. etc. Additionally, MRI will schedule in person interviews (site to be determined) with high quality candidates to narrow the field. It is our intention to present to the board candidates without any ranking and who can perform the requirements of the job. The decision as to who will be the best fit for the community is solely your responsibility. Typically, an appointing authority will determine they want to speak with 3-5 individuals.

**March 13<sup>th</sup>-March 24<sup>th</sup>**: This time frame is when we would schedule final interviews with the finalist candidates. As you know, any final interviews will be in public and the names of the finalists are public information and will be in the news. These interviews may involve two days/nights of interviews or a full day such as a Saturday and involves MRI coordinating schedules for Board members and the candidates. Some of these finalists may require travel arrangements that MRI will manage after consultation with the Board. MRI will provide sample questions if desired for the Board to consider before our interview sessions. Based upon the desires of the Board to have final candidates meet the “community”, we suggest a date be selected during this time prior to the final interviews to allow the candidates to meet and greet local residents and interested parties.

**Final Interviews:** The final candidates are interviewed by the BOS in public. MRI strongly suggest the Appointing Authority discuss the positive qualities of the finalist at the completion of the interviews and instruct MRI to place a “conditional offer of employment” (*which we will provide*) to the selected candidate. This allows us to begin a background investigation and provides the Board an opportunity to begin contract discussions with the chosen candidate.

MRI recommends the Board move quickly at this stage as some of the Middleton finalists may be finalists in other searches.

As detailed above, the timing suggest the community could have an offer to a selected candidate by the late March.

As stated, this document is a draft and will remain flexible throughout the process especially with the fact that all local officials including the Board and staff are very involved in preparing budgets and warrant articles for Town Meeting. This is also true for any of our candidates and the obligations they may have to their current employer.

Again, this document should be used as a “guide” and is dependent on variables that many times are unpredictable, especially with the burdens placed on the executive body leading up to the annual town meeting.

We look forward to moving ahead with this exciting project for Middleton.

Any questions, feel free to contact Bob or Buzz.

4.

# Memorial Day Committee

## Agendas & Minutes

Agendas are available prior to the meetings. Minutes are available following approval.

[View Most Recent Agendas and Minutes](#)

## Members

- **Scott Saulnier**  
Term Expires 2024
- **Bob Wahl**  
Term Expires 2023
- **Mira Plante**  
Term Expires 2025
- **Javier Montanez**  
Term Expires 2025
- **Jillian Kemp**  
Term Expires 2024
- **Steve Kostos**  
Term Expires 2025

## Agendas & Minutes

Agendas are available prior to the meetings. Minutes are available following approval.

[View Most Recent Agendas and Minutes](#)

## Members

- Vacancy  
Term Expires
- Shirley Raynard  
Term Expires 2020

- Scott Saulnier  
Term Expires 2021
- Bob Wahl  
Term Expires 2023



5.

**TOWN OF MIDDLETON**  
*Office of the Town Clerk*

**2021 ANNUAL TOWN MEETING**  
June 5, 2021

**Amendment of Town Charter**

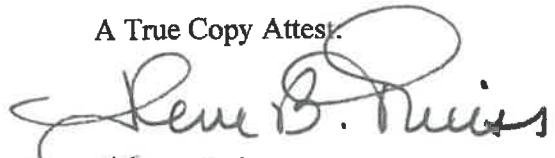
**ARTICLE 24:** Under a motion duly made and seconded, it was

**VOTED:** The Article was amended by George Dow and seconded by Nancy Jones to refer the Article for further study and to authorize the Moderator to appoint a committee of 7 members to review the Town of Middleton Charter and make recommendations as to any changes that it deems warranted. Said recommendations to be made at the next Special Town Meeting if appropriate or the 2022 Annual Town Meeting.

The motion passed with a strong majority.

June 8, 2021

A True Copy Attest:



Hene B. Twiss  
Town Clerk

TECHNICAL MEMORANDUM

Evaluation of Traffic and Pedestrian Safety – Central and Washington Streets – Middleton, MA

REF: NEX-2200315.00

DATE: January 5, 2022

TO: Katrina O'Leary, Town Planner  
Town of Middleton  
195 North Main Street  
Middleton, MA 01949

FROM: Carolyn Radisch, AICP, Senior Transportation Planner  
Zach Wassmouth, P.E. Multimodal Engineer

RE: Central Street / Washington Street - Evaluation of Traffic and Pedestrian Safety  
Middleton, MA

4.

## INTRODUCTION

**Greenman-Pedersen, Inc. (GPI)** has prepared this memorandum to provide an evaluation of traffic conditions and recommendations related to traffic and pedestrian safety on Central Street and Washington Street in the Town of Middleton, Massachusetts. Middleton is a community in Essex County comprised of approximately 9,779 residents according to the latest 2020 Census data. Middleton is so named because it is situated midway between the communities of Salem and Andover which were significant centers when the town was founded in 1728. Middleton is connected to Salem and Andover by Route 114 (North/South Main Street) which traverses the community in an overall north-south direction and connects Middleton to I-495 approximately 9 miles north of the town center. Maple Street (Route 62) is a major east-west artery that connects to I-95 and Route 1 approximately 3 miles southeast of the center of town. North / South Main Street (Route 114) and Maple Street (Route 62) form the major crossroads and town center of Middleton which includes a commercial district, public library, elementary school, and a town park. Central Street and Washington Street connect to North Main Street (Route 114) and Maple Street (Route 62) near the center of town. The Howe-Manning Elementary School is located on Central Street between Washington Street and North Main Street (Route 114).

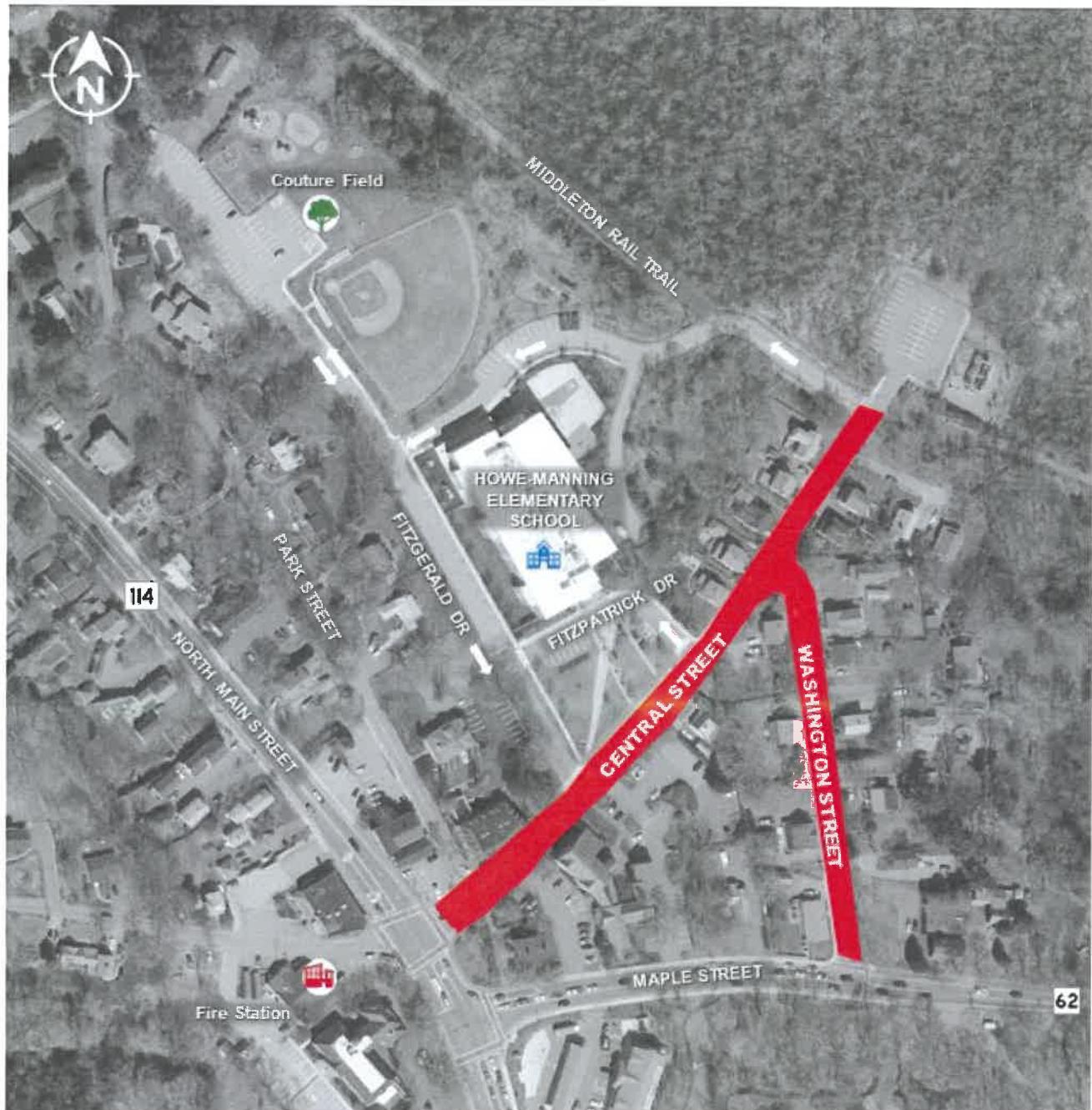
Community members have raised concerns with town and school officials about traffic related to school drop-off and pick-up, blocking of roadways and driveways, congestion, excessive vehicle speeds during off-peak periods, and concerns about pedestrian safety. The Town engaged GPI to observe traffic operations on Central and Washington Streets, receive input from stakeholders, including town and school officials, business owners, and neighborhood residents to identify and clarify traffic and pedestrian safety issues and develop recommendations to address the identified issues. Specifically, GPI met with town and school officials on October 5<sup>th</sup> and 11<sup>th</sup> and neighbors on October 25<sup>th</sup> to identify issues and concerns in the area. Issues and recommendations were presented for feedback to town and school staff and neighbors on December 13<sup>th</sup>, 2022.

**Figure 1** illustrates the study streets and area context. This memorandum provides a summary of observations and input received from community stakeholders and provides recommendations for addressing identified issues.

TECHNICAL MEMORANDUM

Evaluation of Traffic and Pedestrian Safety – Central and Washington Streets – Middleton, MA

Figure 1. Location Map



## EXISTING CONDITIONS

### Central Street

#### Roadway Characteristics

Existing conditions information for Central Street and Washington Street is graphically summarized in **Figure 2** and described in the following section.

Central Street is functionally classified as an **urban collector** roadway and is under the jurisdiction of the **Town of Middleton**. Central Street runs in an overall east-west direction is a two-lane, two-way street that is approximately 900-feet in length from North Main Street to the Middleton Rail Trail. Central Street is comprised of one general purpose travel lane in each direction with directional flow separated by a double yellow striped line. Pavement width along Central Street is typically 24-feet curb to curb except at the North Main Street approach (between Park Street and North Main Street) which is 40-feet in width. There is vertical curbing along both sides of the street.

**On-Street Parking.** There are eight parallel parking spaces in front of the school along the north side of the street otherwise on-street parking is prohibited on the street.

**Pedestrian and Bicycle Accommodations.** A sidewalk has been constructed along the north side of Central Street for its entire length, from North Main Street to the parking area behind the rail trail. On the south side of Central Street, there is a sidewalk between North Main Street and Park Street (approximately 60-feet) and between 25 Central Street and Washington Street (approximately 150-feet). There are marked crosswalks on Central Street at North Main Street, the east side of Park Street, and at the end of the sidewalk at 25 Central Street (crossing to the school). There are no bicycle accommodations on Central Street.

**Land Use.** Land use along Central Street includes retail shops and associated parking at the westerly end, the elementary school in the center, and single-family homes at the easterly end of the street. There is a 30-space parking lot at the terminus of Central Street on the far-side of the rail trail.

**Speed Limit.** Central Street is posted as a school zone with a speed limit of 20 mph during school hours.

#### Intersections

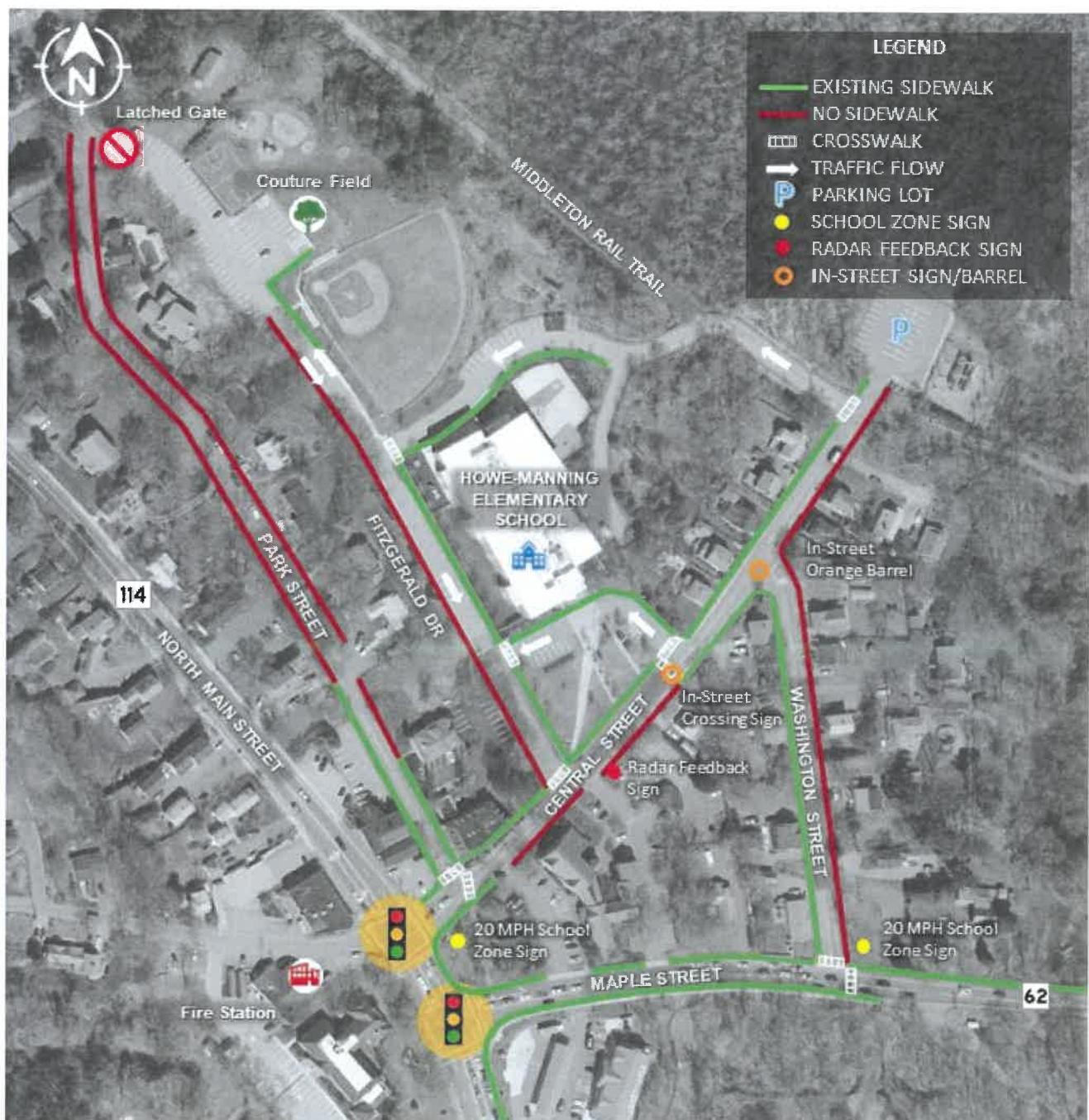
**North Main Street (Route 114) / Central Street.** Central Street intersects North Main Street (Route 114) at a slight skew from the east to form a four-way signalized intersection with Lake Street (which intersects North Main Street from the west opposite Central Street). North Main Street is comprised of two-lanes in each direction at Central Street. There are marked crosswalks across each leg of the intersection. The crosswalks are served by pedestrian curb ramps but lack detectable warning panels. There are pedestrian signals to accommodate pedestrian crossings.

**Central Street / Park Street.** Park Street intersects Central Street from the north to form a “T” type intersection. Park Street is a two-lane two-way local street comprised of one single purpose travel lane in each direction separated by a painted double yellow line at the Central Street approach. Park Street is approximately 20 feet wide, curb-to-curb. Park Street is under STOP control and Central Street is free flowing. There are sidewalks on both sides of Park Street connecting to sidewalks on Central Street. There are marked crosswalks across the north (Park Street) and east (Central Street) legs of the intersection. The crosswalk is served by pedestrian curb ramps, but detectable warning panels are lacking.

TECHNICAL MEMORANDUM

Evaluation of Traffic and Pedestrian Safety – Central and Washington Streets – Middleton, MA

Figure 2. Existing Conditions – Streets and Circulation



**Central Street / Commercial Driveways.** There are two driveways connecting to parking areas serving commercial businesses situated between Central Street and Maple Street (Route 62) that intersect Central Street from the south. The parking areas also connect to Maple Street (Route 62). The driveway openings are approximately 24-feet in width. The westerly of the two driveways provides access to 16 parking spaces and the easterly driveway provide access to approximately 35 parking spaces. There are walkways from the commercial properties that connect to Central Street, however there is not a sidewalk to connect with on the southerly side of Central Street.

**Central Street / Fitzgerald Drive.** Fitzgerald Drive intersects Central Street from the north to from a regular "T" type intersection. Fitzgerald Drive primarily provides access/egress from the Howe-Manning School and Couture Field which is located behind the school. Fitzgerald Drive is one-way from the rear school driveway (Creeden Lane) to Central Street and two-way north of the rear school driveway. Fitzgerald Drive is approximately 24-feet wide. There are 11 parallel parking spaces along the school frontage on the east side of the street. At Couture Field, there are perpendicular parking spaces on both sides of the street as well as a 15-space parking lot. Fitzgerald Drive connects to Park Street however the connection is closed off by a latched (not locked) gate, so the street functions as a dead-end. There is a sidewalk on the east side of Fitzgerald Drive that connects from the Central Street sidewalk to Couture Field. There is a high visibility crosswalk striped across Fitzgerald Drive. The crosswalk is served by pedestrian curb ramps with detectable warning panels.

**Central Street / Fitzpatrick Drive (School Front Driveway).** Fitzpatrick Drive (the school front driveway used primarily for bus circulation) intersects Central Street from the north to from a regular "T" intersection. The front driveway is a one-way loop that connects to Fitzgerald Drive -- vehicles enter off Central Street and exit via Fitzgerald Drive. There are sidewalks on both sides of the driveway connecting to Central Street. There is a high visibility ('Zebra' style) crosswalk striped across Fitzpatrick Drive and there is a mid-block crosswalk across Central Street at this location. The crosswalk across Fitzpatrick Drive is served by pedestrian curb ramps with detectable warning panels and the crosswalk across Central Street is served by pedestrian curb ramps; there is a detectable warning panel on the northerly ramp, but the southerly ramp lacks a panel.

**Central Street / Washington Street.** Washington Street intersects Central Street from the south at a slight skew to form a "T" type intersection. Washington Street is under STOP control and Central Street is free flowing at the intersection. There is a sidewalk on the westerly side of Washington Street.

**Central Street / Creeden Lane (Rear School Driveway).** The primary vehicular entry drive to the school is located at the end of Central Street, intersecting it from the north to form a "T" type intersection. The driveway shares the right of way with the Middleton Rail Trail for approximately 200 feet before the driveway turns southward to provide access to the school and connects with Fitzgerald Drive. The driveway is approximately 26 feet wide with rolled asphalt curbs. There is hatch striping designating a fire lane on the westerly side of the driveway connecting to a crosswalk to the rail trail where the school access drive diverges from the rail trail/ right of way. There is a crosswalk comprised of two white transverse lines across Creeden Lane and the north side of Central Street connecting to the rail trail path to the east. The crosswalks are served by pedestrian curb ramps with detectable warning panels.

### Geometric Considerations

Central Street is generally straight but is characterized by a slight (large radius) horizontal curve to the north. Vertically, the grade drops from its high point at North Main Street to its low point at the Middleton Rail Trail. The grade is most pronounced between Washington Street and the Middleton Rail Trail.

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The intersection of North Main Street and Park Street are extremely closely spaced with only 65-feet separating the two parallel streets.

Central Street and Maple Street (Route 62) are also very closely spaced at North Main Street (Route 114), with only approximately 100-feet separating the two streets. Both intersections are signalized and the signal cycles, out of necessity, are identical through all phases such that if a pedestrian phase is called on one street the exclusive pedestrian cycle runs at both intersections.



SCHOOL ZONE SPEED LIMIT SIGNAGE



SPEED FEEDBACK SIGNAGE



PEDESTRIAN CROSSING TENT SIGN



TRAFFIC CALMING BARREL

### Signage and Existing Traffic Calming Features

Central Street includes the following signage and traffic calming features:

- School zone 20 mph speed limit and "Not a Through Street" signage is posted in the westbound direction at the entry to Central Street from North Main Street (Route 114).
- A radar feedback sign is posted across from the school in the westbound direction between Fitzgerald and Fitzpatrick Drives.

- Curb extensions are constructed at both ends of the parallel parking on the north side of the street.
- An in-street “State Law Yield to Pedestrians” sign has been placed within the center of the street at the mid-block crosswalk on Central Street.
- An orange barrel to slow traffic has been placed in the center of the intersection of Central Street and Washington Street.

## Washington Street

### Roadway Characteristics

Washington Street is functionally classified as an **urban collector** roadway and is under the jurisdiction of the **Town of Middleton**. Washington Street runs in an overall north-south direction is a two-lane, two-way street that is approximately 550-feet in length from Central Street to Maple Street (Route 62). Washington Street is comprised of one general purpose travel lane in each direction with directional flow separated by a double yellow striped line. Pavement width along Washington Street is typically 22-feet curb to curb. There is vertical curbing along both sides of the street.

**Pedestrian and Bicycle Accommodations.** A sidewalk has been constructed along the west side of Washington Street for its entire length, Central Street to Maple Street (Route 62). There is no sidewalk on the east side of the street. There is a marked crosswalk of Washington Street at Maple Street. There are no marked crosswalks at the intersection of Central/Washington Streets. There are no bicycle accommodations on Washington Street.

**Land Use.** Land use on Washington Street consists of one and two-family detached homes.

**Speed Limit.** Washington Street is posted as a school zone with a speed limit of 20 mph during school hours.

### Intersections

**Washington Street / Central Street.** Washington Street intersects Central Street from the south to form a three-way unsignalized “T” type intersection. Washington Street is under stop control at Central Street which is free flowing. Both Streets are two-lane, two-way streets. There are no marked pedestrian crosswalks at this intersection.

**Washington Street / Maple Street (Route 62).** Washington Street intersects Maple Street (Route 62) from the north to form an unsignalized “T” type intersection. Washington Street is under stop control at Maple Street, which is free flowing at the intersection. Both streets are two-lane, two-way streets. The posted speed limit on Maple Street (Route 62) is 35 MPH. There is a marked pedestrian crossing of Washington Street at Maple Street (Route 62) and there is a marked pedestrian crossing of Maple Street (Route 62) on the easterly side of the intersection. The crosswalks are painted white transverse lines with painted red ‘fill’ between the lines. The crosswalks are served by pedestrian curb ramps with detectable warning panels. The Maple Street crosswalk does not connect to the side of Washington Street that has a crosswalk, presumably because it is located beneath a streetlight. There are no warning signs approaching the crosswalk on Maple Street (Route 62).

## **Geometric Considerations**

Washington Street is characterized by a straight alignment with a curve to the west to meet Central Street at a perpendicular angle. There is a slight crest vertical curve from the low point at Maple Street (Route 62) to Central Street.

## **Signage and Existing Traffic Calming Features**

Like Central Street, School Zone 20 mph speed limit and “Not a Through Street” signage is posted in the northbound direction at the entry to Washington Street from Maple Street (Route 62). As noted above, an orange barrel to slow traffic has been placed in the center of the intersection of Central Street and Washington Street.

## **Howe-Manning School Circulation**

The Howe-Manning Elementary School accommodates Pre-K and grades 3 through 6. The school was reconstructed on its current site in 2011. The following summarizes the enrollment (approximate) and circulation considerations relative to the school:

### **School Enrollment:**

|                     |              |
|---------------------|--------------|
| Pre-K:              | 50 students  |
| Grades 3 through 6: | 370 students |
| Total Enrollment:   | 420 students |

### **School Arrival and Dismissal Times:**

|                     |                     |
|---------------------|---------------------|
| Pre-K:              | 8:00 AM to 11:45 AM |
|                     | 8:00 AM to 2:45 PM  |
| Grades 3 through 6: | 8:15 AM to 3:00 PM  |

### **Bus Routes:**

There are currently 5 bus routes which is down from 9 routes that ran pre-COVID. The number of bus routes is driven by a school bus driver shortage that was exacerbated by the pandemic and is a national problem.

The school estimates that a relatively small number of students, in the range of 15, walk or bike to school.

## **School Circulation**

School bus and parent vehicle circulation is separated, and both are served by one-way loop drives to access school entries. Separation of bus and vehicle entries and circulation is a recommended safety practice and is often a requirement for school building aid.

**Pick-Up and Drop-Off by Vehicle.** Parents/guardians pick-up and drop-off students at an entrance on the north side of the building opposite Couture Field. Vehicles access this entrance via a one-way loop from Central Street / Creeden Lane and exit via Fitzgerald Drive. On Creeden Lane, queues are separated into two lanes for Pre-K (on the left) and Grades 3-6 (on the right) pickup.

**Bus Circulation.** School buses drop-off and pick-up students at the building entrance at the south side of the school. Buses enter the bus loop off-of Central Street and exit via Fitzgerald Drive.

School Circulation patterns are shown in **Figure 3**.

### **Couture Field Circulation**

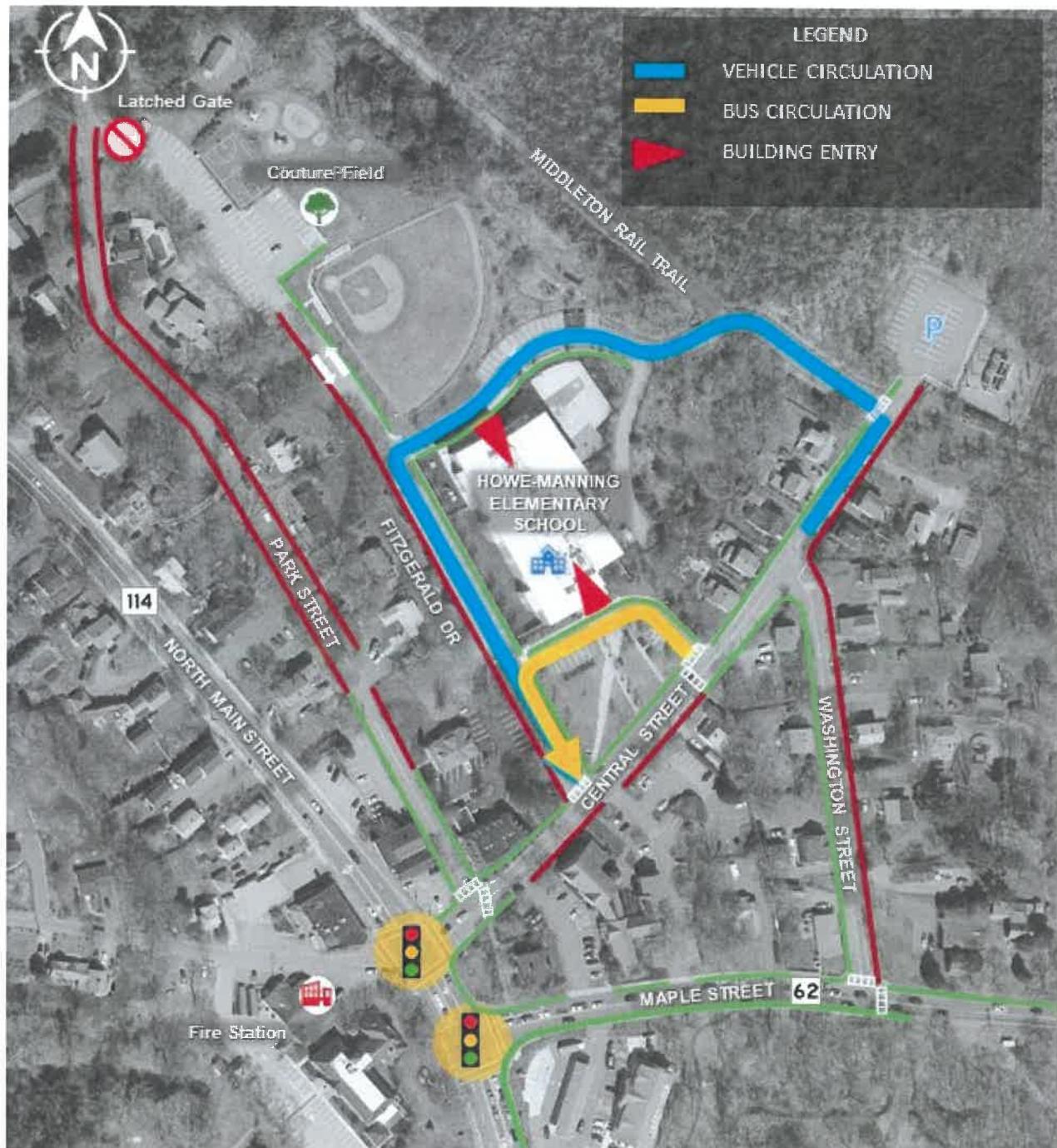
Due to the one-way circulation on Fitzgerald Drive and the latched gate at the end of Fitzgerald Drive at Park Street, vehicle access to Couture Field follows a circuitous path via Central Street, Creeden Lane, and the rear driveway behind the school to the parking area. Vehicles exit via Fitzgerald Drive.

Couture Park circulation is shown in **Figure 4**.

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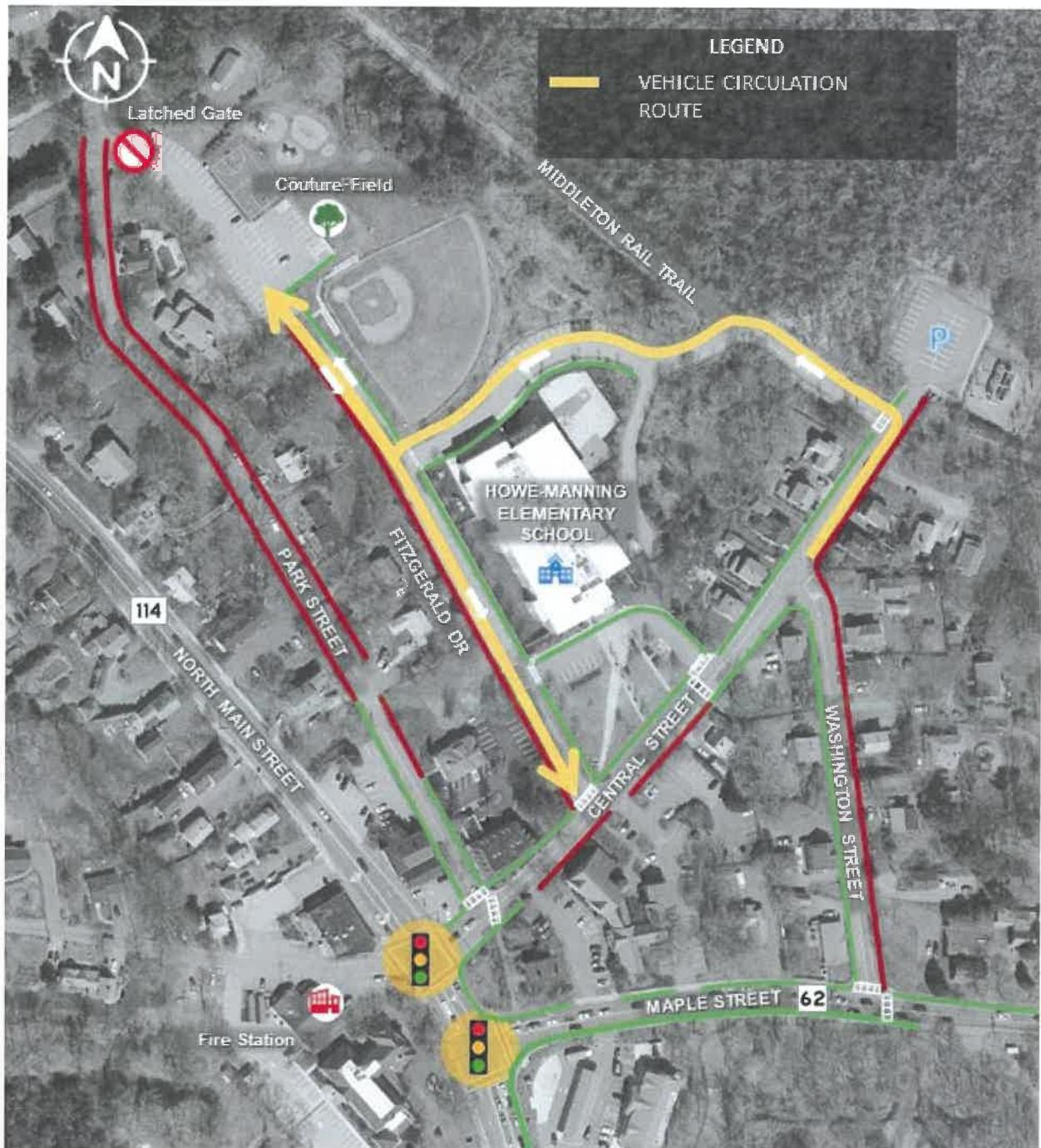
Figure 3. School Circulation



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Figure 4. Couture Field Circulation



## Summary of Pick-Up and Drop-Off Observations

Field observations of traffic patterns at the school drop-off and pick-up times at Howe-Manning school were undertaken on October 13, 2022. The following summarizes the most important points regarding traffic and pedestrian safety.

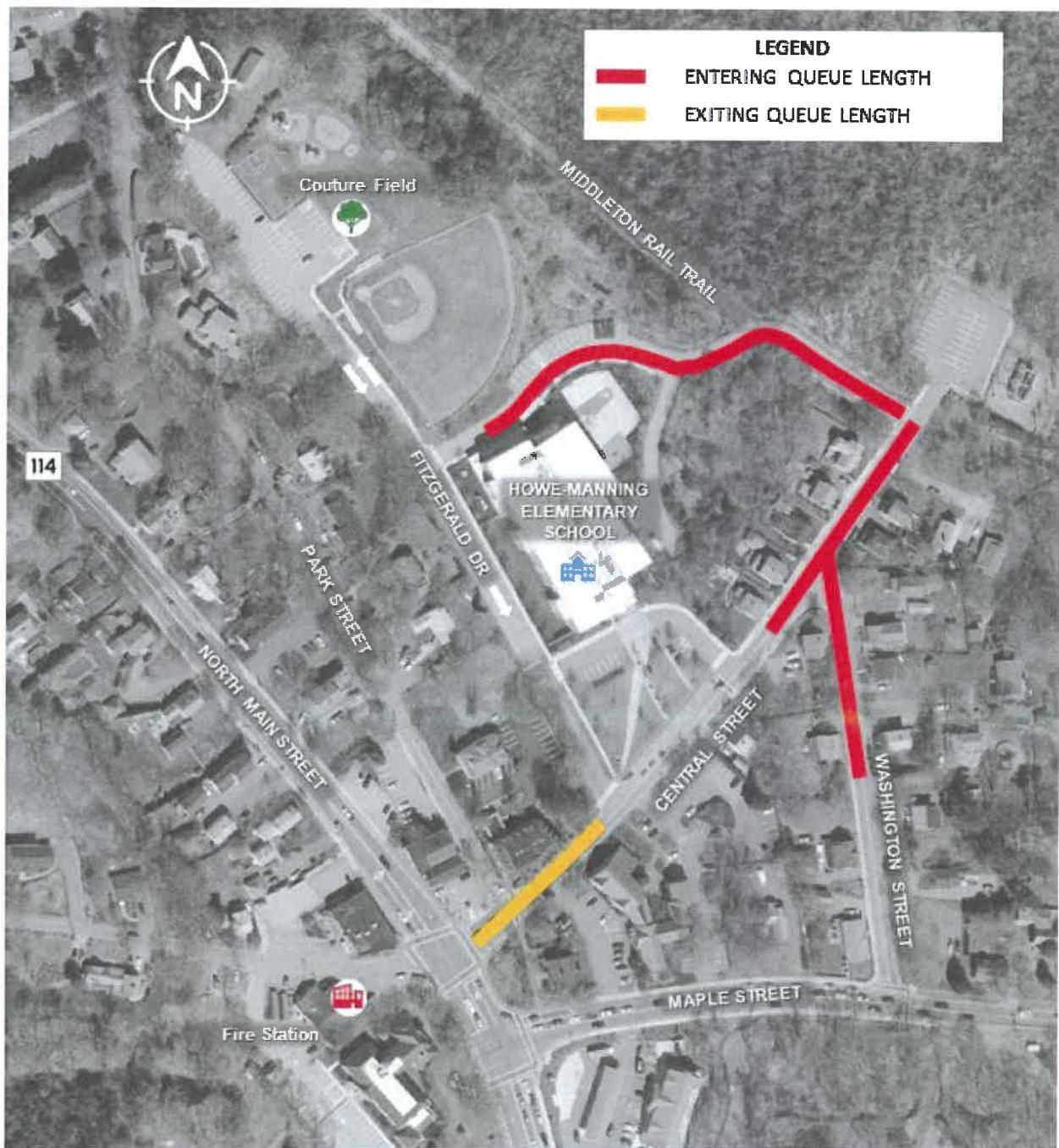
### Morning Drop-Off:

- There was queueing on Central Street and Washington Street entering the school from approximately 8:00 AM to 8:20 AM.
- The queue moved steadily and was primarily contained on Central Street east of Washington Street.
- During this time some vehicles jumped out of line and drove in the oncoming lane to bypass the queue. This included a school van and a few private vehicles. This behavior appeared to be related to Pre-K drop-off and pick-up.
- The peak queue occurred at 8:17 AM and extended halfway down Washington Street and through the intersection of Central Street / Washington Street, as shown in **Figure 5**. Five minutes later, at 8:22 AM, the entering queue was cleared from Central and Washington Streets.
- The exiting queue from the school took approximately 20 minutes to clear due to the short green cycle (15 seconds) at the signal at Central Street and North Main Street (Route 114). The exit queue (including both school buses and private vehicles) extended down Central Street and Fitzgerald Drive.
- A skipped green cycle for Central Street was observed which exacerbated the morning congestion, causing driver frustration and seeking of alternative exit routes (e.g., through the commercial parking areas). Several by-passers identified the signal problem to us in the field.

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Figure 5. AM Maximum Queue



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8:14 AM WRONG-WAY DRIVING – CENTRAL ST.



8:17 AM MAX QUEUE – WASHINGTON ST.



8:22 AM – CENTRAL ST. @ WASHINGTON ST.



8:28 AM – CENTRAL ST. @ FITZGERALD DR.

#### Afternoon Pick Up:

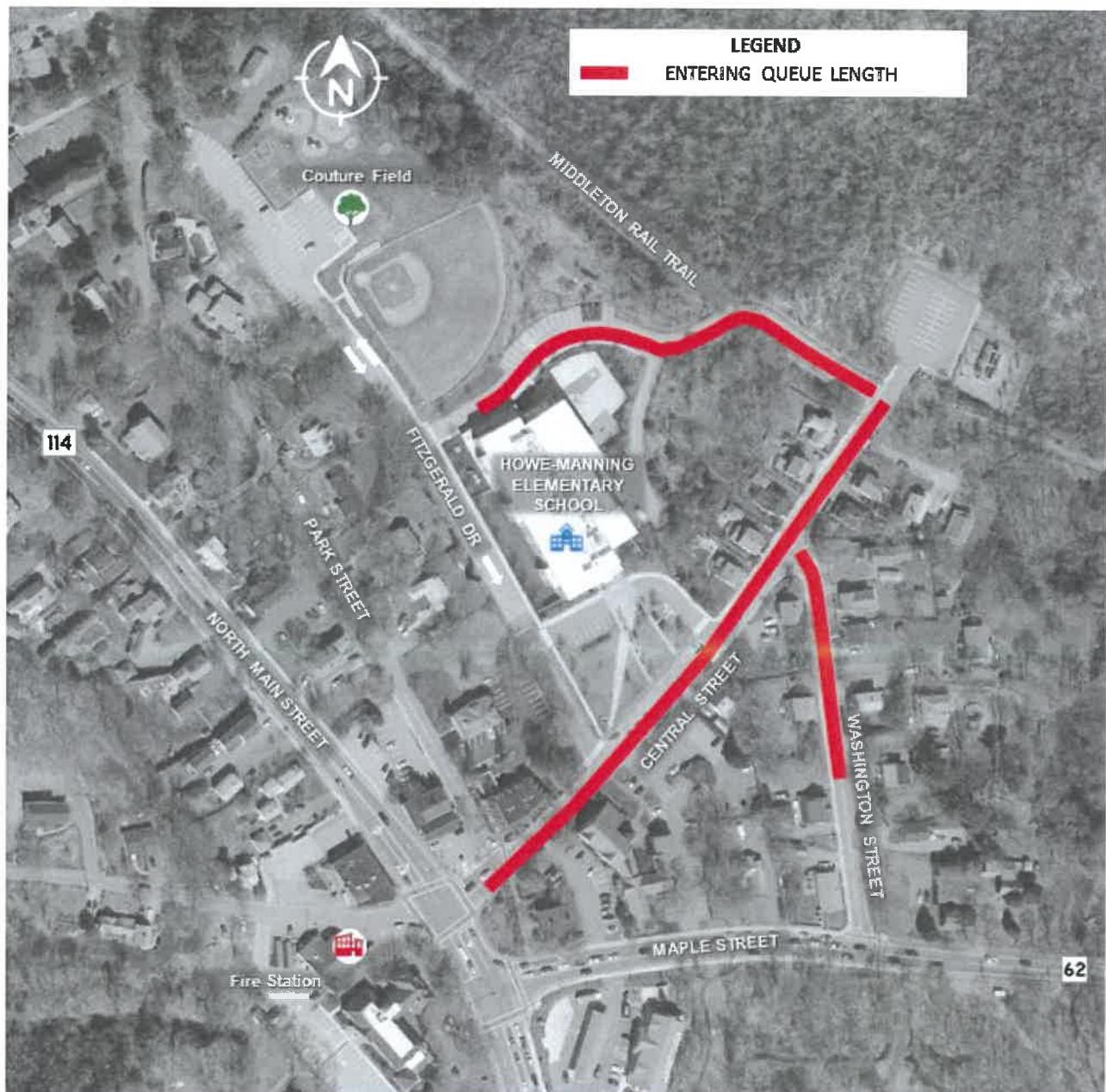
- Queueing for PM pick-up started at 2:15 PM, 45 minutes before dismissal for grades 3-6. At 2:30 PM, 30 minutes before dismissal for grades 3-6, the queue extends down the easterly block of Central Street.
- The maximum queue at 2:55 PM extended down Central Street nearly to North Main Street (Route 114) and halfway down Washington Street as shown in **Figure 6**.
- Some wrong-way driving occurred and appeared to be related to Pre-K pickup. The early queuing for dismissal exacerbates this behavior as parents/guardians arriving well in advance of Pre-K dismissal find queues for grades 3 through 6 extending down Central Street. No conflicting traffic (i.e., vehicles driving in the opposing direction) was observed.
- Once dismissal occurs the queue cleared quickly. The queue from Central and Washington Streets was largely cleared by 3:07 PM.

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- The exit queue also cleared quickly in the afternoon. The exit queue at North Main Street (Route 114) was cleared by 3:10 PM.

**Figure 6. PM Maximum Queue**



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2:55 PM MAX QUEUE NEAR NORTH MAIN STREET (ROUTE 114)



2:57 PM MAX QUEUE ON WASHINGTON STREET



3:04 PM – WASHINGTON ST. @ CENTRAL ST.



3:10 PM – CENTRAL STREET

### Multimodal Activity

A moderate level of pedestrian activity, both parents/guardians and students, was observed both in the morning and afternoon periods. Most pedestrians were observed walking along the northerly sidewalk on Central Street between the parking area and the school entry, however, students and parents/guardians access the school via sidewalks on Central Street and Washington Street. Pedestrians were also observed walking in the street on Central Street due to the sidewalk gap on the southerly side of the street opposite the school. Shrubs at the end of the sidewalk on the southerly side on Central Street (at the mid-block crosswalk) block visibility of students standing at the crosswalk. One student on a scooter was observed. No people on bicycles were observed. The crosswalk at Fitzgerald Drive is heavily congested and crossing pedestrians are assisted by a school staff member.

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CONGESTED PEDESTRIAN CROSSING



PEDESTRIANS WALKING IN THE STREET / BLOCKED SIGHT LINE



PEDESTRIAN WALKING IN STREET (NO SIDEWALK)



SCOOTER ON WASHINGTON STREET

### Crash Trends

The Massachusetts Department of Transportation (MassDOT) crash portal was queried for crashes occurring in the latest five years (2017-2021). There were three (3) crashes on Central Street that occurred during that time period. All three crashes occurred during off-peak times (generally 10 to 11 AM). Two crashes resulted in property damage only and one resulted in a possible non-fatal injury. Two crashes were angle crashes which occurred at the intersections of Central / Fitzgerald and Central / Washington, and one was a sideswipe of a vehicle hitting a parked car on Central Street due to driver inattention. Crash information is summarized below.

| Location           | Date      | Time     | Crash Type | Crash Severity  | Crash Status |
|--------------------|-----------|----------|------------|-----------------|--------------|
| Central/Fitzgerald | 7/12/2021 | 10:15 AM | Angle      | Possible Injury | Open         |
| Central/Washington | 2/7/2022  | 11:03 AM | Angle      | PDO             | Open         |
| Central            | 2/7/2022  | 11:34 AM | Sideswipe  | PDO             | Open         |

PDO = Property Damage Only

## PUBLIC FEEDBACK: TRAFFIC AND PEDESTRIAN SAFETY ISSUES

Public feedback was solicited via an online survey and virtual meeting. Flyers were distributed through the school and were distributed to neighbors on Central and Washington Streets, handed out to parents at school pick-up/drop-off times and were distributed to businesses on Central Street. A total of 14 surveys were completed. Most of the surveys (11) were from neighbors on Central, Washington and Park Streets. Issues identified in the surveys and at the neighborhood meeting are summarized below:

- Vehicles speed on Central Street and Washington Street in the off-hours is creating safety concerns along the street. Neighbors reported that the biggest concern that they had was speed during the off-peak period. Both streets are relatively straight and people speed, including parents/guardians that are late for school pick-up/drop-off and others.
- Cars turn corners fast, creating safety issues for pedestrians.
- Queueing vehicles block driveways.
- Queueing vehicles block Park Street.
- Pedestrian crossings feel unsafe.
- The signal at Central Street and Route 114 sometimes skips a green cycle which exacerbates congestion and causes drive frustration and delay.
- Improving school bus service would help address congestion. The buses are over-crowded and bus rides are too long.
- Some drivers turn onto Central Street thinking it is Maple Street and it was inquired if there might be a way to improve the signage to clarify the street names and locations for drivers.
- At Central Street / Creeden Way (at the rail trail and parking area), when there is not a queue, parents/guardians arriving late or people accessing Couture Field speed around the corner and the visibility is poor if a pedestrian is crossing or walking along the way. Neighbors have experienced near misses at this location
- The signal at Central Street / North Main Street (Route 114) queue extends into the Central Street/Park Street intersection, blocking access.

Through the online survey and neighborhood meeting we also asked for ideas to address issues and concerns in the area. The following ideas were offered:

- Speed bumps
- Stagger dismissal times at the school
- Provide a STOP sign at Central Street / Washington Street
- Redirect traffic down Fitzgerald Road outside of school hours
- Provide a longer green light on Central Street, fix skipped green phase
- Mark Park Street intersection so people won't block it

## SUMMARY OF ISSUES AND RECOMMENDATIONS

The following issues were identified through field observations and / or community feedback:

- Skipped Green Cycle at Central / North Main Street (Route 114) Signal
- Queueing Vehicles Blocking Park Street Intersection
- Queueing Vehicles Blocking Driveways / Wrong Way Driving
- Speeding / Cut Through Traffic
- Various Pedestrian Safety Concerns
- Circuitous Route to Couture Field

### **Issue 1: Skipped Green Cycle at North Main Street (Route 114) / Central Street Signal.**

The skipped green cycle was observed in the field during the morning peak exiting the school and was also identified by several stakeholders. The skipped cycle exacerbates congestion and driver frustration. The signal is under the jurisdiction of MassDOT. GPI reviewed record signal timing and phasing plans and concluded that the skipped cycle must be an equipment issue.

**Recommendation 1: The Town should contact MassDOT District 4 Traffic and report the issue.**



### **Issue 2: Queueing Vehicles Blocking Park Street at Central Street Intersection.**

This is partly related to the very short spacing of the Park Street and North Main Street (Route 114) intersection which leaves little storage space for vehicles and the long waits at the North Main Street (Route 114) signal – with a 15 second green cycle drivers are anxious to not fall behind and risk sitting through another signal cycle.

**Recommendation 2: Implement 'Don't Block the Box' pavement marking and signage.**

"Don't block the box" pavement markings and signage provide a stronger visual reminder to drivers to leave the intersection open. An example in Dedham, MA is shown to the left.

### **Issue 3: Queueing Vehicles Block Driveways. Drivers Pull out of Line and Drive the Wrong Way on the easterly block of Central Street.**

It is not possible to avoid some queueing at any school during peak arrival and dismissal times. The Howe-Manning school staff does an outstanding job getting approximately 420 students in and out of vehicles safely in a short time period. The morning drop-off period has limited queueing due to vehicles rolling slowly through the drop-off route. In our observation the morning queue on Central and Washington Streets was moving slowly and not stopped. We did not observe any homeowners trying to exit or enter driveways in during the morning drop-off period, but the rolling queue would allow drivers to provide a gap for driveway

access. With parents/guardians arriving up to 45 minutes early for dismissal however, cars are stopped along Central and Washington Street for 30 minutes or more. We did observe one driveway access and egress on Washington Street during the afternoon queue and drivers were accommodating.

The early queueing creates problems for Pre-K arrivals (even if they arrive 15 minutes early, they are stuck in a long queue for grades 3-6) which prompts wrong way driving to bypass the queue.

**Recommendation 3A: Prohibit Arrivals Prior to 2:50 PM.**

Prohibiting arrivals prior to 2:50 PM would significantly reduce the time streets and driveways are blocked with stopped vehicles in a queue and would allow Pre-K traffic to clear the area. It would also lessen air pollution from idling vehicles. We recognize this is likely to be unpopular with some parents and difficult to enforce.

**Recommendation 3B: Expand the Number of Bus Routes.**

The congestion and queueing at arrival and dismissal are exacerbated by the diminished number of bus routes. Routes should be added as possible.

**Recommendation 3C: Encourage Walking and Biking to School.**

To the extent that more students can walk, bike, or take the bus to school the number of vehicles in pick-up/drop-off queues will be reduced. Studies have shown that fresh air and exercise in the morning improves concentration for some students. Safety improvements to walking and bicycling routes and other encouragement activities such as walking/rolling school buses (e.g., groups of students and parents walking/biking to school) can further encourage walking and bicycling.

**Options Considered but Not Recommended.** The option to stagger dismissals was suggested and is not recommended. Currently, there are staggered dismissals for Pre-K and grades 3 through 6 and it does not appreciably reduce queueing. There are also families with siblings in various grades which would cause difficulty for staggered dismissals. As noted above, the school staff is very effective at matching students with buses and vehicles. The queuing problem is most exacerbated by unnecessarily early queueing.

We also do not consider Park Street to be a viable option as an additional route to the school or park. Park Street is poorly suited to accommodate additional traffic due to the narrow roadway, lack of sidewalks, and horizontal and vertical curves that create inadequate sight distances.

**Issue 4: Speeding Cars and Cut Through Traffic.**

Due to the location of Central and Washington Streets connecting to major regional arteries (Route 144 and Route 62) neighbors report that cars cut-through the area and speed through the area during of peak times. GPI did not collect speed data, however, based on experience in other communities and given the layout of the street grid we do not doubt that speeding and cut-through traffic is a problem on Central Street and Washington Street. We also note that the uses in the area, namely an elementary school, park and rail trail are all noteworthy for concentrations of children and vulnerable users, namely pedestrians and bicyclists, and warrant additional consideration regarding traffic safety.

**Recommendation 4A: Consider Establishing and Traffic Calming Policy / Process.**  
**Consider Constructing Traffic Calming Improvements on Central and Washington Streets.**

## Traffic Calming Policy

A traffic calming policy and/or process is recommended in order to communicate to the community what the guidelines are regarding traffic calming and to direct such improvements to locations where they are most warranted for safety. A traffic calming policy typically states that the town will consider or prioritize traffic calming improvements in locations near elementary schools and playgrounds, areas with high numbers of pedestrians, or where the severity of the speeding problem is high. A process that involves an application with other neighbors signing in support is recommended to assure a general consensus regarding the problem and desire for action.

## Traffic Calming Improvements

Traffic calming improvements such as speed humps, speed cushions, and/or raised crosswalks would help slow traffic and discourage cut through traffic on Central Street and Washington Streets. Based on the roadway conditions and traffic patterns the most appropriate possible treatments for Central Street / Washington Street are identified below. These treatments are appropriate for streets that accommodate emergency vehicles and buses.



**Above:** Raised Crosswalk with RRFBs (Rectangular Rapid Flashing Beacons) on Main Street at Lynnfield Middle School

## SPEED TABLES / RAISED CROSSWALKS

Traffic calming features such as speed humps, table, cushions are NOT the same as jarring speed bumps that are often used in parking areas. The design of traffic calming features has been refined over the last couple of decades to address concerns such as emergency vehicle response times and snow and ice removal. Additionally, research and studies have been performed to understand the effectiveness of the

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various features and appropriate applications for traffic calming devices. Fairly standardized design guidance for traffic calming features is available through the Institute of Traffic Engineers (ITE).

Speed tables are speed humps that have been modified with a flat top. Speed tables are also typically 3 to 3.5 inches in height but are generally 22 feet long (10-foot plateau and two, 6-foot ramps). The flat top is typically long enough for the entire wheelbase of a passenger car to rest on and the ramps are sloped gently for a more gradual slowing of vehicles than speed humps. The flat top allows a higher design speed and smoother ride than humps. These devices are most effective if used in a series and should typically be spaced between 250 and 500 feet apart. Speed tables are more desirable to emergency vehicles than speed humps as they are less jarring. When used in conjunction with a crosswalk and appropriate signage, speed tables are considered raised crosswalks - providing pedestrians with a crossing that is level with the sidewalk. This treatment would be particularly beneficial for the crosswalk across Fitzgerald Drive, at the mid-block crossing at the entrance to the school, at the intersection of Central and Washington Street and across Washington Street at Maple Street. There is a pedestrian desire line to cross Central Street at Washington Street, however a marked crosswalk is lacking. A traditional crosswalk, with pedestrian curb ramps would be difficult to accommodate at this location due to the narrow width of the sidewalk. A raised crosswalk would allow an accessible crossing at this location without the need for a ramp.

| Advantages  | Disadvantages   |
|---|---|
| <ul style="list-style-type: none"><li>• Decreases vehicle speeds</li><li>• When used in conjunction with a crosswalk, increases pedestrian visibility and results in an increase in driver yielding</li><li>• Possible reduction in cut-thru traffic</li><li>• Preferred over speed humps and bumps by emergency response vehicles</li><li>• More gradual</li><li>• Improves pedestrian accessibility since the crossing is at sidewalk level</li></ul> | <ul style="list-style-type: none"><li>• May divert traffic to adjacent streets</li><li>• Possible noise</li><li>• Potential drainage impacts</li><li>• Snow removal may be more challenging</li><li>• May require removal of on-street parking (if present)</li></ul> |



**Above:** Raised intersection on Maplewood Avenue in Portsmouth, New Hampshire

### RAISED INTERSECTION

Another possible feature to be used on Central Street would be a raised intersection. A raised intersection is a raised plateau implemented throughout an entire intersection with ramps/transitions along all approaches. The flat section can be constructed with brick or other textured materials to provide additional emphasis. While considered to be the most expensive of traffic calming options, these devices have the benefit of calming two roadways at one crossing location, where the chance of a crash is highest. These devices also increase pedestrian safety throughout the entire intersection due to reduced vehicle speeds. When designed well, they can also provide an aesthetic value.

| Advantages   | Disadvantages  |
|--|--|
| <ul style="list-style-type: none"><li>• Decreases vehicle speeds</li><li>• Possible reduction in cut-thru traffic</li><li>• Can calm two streets at once</li><li>• Potential to enhance pedestrian environment and increase safety</li><li>• Improves pedestrian accessibility since crosswalks would be at sidewalk level</li></ul> | <ul style="list-style-type: none"><li>• May divert traffic to adjacent streets</li><li>• Potential drainage impacts</li><li>• Snow removal may be more challenging</li><li>• Expensive treatment</li></ul> |



### SPEED CUSHIONS

Although the speed tables and raised intersections listed above would not be anticipated to have a significant impact on impeding access or response times for emergency vehicles, if use of the street by emergency vehicles is of concern, speed cushions are another possible option. Speed cushions/pillows/lumps are speed humps with the wheelbase of an emergency vehicle removed so these vehicles can proceed unimpeded. These features would be more challenging regarding plowing. While these devices introduce the possibility of calming traffic without introducing additional delay to emergency response times, these devices are a relatively new form of traffic calming and the industry knowledge is still forming as to their effectiveness.

| Advantages  | Disadvantages  |
|---|--|
| <ul style="list-style-type: none"><li>Decreases vehicle speeds</li><li>Possible reduction in cut-thru traffic</li><li>Preferred by emergency responders</li></ul> | <ul style="list-style-type: none"><li>May divert traffic to adjacent streets</li><li>Potential drainage impacts</li><li>Snow removal may be more challenging</li><li>May require removal of on-street parking (if present)</li></ul> |

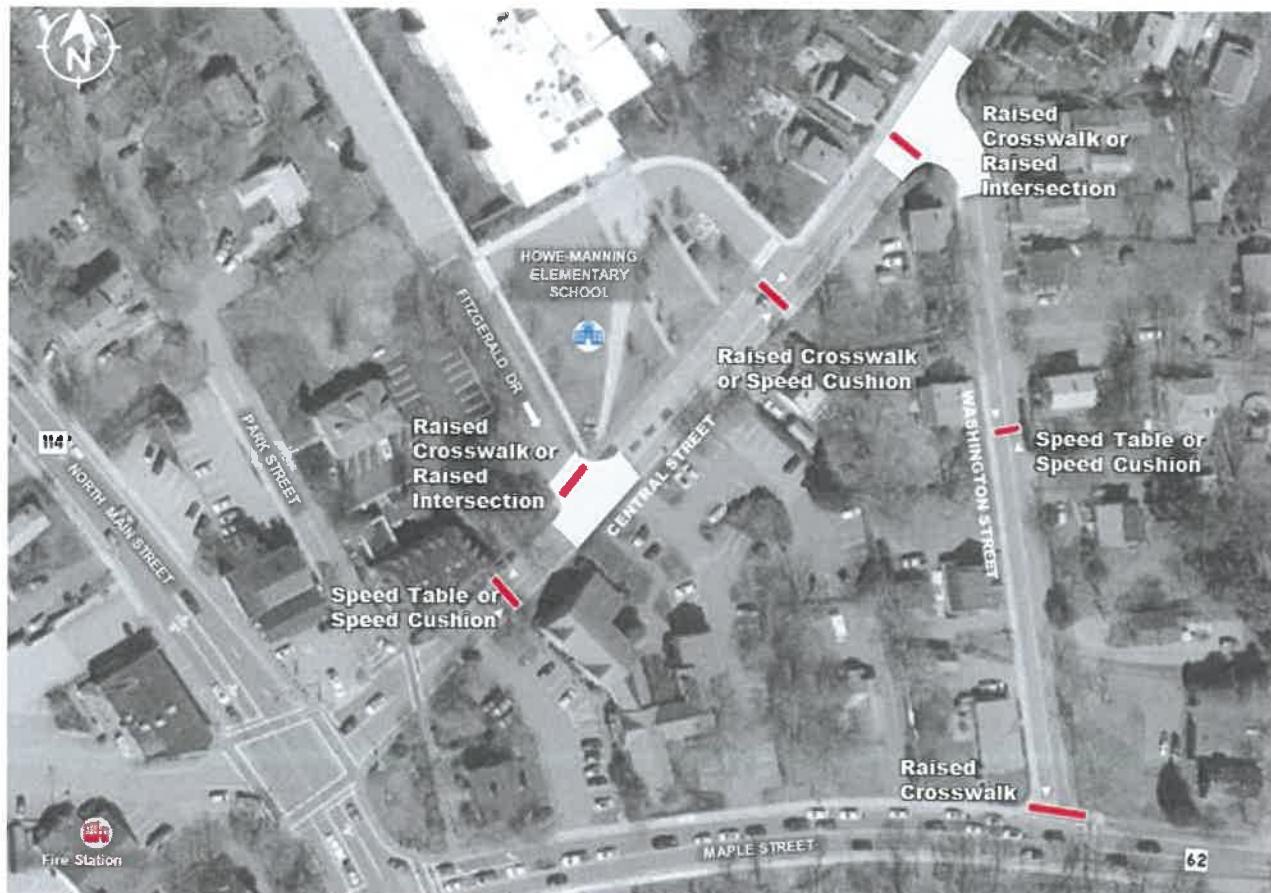
All of the above measures generally provide speed reductions of 10 to 20% and are applicable on low speed (i.e., 85<sup>th</sup> % speeds less than 30 mph) local streets with ADTs of 10,000 ADT or less.

A conceptual layout of possible traffic calming features on Central Street and Washington Street is provided in Figure 7. The purpose of this diagram is to illustrate how traffic calming features could be implemented on Central / Washington Streets to improve the safety of existing crosswalks while providing broader traffic calming benefits.

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**Figure 7. Illustrative Traffic Calming Concept**



**Recommendation 4B: Pursue Improved Directional Signage on North Main Street (Route 114).**

Due to the close spacing of the intersections of Central Street and Maple Street (Route 62), drivers may become confused and turn on Central Street rather than Maple Street. Signage is in place on North Main Street (Route 114) noting that Maple Street is the second left, but such signage cannot always be easily absorbed by drivers who are in traffic. Signage which is more graphic and intuitive may be more successful.



EXISTING DIRECTIONAL SIGNAGE



DIRECTIONAL SIGNAGE THAT IS MORE GRAPHIC

**Issue 5: Pedestrian Safety Improvements.**

Based on field observations, we recommend that the following pedestrian safety improvements be considered:

**Recommendation 5A: Construct Sidewalks on the South Side of Central Street.**

There is currently a sidewalk gap of approximately 350-feet along the frontage of the commercial shops in the center of town where there is a highly walkable mix of residential, commercial, school and park uses. Town staff has indicated that there is sufficient right of way to construct a sidewalk in this gap.



**Recommendation 5B: Remove vegetation blocking sightlines at the mid-block pedestrian crossing on Central Street.**

Shrubs at the end of the sidewalk obscure visibility of pedestrians that would be crossing at this location. This would be addressed by extending the sidewalk, in the short term, however, removing the vegetation is recommended.

**Recommendation 5C: Improve the Safety of the Crossing of Maple Street.**

Given the speed and volume of traffic on Maple Street, the following pedestrian safety improvements are recommended:

- Provide High Visibility Pedestrian Warning Signage or an RRFB (Rectangular Rapid Flashing Beacon) at the crossing of Maple Street and Washington Street.
- Consider moving the crosswalk to the west side of the intersection to connect directly with the sidewalk on the west side of Washington Street as this is where pedestrians will want to cross.
- Use High Visibility 'Zebra' Striping for Pedestrian Crossings.



left.

**Issue 6: Circuitous Route to Couture Field.**

When school is not in session, the public is routed through an unnecessarily circuitous route down Central Street, around a blind corner and onto the rail trail / Creeden Lane and behind the school to access the park.

**Recommendation 6: Allow two-way traffic on Fitzgerald Road When School is Not in Session.**

When school is not in session, traffic can use Fitzgerald Road, which is wide enough for two-way traffic. This can be handled with appropriate signage as illustrated in the photo at

**Issue 7: Improve Bike and Pedestrian Safety on Creeden Lane / Rail Trail.**

The allocation of space for pedestrians and bicycle on the shared space of Creeden Lane and the rail trail are of concern as the hatching on the westerly side of the roadway suggests that the pedestrian and bicycles should cross the traffic lane twice rather than just keep to the easterly side of the roadway. Neighbors

reported close calls at this location as vehicles turn at speeds higher than safe into a shared space with pedestrians and bicycles.

**Recommendation 7A: Move Hatching to the Easterly Side of Creeden Lane.**

Moving the hatched area to the easterly side of Creeden Lane would allow a continuous connection for rail trail users on the east side of Creeden Lane and would move the pedestrians and bicyclists to the side of the shared street space that is more visible for vehicles turning the corner.

**Recommendation 7B: Provide a Raised Crosswalk Across Creeden Lane.**

A raised crosswalk would slow traffic turning the corner from Central Street onto Creeden Lane / rail trail. This pedestrian crossing is heavily used by school staff during the week and rail trail users at other times. These improvements are diagrammed in Figure 8.

**Figure 8. Illustrative Improvements to Creeden Lane / Rail Trail**



## CONCLUSIONS

Controlling traffic and improving safety around schools, parks and community centers are investments in the livability of the community. These recommendations are based on observations of issues in the field and the experience of neighbors. Many of the recommended improvements would be strong candidates for funding through competitive grant programs including MassDOT's Complete Streets <https://www.mass.gov/complete-streets-funding-program> or Shared Streets and Spaces <https://www.mass.gov/shared-streets-and-spaces-grant-program> grant programs.



## Town of Middleton

Planning Department

Town Planner Katrina O'Leary, AICP

195 North Main Street, Middleton, MA 01949

katrina.oleary@n

Ph: (978)

7.

**Date:** December 6, 2022  
**To:** Select Board  
**From:** Katrina O'Leary  
**RE:** MBTA Communities Multi-family Housing Compliance  
**Attachment:** Attachments A, B, & C  
**CC:** Planning Board

---

The purpose of this memorandum is to 1. Update the Select Board on how the “Final Guidelines for complying with the Section 3A MBTA Multi-Family Zoning” apply to Middleton and how the Town can achieve interim and long-term compliance, and 2. Receive guidance from the Board on whether to proceed with the work necessary to comply with the “Section 3A” zoning.

On August 10, 2022, the Department of Housing & Community Development released the final guidelines on compliance with the new law. Section 3A requires that each MBTA Community have a district of reasonable size in which multi-family housing is allowed by-right at a minimum density of 15 units per acre. Site Plan Review is allowed for multi-family uses allowed by-right.

The general principles of Section 3A are that MBTA communities benefit from having transit assets within their boundaries and, therefore, should:

- Contribute to the production of new housing stock;
- Provide opportunity for multi-family housing development around MBTA facilities;
- Adopt multi-family housing 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.

Based on the final guidelines, Middleton is considered an “adjacent” community, and our minimum multi-family capacity must allow 750 units in a multi-family by-right zoning district. A minimum of 50 acres must be zoned for multi-family by right to comply with the new law, and at least half of that must be contiguous lots (Please see Attachment A for a summary of latest guideline changes).

According to new Section 3A, an MBTA community that fails to comply with the new requirements shall not be eligible for funds from:

- The Housing Choice Initiative
- Local Capital Projects Fund pursuant to Section 2EEEE of Chapter 29
- The MassWorks Infrastructure Program pursuant to Section 63 of Chapter 23A

Additionally, the guidance document states that DHCD may take non-compliance into consideration when making other discretionary grant awards (See Attachment B for a description of state funds in jeopardy due to non-compliance).

The deadline for Middleton, as an adjacent community, to adopt the new zoning district and submit a compliance application to the Department of Housing & Community Development is December 31, 2024. A simple majority at town meeting will be required to approve a proposed new multi-family

district (Please see **Attachment C** for new voting requirements for certain zoning amendments). To remain in interim compliance, an Action Plan to achieve long-term compliance must be submitted by January 31, 2023. No MBTA community may remain in interim compliance after its district compliance deadline has passed. The chart below shows both the completed and outstanding steps the Town needs to take, by date, to remain in interim compliance.

| Deadline         | Task  | Completed   |
|------------------|---|---|
| March 31, 2022   | Submission of any comments to DHCD  | Select Board voted to send comments to DHCD at their 3/22/2022 meeting                                      |
| May 2, 2022      | Select Board must be briefed on Draft Compliance Guidance and submit an MBTA Community Information Form       | Select Board was briefed at their 1/25/2022 meeting and the Information Form was submitted on April 7, 2022 |
| January 31, 2023 | Complete an online Action Plan form that outlines the municipality's process for adopting compliant zoning    |   |
| 12/31/2024       | Compliance application submitted to DHCD showing that the town has adopted compliant multi-family district(s) |   |

If the Select Board authorizes me to work with the Planning Board on the creation of Section 3A compliant zoning, I have put together the following MBTA Compliance Schedule:

- **January 2023** – DHCD Action Plan: We are required to include work that has been done, so far, to create the MBTA compliant zoning district. I plan to include one possible site for a multi-family zoning overlay district which includes the complete IH zoning district. As the Town explores this subject further, we may decide to change the location of the required zone, or create more than one district in town that meets the requirements of Section 3A. The Action Plan application can be found here: <https://www.mass.gov/doc/action-plan-for-mbta-communities/download>
- **January 2023** - Apply for MAPC DLTA funds to assist the Town with citizen engagement in early 2023 to develop compliant MBTA zoning district(s). This may include a combination of public meetings, creation of a web site, and/or survey(s). <https://www.mapc.org/about-mapc/funding-opportunities/>
- **March 2023** – contract with MAPC for MBTA Citizen Engagement. Project will conclude by August 2023.

- **May 2023** - Appropriation to hire a zoning consultant to assist with updating our Zoning Bylaw according to the recommendations in the 2022 Zoning Audit, the 2018 Master Plan, and the 2019 Housing Production Plan and to comply with the new Section 3A (MBTA Communities). \$50,000 was appropriated in 2018 to hire a zoning consultant that was never used. It is estimated that \$70,000 will be necessary to hire a consultant to perform the complete task.
- **August 2023** – contract with hired consultant to revise the Zoning Bylaw (with or without the MBTA zoning component).
- **February – April 2024** – Planning Board public hearings for any proposed Zoning Bylaw proposals
- **May 2024** – Any resulting draft zoning bylaw amendments to be on the May 2024 Town Meeting Warrant for adoption.
- **Dec. 31, 2024** – Deadline to submit Compliance Application to DHCD for newly adopted MBTA compliant zoning

## **ATTACHMENT A SECTION 3A GUIDELINE UPDATES**

The latest revisions to the Section 3A Guidelines include the following:

**Inclusionary Zoning/Requiring Affordable Housing.** The Section 3A guidelines allow us to require that more than 10% of the units in a project be affordable units (but not more than 20%), provided that the community demonstrates that a reasonable variety of multi-family housing types can be feasibly developed at the higher percentage. Note: the Middleton Planning Board is currently working on drafting an Inclusionary Zoning Bylaw for adoption at the May 2022 Town Meeting.

**Higher standards than other uses are prohibited.** No requirements that are greater than those applied uniformly on all zoning uses can be applied to the Multi-family zoning district.

**Mixed Use.** Mixed-use may be allowed as of right as long as multi-family is allowed separately as of right.

**Water and Wastewater infrastructure.** Compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity that result in actual housing production at lower density than the zoning allows.

**Wetlands and Title V (septic regulations).** Compliance with Title V and state wetlands protection law is still required in the Multi-family district, even if a project results in less density than the 15 units per acre allowed in the zoning district.

**Suitable for families.** No age restrictions, bedroom caps, size limits, or limits on number of occupants or minimum age of occupants are allowed.

**Locating a compliant district.** Page 12 of the final guidelines discusses locating the district in a manner to achieve compliance. For an Adjacent Community such as Middleton, the district can go anywhere that provides safe, convenient access to mobility and “reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.” The guidelines note that the district should not go in wetlands, habitat for rare or threatened species, areas subject to flooding, or farmland/agricultural soils.

**ATTACHMENT B**  
**STATE FUNDS AFFECTED BY NON-COMPLIANCE WITH MGL Ch. 40A, § 3A**  
(Source: Massachusetts Municipal Lawyers Association Presentation – February 2022)

**The Law - MGL Ch. 40A, § 3A:**

“(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.”

**DHCD Guidelines** - “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 (see descriptions of programs below):

(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.”

**1. The Housing Choice Initiative (<https://www.mass.gov/housing-choice-designation-and-grants>)**

- The Housing Choice Community Grant Program rewards municipalities that have produced a significant number of housing units in the last five years and that have adopted or established Best Practices that encourage housing production. The Housing Choice designation is based on PRODUCTION OF NEW YEAR-ROUND housing units over the last 5 years. The threshold for qualifications is a 5% increase (or 500 units), or a 3% increase (or 300 units) and best practices.
- “Activities may include capital projects such as construction, modernization, or major repair of physical infrastructure, acquisition of property or interests in property; long-lived equipment; or feasibility, engineering or schematic designs for capital projects. Planning and zoning projects may also be funded by this program.”
- For FY2023, approximately \$4 Million is available in grants for qualifying municipalities. Grants in this category will likely be \$25,000-\$250,000.
- Note that adopting the MBTA Community zoning alone does not qualify a community for grant funds. If units are created in communities in compliance with the Grant Program Guidelines, those communities are eligible to become Housing Choice Communities, however:
  - a. The community must first earn Housing Choice designation which includes creation of the “significant number of housing units” (defined above). Adopting the multi-family housing district will be the gatekeep prerequisite to eligibility.
  - b. This is a temporary designation. It depends on housing creation and communities fall off this list after five years if unit creation is not sustained year after year.
- Although Middleton qualified as a “Housing Choice Community” in 2018 and applied for funds, the town was not awarded any funds. Since then, the town does not qualify to apply.

**2. Local Capital Projects Fund established in section 2EEEE of chapter 29**

“There shall be established and set up on the books of the commonwealth a Local Capital Projects Fund. The fund shall be credited with any funds transferred from the Gaming Revenue Fund established in section 59 of chapter 23K and any monies credited to or transferred to the fund from any other fund or source.”

- The Local Capital Project Fund is a state budget source, not a “grant program” – there is no “application” a community can submit to the state to obtain “Local Capital Project Funds”.
- It is not yet clear the state budget line items or programs that are funded in whole or in part by the Local Capital Projects Fund, but efforts are being made to clarify this question. For the last few years, the Local Capital Project Fund was used to partially fund an appropriation in the state budget for local housing authorities. Governor Baker’s proposed budget for FY23 continues this use. In FY14, FY15, it appears that 100% of the Local Capital Projects Fund was applied to the MassWorks infrastructure program (with some limited earmarked appropriations).
- There is no way to predict where the state will appropriate the Local Capital Project Fund in the future so past appropriation may not provide an indication of future impact of this statutory provision on MBTA Communities.
- It is not clear if Middleton has benefited from any of these funds in past years
- A December 4, 2022 article in the Boston Globe reports that DHCD sent letters to six communities in September 2022 that required housing authorities in noncompliant communities to submit a 2023 state budget that is 10.6 percent lower due to the fact that “Local Capital Projects Funds” cannot be used due to non compliance with the MBTA Communities zoning (Section 3A).
- The new state “Starter Home” Program (MGL Chapter 40Y) includes incentive payments for approved Starter Home zoning districts. These funds may come from Capital Project Funds – and if so, the received funds must be spent on Capital Projects. It could be that non-compliant communities will not receive the funds.

### 3. The MassWorks infrastructure program established in section 63 of chapter 23A.

Per M.G.L. ch. 23A, §63, the primary purpose of the MassWorks Program is: to issue grants to municipalities and other public instrumentalities for design, construction, building, land acquisition, rehabilitation, repair and other improvements to publicly-owned infrastructure including, but not limited to, sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment systems, telecommunications systems, transit improvements, public parks and spaces within urban renewal districts, and pedestrian and bicycle ways. (Source: [FY2023 MassWorks Program Guidelines](#)

- Allowable Use of Funds - Applicants may request capital grant funds for predevelopment activities and/or to cover any and all reasonable direct costs associated with the proposed improvements to the public infrastructure, including pre-construction expenses, direct construction costs, and the expenses for project administration...Funds may generally be used for the following types of expenses:
- Predevelopment: Engineering documents, pre-permitting, proforma development, due diligence, etc.

- Pre-Construction: Design, final engineering/surveying, permitting, bidding, etc.
- Direct Construction: All earthwork and/or site work (for example, demolition, sidewalk and road construction, utility relocation, traffic signals, water/sewer extensions, bridge/culvert repairs, etc.)
- Construction Administration: Project management, traffic control, public safety details, etc.  
Maximum Award Amount - There is no set maximum or minimum amount that an applicant may request for a MassWorks grant, except in the case of STRAP [small town road project] awards [\$1,000,000 cap], or as might otherwise be dictated by statute.
- Middleton did apply for a MassWorks grant in 2016 to reconstruct Maple Street and add sidewalks, but was not awarded any funds.

**ATTACHMENT C**  
**2020 ZONING CHANGE: SIMPLE MAJORITY VOTE REQUIRED**

Chapter 358 of the Acts of 2020 made several amendments to Chapter 40A of the General Laws, commonly known as the Zoning Act. Among these amendments are (1) changes to section 5 of the Zoning Act, which reduce the number of votes required to enact certain kinds of zoning ordinances and bylaws from a  $\frac{2}{3}$  supermajority to a simple majority; and (2) changes to section 9 of the Zoning Act, making similar changes to the voting thresholds for the issuance of certain kinds of special permits.

Under the newly amended section 5 of the Zoning Act, a zoning ordinance or bylaw can be enacted by a simple majority vote, rather than the  $\frac{2}{3}$  supermajority that applies to other zoning amendments, if that ordinance or bylaw does any of the following:

1. Allows for multi-family housing or mixed-use developments “as of right” in an eligible location.
2. Allows for open space residential development as of right.
3. Allows accessory dwelling units, either within the principal dwelling or within a detached structure on the same lot, as-of-right.
4. Allows by special permit accessory dwelling units in a detached structure on the same lot.
5. Reduces the parking requirements for residential or mixed-use development under a special permit.
6. Permits an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development that requires a special permit.
7. Changes dimensional standards such as lot coverage or floor area ratio, height, setbacks, minimum open space coverage, parking, building coverage to allow for the construction of additional residential units on a particular parcel or parcels of land.
8. Provides for the transfer of development rights or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality.
9. Adopts a smart growth or starter home districts in accordance with section 3 of Chapter 40R of the General Laws.

Key terms such as “multi-family housing,” “mixed-use development,” “accessory dwelling unit,” “transfer of development rights,” “natural resource protection zoning,” and “eligible location” are now defined in section 1A of the Zoning Act. (February 26, 2021)



8.

## OVERLAY

### PURPOSE

To ensure the proper treatment of the overlay account, this policy sets guidelines for determining the annual overlay amount in the Town's budget and for deciding whether any overlay balance can be certified as surplus. The allowance for abatements and exemptions, commonly referred to as the overlay, is an account to offset anticipated abatements and exemptions of committed real and personal property taxes. The account may also be charged in the event property taxes are deemed to be uncollectable.

Effective November 7, 2016, the Municipal Modernization Act ([Chapter 218 of the Acts of 2016](#)) (Municipal Modernization Act) provides for a single overlay account. Previously, a community had to maintain separate overlay reserves for each fiscal year and could not use the surplus from one year to cover another year's deficit without a multistep process involving the assessors, accounting officer, and local legislative body. However, the Act allows all existing overlay balances to be transferred to a single account. Although this policy treats overlay as a single account, to continue historical information and facilitate reconciliations, the Finance Director/Town Accountant may elect to maintain subsidiary ledgers by levy year for overlay balances.

### APPLICABILITY

This policy applies to the job duties of the Board of Assessors, Chief Assessor, and Finance Director/Finance Director/Town Accountant, as well as to the Select Board's and Finance Committee's responsibilities as budget decision makers.

### POLICY

#### A. Annual Overlay

Each year, the Town shall authorize an amount to the overlay account as part of the budget process and to raise it without appropriation on the Town's Tax Recap Sheet. The Chief Assessor will propose this annual overlay amount to the Town based on the following:

- Current balance in the overlay account
- Five-year average of granted abatements and exemptions
- Potential abatement liability in cases pending before, or on appeal from, the Appellate Tax Board (ATB)
- Timing of the next certification review by the Division of Local Services (scheduled every five years under the Municipal Modernization Act)

## **B. Excess Overlay**

Annually, the Finance Director/Town Accountant and Chief Assessor will conduct an analysis to see if there is any excess in the overlay account by factoring the following:

Current balance in the overlay account after reconciling with the Finance Director/Town Accountant's records

- Balance of the property tax receivables, which represents the total real and personal property taxes still outstanding for all levy years
- Estimated amount of potential abatements, including any cases subject to ATB hearings or other litigation

Upon determining any excess in the overlay account, the Chief Assessor shall present the analysis to the Board of Assessors for its review and inform the Town Administrator and Finance Director/Town Accountant.

## **C. Overlay Surplus**

In consultation between the Chief Assessor, the Finance Director/Town Accountant and the Town Administrator during the budget review process, if there is an excess balance in the overlay account, the Board of Assessors will be advised and shall formally vote in an open meeting to certify the amount to transfer to overlay surplus and shall notify the Select Board, Town Administrator, and Finance Director/Town Accountant in writing of its vote. If the Town Administrator makes a written request for a determination of overlay surplus, the Board of Assessors shall vote on the matter at their next scheduled meeting and notify the Town Administrator and Finance Director/Town Accountant of the result in writing.

After being certified, Town Meeting may appropriate overlay surplus for any lawful purpose until the end of the fiscal year. However, the appropriation should be as prescribed in the same manner as the Town's use as Free Cash per financial policy. Overlay surplus not appropriated by year-end closes to the general fund's undesignated fund balance.

## **REFERENCES**

M.G.L. c. 59, §25

Chapter 218 of the Acts of 2016

DLS Informational Guideline Release 16-104: Overlay and Overlay Surplus

## **EFFECTIVE DATE**

This policy was adopted 12/20/22.

M.S.

PDH

## CALENDAR

## FY2024 OPERATING AND CAPITAL BUDGETS

MAY 9, 2023 ANNUAL TOWN MEETING

## **MAY 16, 2023 ANNUAL TOWN ELECTION**

REVISED 11/29/22

10.

2022

## December FY24 budget instructions distributed to departments

2023

**Tuesday, January 3** Nomination papers for elected Town offices available

Wednesday, January 4 Operating budget requests due to TA's Office

**Monday, January 9**      **Deadline for Roadway Acceptance Petitions (Town Code 383-2)**

Tuesday, January 10 Select Board votes to open the ATM warrant

Monday, January 16 Martin Luther King, Jr. holiday

Fri.-Sat., Jan. 20-21 MMA Annual Meeting

Monday, January 30 Operating budget book/link to SB, FinCom

**Tuesday, January 31** Petition articles and zoning amendments due at Town Administrator's Office by 5:00PM

**Saturday, February 4**      **Operating budget summit, Fuller Meadow School**  
**8:30AM-4:00PM**

Monday, February 6 Capital budget requests due to TA's Office

February 6-13 Capital budget meetings with TA, ATA, ED

**Non-petition warrant articles due to Town Administrator's Office by 5:00PM**

Friday, February 17      Deadline to submit legal notice to newspaper for March 8 Planning Board public hearing on zoning amendments.

Monday, February 20 Presidents' Day holiday: start of school vacation week

Tuesday, February 21 Select Board votes to close ATM warrant

Wednesday, February 22 1<sup>st</sup> legal ad in newspaper for Planning Board public hearing on zoning amendments

Wednesday, March 1                    2<sup>nd</sup> legal ad in newspaper for Planning Board public hearing on zoning Amendments

|                                      |   |
|--------------------------------------|---|
| Tuesday, February 28                 | Capital budget books/files to SB, FinCom  |
| Friday, March 3                      | Deadline to submit legal ad to newspaper for 3/30/23 budget hearing   |
| Saturday, March 4<br>8:30AM-2:00PM   | Capital budget summit   |
| Wednesday, March 8                   | Planning Board Hearing on Zoning Amendments   |
| Friday, March 17                     | Legal ad in newspaper for 3/30/23 budget hearing  |
| Tuesday, March 28<br>Until 5PM       | Last day for candidates to submit nomination papers for Annual Town Election                                  |
| Thursday, March 30<br>7:00PM         | Budget Hearing and Warrant Reading: SB, FinCom, Moderator: Flint Public Library                               |
| Thursday, April 6                    | Deadline to submit recommendations, exhibits, maps to TA's Office for inclusion in warrant book               |
| Thursday, April 6                    | Joint meeting of Select Board & Finance Committee re outstanding budget issues, if needed                     |
| Tuesday, April 11                    | Target date for Constable to post warrant   |
| Tuesday, April 11                    | Deadline to provide written notice for ballot question to Town Clerk, if any (35 days before Annual Election) |
| Thursday, April 13                   | Last day for candidates to object or withdraw their candidacy for elected office                              |
| Thursday, April 13                   | Warrant book to printer   |
| Monday, April 17                     | Patriots Day holiday; start of school vacation week   |
| Friday, April 21                     | Warrant book to USPS for mailing to households  |
| Tuesday, April 25                    | Motions meeting with TA, ATA, FD, Moderator, Town Clerk, Town Counsel   |
| Friday, April 28<br>Until 5:00PM     | Last day to register to vote for the Annual Town Meeting and Annual Town Election                             |
| Thursday, May 4<br>6:30PM            | Pre-Town Meeting: Flint Public Library  |
| Tuesday, May 9<br>7:00PM             | Annual Town Meeting: Howe Manning School  |
| Tuesday, May 16                      | Annual Town Election: Fuller Meadow School  |
| Regular Board of Selectmen meetings: |   |
| January 10 & 24                      | April 4 & 18  |
| February 7 & 21                      | May 2, 16, & 30   |
| March 7 & 21                         | June 13 & 27  |

**EMPLOYMENT AGREEMENT BETWEEN**  
**THE TOWN OF MIDDLETON, MASSACHUSETTS and**  
**JACKIE BRESNAHAN, THE INTERIM TOWN ADMINISTRATOR**

---

This Agreement made and entered into this \_\_ Day of January, 2023, by and between the Town of Middleton, Commonwealth of Massachusetts, a municipal corporation, acting by its Select Board, hereafter referred to as the "Board" and Jacqueline R. Bresnahan, hereinafter referred to as the "Interim Town Administrator" or "Ms. Bresnahan."

In consideration of the promises herein contained, the parties mutually agree as follows:

**WHEREAS**, the Town desires to employ the services of said Jacqueline R. (Jackie) Bresnahan as Interim Town Administrator; and

**WHEREAS**, it is the desire of the Board to provide certain benefits, establish the conditions of employment, and set the salary of said Interim Town Administrator; and

**WHEREAS**, it is the desire of the Board to appoint the Interim Town Administrator and to provide inducement for her to remain in such employment until a permanent replacement is found; and

**WHEREAS**, the parties intend that this Employment Agreement shall be for a term beginning February 1, 2023 through June 30, 2023, unless sooner terminated pursuant to Section II below; and

**WHEREAS**, Ms. Bresnahan currently holds the position of Assistant Town Administrator/HR Director and will resume said position after her term as Interim Town Administrator;

**NOW, THEREFORE**, in consideration of the covenants contained herein, the parties agree as follows:

**SECTION I: FUNCTIONS & DUTIES**

The Town agrees to employ said Jackie Bresnahan as Interim Town Administrator. The Interim Town Administrator shall perform the functions and duties of the chief administrative officer of the Town of Middleton as described by the Middleton Town Charter, and such other duties and functions as the Board shall, from time to time, legally assign to her.

**SECTION II: TERM**

- A. This Agreement shall have a term beginning February 1, 2023 and expiring June 30, 2023, unless earlier terminated.

- B. The Board, in its sole discretion, may terminate Ms. Bresnahan's service as Interim Town Administrator by written notice no less than seven (7) days prior to the effective date of such termination. Upon such termination, Ms. Bresnahan shall be immediately reinstated to her position as Assistant Town Administrator/HR Director.
- C. Ms. Bresnahan may terminate her service as Interim Town Administrator by written notice no less than seven (7) days prior to the effective date of such termination. Upon such termination, Ms. Bresnahan shall be immediately reinstated to her position as Assistant Town Administrator/HR Director.
- D. This Agreement shall automatically terminate upon the engagement, appointment, and commencement of a permanent Town Administrator.
- E. This Agreement may be extended through a written amendment by mutual agreement of the Parties.

### **SECTION III: COMPENSATION**

A. **Base Salary:**

The Town Administrator shall be paid an annualized base salary of **\$165,000**, effective February 1, 2023 and continuing through the end date of this agreement.

The salary for the Interim Town Administrator shall be payable in bi-weekly installments at the same time as other Town department Administrators.

- B. For the purposes of the Fair Labor Standards Act, the Interim Town Administrator shall be an "exempt employee."
- C. All compensation paid by the Town shall be conditional upon the Interim Town Administrator performing the services required of said Interim Town Administrator.

### **SECTION IV: BENEFITS**

- A. **Vacation Leave:** The Interim Town Administrator shall be entitled to earn the same days of earned vacation leave each fiscal year as she would have as the Assistant Town Administrator/HR Director, on a fiscal year basis. Unused vacation leave may be carried over by the Interim Town Administrator at the end of fiscal year FY 23 into FY 24 subject to a maximum accrual carry-over of ten (10) days, given the additional time she may need to devote to Town operations during the interim period.

- B. **All Other Benefits:** In addition, the Interim Town Administrator shall be entitled to such other benefits generally provided to Town department managers, subject to this Agreement.
- C. All benefits and obligations of the Town shall be conditional upon the Interim Town Administrator performing the services required of said Interim Town Administrator.

#### **SECTION V: EXPENSES**

**Expenses:** The Interim Town Administrator shall be reimbursed for any reasonable expenses incurred in the performance of her duties, or as an official representative of the Town. If the Interim Town Administrator leaves the employment of the Town and serves as a witness in depositions, trials, or administrative proceedings, she shall be paid for each day of preparation and attendance at the trial on a per diem basis based on her salary at the time of her separation from employment from the Town. This section shall survive the termination of this Agreement.

#### **SECTION VI: OUTSIDE ACTIVITIES**

The Interim Town Administrator may accept speaking, writing, lecturing, teaching, or other paid engagements of a professional nature as her sees fit, provided they do not interfere with the performance and discharge of her duties and responsibilities as Interim Town Administrator. Any such engagements, activities, or work must be approved in advance by the Board, whose approval will not be unreasonably delayed or denied, and shall not be in violation of the Massachusetts Conflict of Interest Law, M.G.L. c. 268A.

#### **SECTION VII: HOURS OF WORK**

The Interim Town Administrator shall normally work at least forty (40) hour work weeks. The Interim Town Administrator recognizes that her job duties may require her to work beyond forty (40) hours per week in order to fulfill her obligations as a professional employee, including attendance at evening meetings.

It is recognized that the Interim Town Administrator must devote a great deal of time outside of normal office hours to the business of the Town and to that end the Interim Town Administrator will be allowed to take reasonable compensatory time off as she shall deem appropriate during said normal office hours.

The Interim Town Administrator will devote full time and attention to the business of the Town and will not engage in any other business, except with the prior approval of the Board as described above in Section IX.

## SECTION VIII: BONDING & INDEMNIFICATION

A. The Town shall defend, save harmless, and indemnify the Interim Town Administrator against any tort, professional liability, claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of her duties as Interim Town Administrator, even if said claim has been made following her termination from employment, provided that the Interim Town Administrator acted with the scope of her duties. The Town shall pay the amount of any settlement or judgment rendered thereon. The Town may compromise and settle any such claim or suit and will pay the amount of any settlement or judgment rendered thereon without recourse to the Interim Town Administrator.

B. The Town shall reimburse the Interim Town Administrator for any attorney's fees and costs incurred by the Interim Town Administrator in connection with such claims or suits involving the Town Administrator in his professional capacity.

C. This indemnification shall also apply to the Town Administrator after she leaves the employment of the Town.

D. The Town shall bear the full cost of any fidelity or other bonds required of the Interim Town Administrator.

E. This section shall survive the termination of this Agreement.

## SECTION IX: SEVERABILITY

If any provision or any portion thereof of this Agreement is found to be unconstitutional, invalid or unenforceable, it shall not affect the remainder of said Agreement but said remainder shall be binding and remain in full force and effect.

## SECTION X: COUNTERPARTS

This Agreement shall be executed in two counterparts, each of which shall be deemed to be an original, and both of which, taken together, shall be deemed one and the same instrument.

## SECTION XI: GOVERNING LAW

This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, without regard to conflict of law principles.

## SECTION XII: NOTICES

Any and all notices required or permitted to be given under this Agreement will be sufficient if furnished in writing, sent by certified mail to her last known residence, in

the case of the Interim Town Administrator, or the Chairperson of the Select Board in the case of the Town.

***IN WITNESS THEREOF***, the parties have hereunto signed and sealed this Agreement and a duplicate thereof the \_\_\_ day of January in the year 2023, such Agreement to be effective as of February 1, 2023 until June 30, 2023, subject to the provision of Section II above.

**TOWN OF MIDDLETON**  
by its Select Board

---

Jacqueline R. (Jackie) Bresnahan  
Interim Town Administrator

---

Kosta Prentakis, Chair

---

Jeffrey Garber, Clerk

---

Brian M. Cresta, Member

---

Debbie Carbone, Member

---

Richard Kassiotis, Member

Date: \_\_\_\_\_



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

12.

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

December 27, 2022

Chief Thomas J. Martinuk  
Middleton Fire Department  
4 Lake Street  
Middleton, MA 01949-01949

Dear Chief Martinuk:

Congratulations! We are pleased to inform you that the Middleton Fire Department has been awarded \$3,781 for Student Awareness of Fire Education (S.A.F.E.) and \$2,077 for Senior SAFE grants. We look forward to working with you and your community on this public fire and life safety initiative.

Additional correspondence, including all the necessary documents needed to execute this award will be provided by the Executive Office of Public Safety and Security, Department of Fire Services within the next two weeks.

Feel free to contact the Public Education Unit at (978) 567-3381 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Charles Baker".

Governor Charles D. Baker

A handwritten signature in black ink that reads "Karyn Polito".

Lt. Governor Karyn E. Polito



*The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security  
Department of Fire Services*



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LT. GOVERNOR

TERRENCE M. REIDY  
SECRETARY

*Stow, Massachusetts 01775*

*Telephone (978) 567-3100*

*[www.mass.gov/dfs](http://www.mass.gov/dfs)*

PETER J. OSTROSKY  
STATE FIRE MARSHAL

December 27, 2022

Chief Thomas Martinuk  
Middleton Fire Department  
4 Lake Street  
Middleton, MA 01949

Dear Chief:

I am pleased to inform you that your FY 2023 Student Awareness of Fire Education (S.A.F.E.) and Senior SAFE grant applications have been approved for funding. The Middleton Fire Department has been awarded **\$3781** for your S.A.F.E. grant and **\$2077** for Senior SAFE.

Be sure to alert your treasurer and to check with them to ensure receipt of the funds. The current 10-year SAFE contracts will expire on June 30, 2023. Funds in the FY23 SAFE/Senior SAFE Grant program are awarded for spending until December 31, 2023, with one possible extension until June 30, 2024, allowable upon request. Therefore, the contract dates for communities receiving FY23 SAFE/Senior SAFE grants must be amended to reflect an end date of June 30, 2024. Included in this mailing is a Standard Contract Form and a Contractor Authorized Signatory Listing Form. Please print both forms. Please ensure that the individual signing the contract is listed in the box on the authorized signatory listing page, but please note that this form (CASL) MUST be signed off by an authorized signatory of your organization i.e., Town Administrator/City Manager, Board of Selectmen, Treasurer, Legal Counsel, etc. Please sign the contract "for the contractor" and mail the signed original Standard Contract Form and Contractor Authorized Signatory Listing Form to DFS at the address below as soon as possible. It is important to note that the FY23 SAFE/Senior SAFE grant funds will be disbursed upon DFS' receipt of a signed contract amendment and CASL from the community.

Julie Walrath  
Department of Fire Services  
PO Box 1025 – 1 State Road  
Stow, MA 01775

I thank you for your commitment to the S.A.F.E. program and for your continuing efforts to promote fire prevention for all citizens.

Sincerely,

Peter J. Ostroskey  
State Fire Marshal

*Administrative Services • Division of Fire Safety  
Hazardous Materials Response • Massachusetts Firefighting Academy*



**COMMONWEALTH OF MASSACHUSETTS**  
**CONTRACTOR AUTHORIZED SIGNATORY LISTING**

CONTRACTOR LEGAL NAME: **Town of Middleton**  
CONTRACTOR VENDOR/CUSTOMER CODE: **VC6000191884**

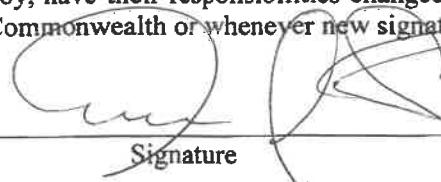
**INSTRUCTIONS:** Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf.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

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

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

| AUTHORIZED SIGNATORY NAME | TITLE           |
|---------------------------|-----------------|
| JACKIE BRESNAHAN          | ASST TOWN ADMIN |
| SARAH WOOD                | FINANCE DIR.    |
|                           |                 |
|                           |                 |
|                           |                 |

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

  
Signature

Date: 1/3/23

Title: **TOWN ADMINISTRATOR** Telephone: **978-777-3617**

Fax: **800-369-4351** Email: **ANDREW.SHEEHAN@MIDDLETONMA.GOV**

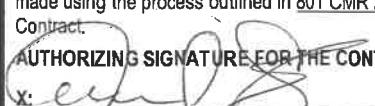
[Listing can not be accepted without all of this information completed.]

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

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

|   |                     |  |                     |
|---|---------------------|--|---------------------|
| CONTRACTOR LEGAL NAME: Town of Middleton<br>(and d/b/a):  |                     | COMMONWEALTH DEPARTMENT NAME: Department of Fire Services<br>MMARS Department Code: DFS  |                     |
| Legal Address: (W-9, W-4): 48 S Main St, Middleton, MA, 01949   |                     | Business Mailing Address: P.O. Box 1025, Stow MA 01775   |                     |
| Contract Manager: Chief Douglas K. LeColst  | Phone: 978-774-2466 | Billing Address (if different):  |                     |
| E-Mail: doug.lecolst@midfire.com  | Fax: 978-774-0709   | Contract Manager: David Clemons  | Phone: 978-567-3179 |
| Contractor Vendor Code: VC6000191884  |                     | E-Mail: David.Clemons@mass.gov   | Fax: 978-567-3121   |
| Vendor Code Address ID (e.g. "AD001"): AD001.<br>(Note: The Address ID must be set up for EFT payments.)  |                     | MMARS Doc ID(s): CT-DFS-1000-2023SAFEGRANT00000000   |                     |
| <input checked="" type="checkbox"/> <b>NEW CONTRACT</b><br><b>PROCUREMENT OR EXCEPTION TYPE:</b> (Check one option only)  |                     | <input checked="" type="checkbox"/> <b>CONTRACT AMENDMENT</b><br>Enter Current Contract End Date <u>Prior</u> to Amendment: <u>June 30, 2023</u> .<br>Enter Amendment Amount: \$ <u>No Change</u> . (or "no change")<br><b>AMENDMENT TYPE:</b> (Check one option only. Attach details of amendment changes.)<br><input type="checkbox"/> <b>Amendment to Date, Scope or Budget</b> (Attach updated scope and budget)<br><input checked="" type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget)<br><input type="checkbox"/> <b>Contract Employee</b> (Attach Employment Status Form, scope, budget)<br><input type="checkbox"/> <b>Other Procurement Exception</b> (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget) |                     |
| The Standard Contract Form Instructions, Contractor Certifications and the following Commonwealth Terms and Conditions document is incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services   |                     |  |                     |
| <b>COMPENSATION:</b> (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.<br><input checked="" type="checkbox"/> <b>Rate Contract.</b> (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.<br><input type="checkbox"/> <b>Maximum Obligation Contract.</b> Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ _____.   |                     |  |                     |
| <b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days <u>%</u> PPD; Payment issued within 15 days <u>%</u> PPD; Payment issued within 20 days <u>%</u> PPD; Payment issued within 30 days <u>%</u> PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)   |                     |  |                     |
| <b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) SAFEGRANT. This contract is for grant funds from the Student Awareness of Fire Education (S.A.F.E) Grant program administered by the Department of Fire Services. This interim contract allows for a 1 year extension to align with the FY23 S.A.F.E grant application. This interim contract will be from 7/1/23-6/30/24.  |                     |  |                     |
| <b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:  |                     |  |                     |
| <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date.<br><input type="checkbox"/> 2. may be incurred as of <u>      </u> , <u>20      </u> , a date <b>LATER</b> than the Effective Date below and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date.<br><input type="checkbox"/> 3. were incurred as of <u>      </u> , <u>20      </u> , a date <b>PRIOR</b> to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.   |                     |  |                     |
| <b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30, 2024</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.  |                     |  |                     |
| <b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract. |                     |  |                     |
| <b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b><br><input checked="" type="checkbox"/>  Date: <u>1/3/23</u><br>(Signature and Date Must Be Handwritten At Time of Signature)   |                     | <b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b><br>X: _____ Date: _____<br>(Signature and Date Must Be Handwritten At Time of Signature)  |                     |
| Print Name: <u>ANDREW S. SWEENEY</u><br>Print Title: <u>TOWN ADMINISTRATOR</u>  |                     | Print Name: _____<br>Print Title: _____  |                     |

Town of Middleton

## **Jackie Bresnahan**

---

**From:** Kevin Welch  
**Sent:** Tuesday, December 27, 2022 4:54 PM  
**To:** Jackie Bresnahan  
**Subject:** Select Board Donation Approval  
**Attachments:** 2022-12-27 SFD Local 172 Donation Check.pdf

Good afternoon Jackie,

I have received a donation of \$1000.00 from the Salem Firefighters Local 172 for the Middleton Veteran's Donation account. Please find attached a scan of the check.

Could you please schedule an agenda item at the January 10<sup>th</sup> Select Board meeting to have this donation approved by the board?

Thank you,

**Kevin Welch**

**Veterans' Service Officer (VSO)**

**Town of Middleton**

**48 South Main Street**

**Middleton, MA 01949**

**Phone: 978-880-0361**

**Email: [kevin.welch@middletonma.gov](mailto:kevin.welch@middletonma.gov)**

*Please be advised the Office of the Secretary of State for the Commonwealth of Massachusetts has determined that E-mail could be considered a public record.*



**SALEM FIREFIGHTERS LOCAL 172  
INTERNATIONAL ASSOCIATION  
OF FIREFIGHTERS AFL/CIO  
48 LAFAYETTE STREET  
SALEM, MA 01970**

**GREATER SALEM EMPL FCU  
SALEM, MA 01970  
53-8548/2113**

**7284**

Intuit® CheckLock™ Secure Check  Details on Back

12/21/2022

**PAY TO THE** Town of Middleton

**ORDER OF** One Thousand and 00/100

**AMOUNT** \$ \*\*1,000.00

**MEMO** Care of Veteran Services

**PROTECTED AGAINST FRAUD**

**Signatures:** John M. Henderson John M. Henderson

**Intuit® CheckLock™ Security Features**

0189 FCN-1100-1080-0102

**SALEM FIREFIGHTERS LOCAL 172 / INTERNATIONAL ASSOCIATION / OF FIREFIGHTERS AFL/CIO**

**Town of Middleton**

**7284**

**Donation to Town of Middleton Veteran Services**

**12/21/2022**

**1,000.00**

**Checking Account**

**Care of Veteran Services**

**1,000.00**



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

Jan 3, 2023

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

Re: Middleton Food Bank Donations

Please add the following donations 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: 12/21/22

Name: Gary Silacci Jr  
Donation: \$1,000.00

Check Number 7063

This donor would like to remain anonymous      Yes      xx No

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

Date: 12/19/22

Name: Marion & Richard Gilman  
Donation: \$500.00      Check Number 2960

This donor would like to remain anonymous      Yes      xx No

GARY E. SILACCI, JR.

5-7017/2110

7063

12/21/2022  
DATE

PAY TO Middleton Food Pantry \$ 1,000.  
the order of One Thousand + 00/100 DOLLARS   
BOSTON FEDERAL  
CITY BANK

**Citizens Bank**

MEMO Donation

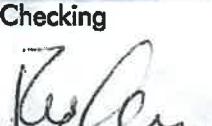
NP

MARION B. GILMAN  
RICHARD M. GILMAN

53-179/113

2960

DATE 12/19/2022

PAY TO Middleton Food Pantry \$ 500.00  
THE ORDER OF Five Hundred DOLLARS   
BOSTON FEDERAL  
CITY BANK

**Eastern Bank**

Boston, MA 02110  
easternbank.com  
1-800-EASTERN

Premier Checking

MEMO

FOREVER FREE



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

Dec 27, 2022

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

**Re: Middleton Food Bank Donations**

Please add the following donations 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: 12/23/22

Name: Margaret Lee & Christopher Seneviratne

Donation: \$1,000.00

Check Number 3180

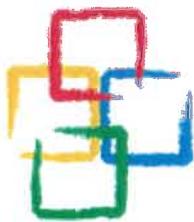
This donor would like to remain anonymous.

Yes

wy. No.



## **Correspondence and informational materials**



# Community Preservation Coalition

*Preserving our past. Building our future.*

Published on *Community Preservation Coalition* (<https://www.communitypreservation.org>)

[Home](#) > DOR Issues Supplemental \$20M Trust Fund Distribution to CPA Communities

## DOR Issues Supplemental \$20M Trust Fund Distribution to CPA Communities

The Department of Revenue (DOR) has released the supplemental distribution from \$20 million in state budget surplus funds for CPA communities. These supplemental matching funds are in addition to what municipalities received during the November 2022 CPA Trust Fund distribution.

In 2022, the Coalition was successful in its advocacy for additional state budget surplus funds to be transferred to the CPA Trust Fund - however, this funding was not approved in time for November's CPA Trust Fund distribution. After a tumultuous journey through the FY23 state budget process, the supplemental funds were finally approved after Governor Baker signed off on the state's economic development bill in late October. The bill included an appropriation of \$20 million for the CPA Trust Fund, and after these funds were fully transferred in December, the Department of Revenue was able to schedule the supplemental disbursement at the end of the year.

In order to fairly distribute the surplus funding, DOR recalculated the CPA state match with this additional funding included and issued a second distribution to municipalities. **With the budget surplus funds now added in, all CPA communities ended up with a match of 38.5% of their local surcharge revenue on round one of the trust fund distribution**, with 3% communities receiving additional funding in rounds two and three. Please note: communities that received a 100% matching distribution in November did not receive any additional funding from this second distribution.

Click on the links below to see how much each community received from the second distribution:

[\*\*> December 2022 Distribution Amounts - SPREADSHEET <\*\*](#)

[\*\*>>December 2022 Distribution Amounts - PDF VERSION <<\*\*](#)

### Statistics From This Year's Distribution:

- Total number of municipalities qualifying for a Trust Fund distribution: **187**
- Match percentage received by municipalities with a CPA local property tax surcharge of less than 3%: **38.5%**
- Match percentage received by municipalities with the maximum CPA local property tax surcharge of 3%: **Range of 39.1% to 100%**
- Number of municipalities receiving a full 100% match: **16**
- Community with largest Trust Fund Distribution: Boston (\$9,428,150)
- Community with the smallest Trust Fund Distribution: Gosnold (\$1,233)
- Total payout in first round distribution: **\$75,182,123**
- Total payout in second round distribution: **\$5,997,906**

- Total payout in third round distribution: **\$3,452,069**
- Total payout for all rounds: **\$84,632,098**

#### **Further Resources:**

- [\*\*Announcement of the original November 2022 CPA Trust Fund Distribution\*\*](#)
- [\*\*Month-to-month CPA Trust Fund collections at the state's Registries of Deeds\*\*](#)
- To determine the exact distribution each community receives, DOR follows a formula in the CPA legislation that calls for up to three rounds of trust fund distributions. [\*\*Learn more about how the statewide trust fund distribution works.\*\*](#)

**Source URL:** <https://www.communitypreservation.org/home/news/dor-issues-supplemental-20m-trust-fund-distribution-cpa-communities>

| Municipality  | December 2022<br>Distribution from FY22<br>State Budget Surplus | Total CPA Trust Fund<br>Distribution<br>(Nov. 2022 + Dec. 2022) | Final Percentage<br>Reimbursement |
|---------------|---|---|-----------------------------------|
| LEVERETT      | \$0   | \$105,714   | 100.00%                           |
| LEXINGTON     | \$494,976   | \$2,323,956   | 39.96%                            |
| LEYDEN        | \$0   | \$0   | 0.00%                             |
| LINCOLN       | \$102,994   | \$481,330   | 51.06%                            |
| LITTLETON     | \$29,647  | \$139,306   | 38.51%                            |
| LONGMEADOW    | \$34,915  | \$164,059   | 38.51%                            |
| LOWELL        | \$70,475  | \$331,153   | 38.51%                            |
| LUDLOW        | \$0   | \$0   | 0.00%                             |
| LUNENBURG     | \$0   | \$0   | 0.00%                             |
| LYNN          | \$0   | \$0   | 0.00%                             |
| LYNNFIELD     | \$0   | \$0   | 0.00%                             |
| MALDEN        | \$66,475  | \$312,357   | 38.51%                            |
| MANCHESTER    | \$33,260  | \$156,284   | 38.51%                            |
| MANSFIELD     | \$0   | \$0   | 0.00%                             |
| MARBLEHEAD    | \$0   | \$0   | 0.00%                             |
| MARION        | \$29,113  | \$136,798   | 38.51%                            |
| MARLBOROUGH   | \$0   | \$0   | 0.00%                             |
| MARSHFIELD    | \$170,138   | \$797,204   | 44.12%                            |
| MASHPEE       | \$85,266  | \$400,654   | 38.51%                            |
| MATTAPoisETT  | \$16,792  | \$78,903  | 38.51%                            |
| MAYNARD       | \$29,371  | \$138,011   | 38.51%                            |
| MEDFIELD      | \$0   | \$0   | 0.00%                             |
| MEDFORD       | \$132,558   | \$622,876   | 38.51%                            |
| MEDWAY        | \$111,156   | \$519,307   | 52.06%                            |
| MELROSE       | \$0   | \$0   | 0.00%                             |
| MENDON        | \$74,793  | \$347,316   | 82.83%                            |
| MERRIMAC      | \$0   | \$0   | 0.00%                             |
| METHUEN       | \$0   | \$0   | 0.00%                             |
| MIDDLEBOROUGH | \$31,498  | \$148,007   | 38.51%                            |
| MIDDLEFIELD   | \$0   | \$0   | 0.00%                             |
| MIDDLETON     | \$22,356  | \$105,049   | 38.51%                            |
| MILFORD       | \$0   | \$0   | 0.00%                             |
| MILLBURY      | \$0   | \$0   | 0.00%                             |
| MILLIS        | \$18,299  | \$85,985  | 38.51%                            |
| MILLVILLE     | \$0   | \$0   | 0.00%                             |
| MILTON        | \$61,556  | \$289,243   | 38.51%                            |
| MONROE        | \$0   | \$0   | 0.00%                             |
| MONSON        | \$16,710  | \$270,594   | 100.00%                           |

## **Join us for a Community Conversation**

**Thursday, January 26th**

**7 - 9PM**

**Masconomet Small Cafeteria**

# **All Tri-Town Kids are our Kids!**

## **Healthy Kids = Healthy Communities**

Come listen to our Youth Action Advisory Board (YAAP) and Coalition members as they present the **2021 Youth Risk Behavior Survey (YRBS)** and the **2022 Adult Perception Survey** results. Together, let's use the data to dig deep into conversation around youth substance use and non-use, perceptions and norms, youth mental & physical health, well-being, and protective factors.



**All caring adults welcome!** No matter your role in the community -- parent, caregiver, teacher, neighbor, town leader, business owner -- you ALL matter in the lives of our youth! Together, let's explore actionable steps we, as a community, are taking and *can* take to support, encourage and empower our youth to make healthy decisions.



**Register HERE**

or register @ [tritowncouncil.org/events](http://tritowncouncil.org/events)  
(Registration helpful but not necessary)



**7 Grove St., Topsfield**

**978.887.6512**

**[tritowncouncil.org](http://tritowncouncil.org)**



PLEASE JOIN US!

# MASSACHUSETTS OPEN SPACE CONFERENCE

*Photo credit: Diane Griffiths Peck*

## FREE WEBINAR SERIES

THURSDAY FEBRUARY 2ND, 9TH, 16TH **12:00-1:30 PM**  
THURSDAY FEBRUARY 23RD **12:00-1:00 PM**

The Open Space Conference provides resources, peer to peer learning, and project inspiration for Open Space Committees, volunteers, and others involved in developing and implementing community-based conservation planning and projects.

**2/2: Open Space and Recreation Plans  
from Writing to Action**

**2/9: Tips & Tools for Landowner Outreach**

**2/16: Land Conservation & Restoration  
Initiatives for Climate Resiliency**

**2/23: BioMap, the Latest and Greatest**

Learn more & register for this free event at  
**[www.massopenspace.org](http://www.massopenspace.org)**

Please contact [massopenspace@gmail.com](mailto:massopenspace@gmail.com) with any questions

