

MIDDLETON SELECT BOARD
MEETING AGENDA
FULLER MEADOW ELEMENTARY SCHOOL
NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, FEBRUARY 21, 2023
7:00 PM

This meeting is being recorded

This meeting will be a hybrid of in-person and remote via Zoom. To join the meeting remotely, go to:
<https://us02web.zoom.us/j/88938544609?pwd=aHR1bmJwQzluZXdHL2RjYVczYWxNdz09>

7:00 pm 1. Business
 a. Warrant: 2317
 b. Minutes: February 4, 2023; February 7, 2023
 c. Town Administrator Updates and Reports

7:10 pm 2. Public Comment

7:20 pm 3. TA Recruitment update; votes may be taken

7:30 pm 4. Update on 49 South Main Street/10-18 Boston Street 40B negotiations; votes may be taken
 a. Update/report on GLAM (General Land Area) Calculation; votes may be taken

7:40 pm 5. Update on remote meetings from Town Counsel Mead, Talerman, and Costa [Jay Talerman]

7:50 pm 6. Review and discuss the following fee schedules; votes may be taken
 a. Zoning Board of Appeals fees
 b. Building Permit Fees review
 c. Liquor License Fee review

8:00 pm 7. Review and discussion process and criteria for distribution of additional liquor licenses; votes
 may be taken

8:10 pm 8. FY 24 Operating Budget – continued discussion; votes may be taken

8:20 pm 9. Review and vote to close the May 9, 2023 Annual Town Meeting warrant; votes may be
 taken

8:25 pm 10. Update on outstanding licenses; votes may be taken

8:30 pm 11. Updates & Announcements

8:35 pm 12. Executive Session pursuant to Open Meeting Law (Chapter 30A Section 21 (a)(3)) - To
 discuss strategy with respect to litigation if an open meeting may have a detrimental effect on
 the litigating position of the public body and the chair so declares – Anticipated, Threatened
 Litigation *Marino v. Town*

8:45 pm 13. Executive Session pursuant to Open Meeting Law (Chapter 30A, s. 21(a)(3)) to discuss
 strategy with respect to collective bargaining negotiations

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.

Upcoming Meetings: March 4
March 7 & 14
March 20, 21, & 22
March 30

Saturday Capital Budget Summit
Regular Select Board meetings
Placeholder for TA Interviews
Hearing on the Warrant

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.

**SELECT BOARD & FINANCE COMMITTEE
FY2024 OPERATING BUDGET SUMMIT
MEETING AGENDA**
**FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER, 143 SOUTH MAIN STREET, MID
SATURDAY, FEBRUARY 4, 2023 8:30 AM**

Select Board Present: Chair Kosta Prentakis, Debbie Carbone, Brian Cresta, Jeff Garber, Rick Kassiotis

Finance Committee Present: John Erickson, Co-Chair, Richard Gregorio, Co-Chair, Michelle Cresta, Peter Moon
Jason Vining (remote via Zoom)

Not Present: George Dow, Toni Mertz

Others Attending: Interim Town Administrator (ITA)/Human Resource (HR) Director Jackie Bresnahan; Finance Director / Town Accountant Sarah Wood, Catherine Tinsley, Recording Secretary, and other attendees as noted.

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.

8:30AM Call to Order – With quorums present the meeting was called to order.

The meeting/ discussions were based on the FY24 budget as of February 4, 2023:

Revenue \$ 44,146,768

Total Expenditures \$ 45,267,771 (not including supplemental requests)

Current structural deficit of \$1,159,003

8:35AM **Introductory comments**

ITA Bresnahan gave an overview of the meeting agenda and noted the Town Administrator /Finance Director recommendations on the supplemental budget would be provided at the end of the meeting.

ITA Bresnahan highlighted the following:

- Revenue changes from FY23
- All four unions are up for contract negotiations; the reserve line increased to cover potential impact
- Projected State Aid increase based on trends (Actuals anticipated March 1)
- Town Fee Study results; increases were not considered significant enough to impact the budget
- *Off Set Receipts* – There was a discussion regarding delayed payments from the Middleton Jail for ambulance service provided. It was noted the jail is exempt of taxes and does not make a PILOT (Payment In Lieu Of Taxes). The Sheriff is anticipated to attend Select Board meeting for discussion prior to negotiations with their insurance carrier, Well Path. Brian Cresta agreed to be on the negotiation team.
- A (43%) reduction in revenue from MELD (Middleton Electric Light Department) due to less investment returns; the exact amount has yet to be voted and may change slightly.

FY2024 Operating Budget overview: ITA Jackie Bresnahan, Finance Director Sarah Wood

Quarter 2 Report: Finance Director Sarah Wood

- As of December 31, 2022, 50.8 % of the FY23 General Fund has been spent.
- The Audit and OPEB actuarial costs were done in November.
- Revenue Trending slightly below 50%
- General capital projects outstanding: \$1,066,002 (FY24 Capital requests due February 6).
- It was noted ARPA funds do not need to be spent until December 2024.

- Supplemental requests were not included in the preliminary budgets and would be part of the presentations.

9:20 AM Masconomet Regional School District (MRSD) budget: Superintendent Michael Harvey; Dominic Casamassima, School Committee
Middleton's FY24 Assessment: \$11,070,917 (+5.66%)

Superintendent Harvey gave an overview of the budget process and identified this was a level service budget to continue all programs and services. The School Committee is scheduled to vote on the Superintendent's Budget March 15.

Highlights of Key Assumptions:

- Cherry Sheets were not available at the time of the presentation.
- Certified Excess deficiency fund balance: \$2,654,420; funds over 4% considered revenue.
- No reductions in fees was possible this year.
- Contractual stipend and salary obligations included in the proposed budget.
- FY24 will see a 15% increase in transportation (there was one bidder).
- Turf Field scope: Two artificial turf fields at Masco estimated cost \$6.854 million. Design work / project management for by Stantec's Professional Services \$630,000 principal only (capital expense; pending funding); Middleton shared cost is one-third. Discussion on the timing of funding costs prior to approval; anticipated funding to be bonded through override in conjunction with possible fundraising. Considering the proposed 7.5% interest rate, there was a discussion to not bond this cost with potential use of one-time or ARPA funding, in part, for this project. Ensuing discussion of associated costs of turf fields including replacement costs, maintenance costs, equipment, and impact on taxes. This project was supported by the School Committee.
- A five-year capital plan recently presented to School Committee.

The total FY24 School Budget, including Masco, Elementary School, Essex Tech: \$ 27,116, 821 increased 6.9 % (\$2,017,454)

10:31AM Fire Department: Chief Douglas LeColst; Captain Tyler Dechene
FY24 Proposed Budget: \$2,290,530

Chief LeColst gave a brief overview of the budget and fielded questions.

- Training/education increased (\$7,000) to \$24,500.
- Ambulance lease moved out of operating budget to capital.
- Due to the aging fleet, the maintenance line increased from 32,000 to 40,000.

- Supplemental Request: \$413,759

Chief LeColst spoke in length on the Fire Department's supplemental request to add four Firefighter paramedics to meet the needs of the department, in part due to less firefighters living in Middleton who are able to respond, impacting the call back response. Five full time firefighters on duty per shift is recommended for efficiency and improved service for the size of Middleton.

11:42AM Flint Public Library: Director Loretta Johnson
FY24 Proposed Budget: \$680,287

Ms. Johnson summarized the increases in the budget:

- Maintenance from \$1,000 to \$5,000 (adjusted at meeting from \$2000 to \$5,000)

- Large increase in contractual line item for software.
- Training/education programming

- Supplemental Requests: \$107,582

Ms. Johnson spoke on the proposed staffing structure to include additional support of a full time Administrative Assistant (\$85,342) and a part-time Circulation Assistant (\$22,240) to assist with increased services and usage of the library; it was noted the library provides service to the Middleton Correctional Facility.

12:15PM Planning, Conservation, & Health Departments: Katrina O'Leary, Town Planner (Planning Board / Zoning Board of Appeals); Kristin Kent, Conservation Agent; Traci Mello, Director of Public Health

- Supplemental Request: \$57,462

The request was to increase the part-time shared clerk to a full time Multi-Department Clerk for these departments citing each are performing administrative work that could be done by the clerk, freeing up their time to work on department issues. This discussion included adjusting the user fees to cover this cost.

ITA Bresnahan noted when these departments move to new building, there will be a consolidation of some line items. Discussion included an overview of changes in the new building and the best approach to expanding needs of the departments and the timeline.

12:41PM The meeting was recessed for lunch.

1:00PM Police Department: Captain Matthew Armitage; Chief William Sampson on speaker phone.
FY24 Proposed Budget: \$ 2,249,565

- Supplemental Request: \$347,057

Captain Armitage spoke on the request to add three full time officers: one School Resource Officer, one Traffic Officer; one Patrol Officer. He noted in part the additional officers is due to the police reform trend and increased training. The future of the department is based on transitioning to all full time officers and phasing out of the use of the five Reserve Officers. As a result, the Reserve Officer pay/overtime would be reduced from \$90,000 to \$20,000 the difference would be used to offset the additional cost. This position is currently shared with Boxford & Topsfield. The town is obligated to send an SRO or provide funding.

A discussion followed on the use of the SRO during non-school time.

1:55PM Middleton Elementary School budget: Superintendent Scott Morrison, Assistant Superintendent Steve Greenberg, School Committee Chair Michelle Aiken
FY24 Proposed Budget: \$15,176,109

- The School is in the beginning of the budget process.
- Revenue is level funded on grants; Circuit Breaker estimated to be reduced by \$84,000
- FY24 is a level service plus budget and increases in the budget are limited to cover (increased) costs; currently there is a short fall (potential override). If an override fails, the school will redefine delivery of service.
- Enrollment is steady
- There is a 22.51 % increase in transportation costs.

A discussion followed.

2:30pm General Discussion; review, discuss, and vote on supplemental requests; review financial policies; *votes may be taken*

- Financial Policies:
 - The General Stabilization Fund is 4-6% of the Operating Budget
 - The Capital stabilization is 3-5% of the Operating Budget. *It was recommended to reduce this to 2-3% considering previous Fiscal Years.*
 - Special Education Stabilization Fund- Maintain minimum balance of \$350,000
 - Facility stabilization/ sidewalk stabilization (no percentage goals) fund at \$200,000
 - *Reserve fund .5% - Fund at \$100,000*

It was recommended to re-evaluate reserve accounts.

There was a brief discussion on the importance of realizing revenue from the sale of town properties as the town proceeds to the new facility.

Vote: The Select Board and Finance Committee voted unanimously by roll call to amend Financial Management Policies as presented by the Interim Town Administrator and Finance Director.

Supplemental requests

- Town Administrator office - ITA Bresnahan spoke on the two supplemental requests from the Town Administrator's office:
 1. The need for a permanent full time Facilities Director to centralize the management of facilities, work with contractors & vendors, as a cost savings and investment of staff time.
FY24 proposed budget: \$ 159,692
 2. Merit pay- In accordance with the new policy, Merit Pay is presented in the Budget as a supplemental request to allow for the determination of affordability. FY24 proposed budget: \$7,700 (fully funded if all staff received the highest merit score).

General discussion followed on various budget scenarios, potential responses, ramifications on future budgets. It was noted conservative estimates were used as place holders in the budget ie. insurance.

Supplemental requests total: \$1,093,252 (including salary & benefits)

1. Town Administrator – (FT) Facilities Director, 159,692
2. Town Administrator - Merit pay 0.5%- \$7,700
3. Library - Admin Asst (FT) - \$85,342
4. Library - Circulation Asst (PT) \$22,240
5. Fire Department – Add (4) (FT) Firefighter/Paramedics - \$413,759
6. Planning, Conservation, BOH - Shared (FT) Clerk \$ 57,462
7. Police Department – Add (3) (FT) Officers - \$347,057

(Jason Vining left the meeting at 3:15PM)

Recommendations of Supplemental Requests from the ITA & Finance Director:

The recommendations were discussed in length; no votes were taken.

1. Library Circulation Assistant - This request was weakly supported.
2. Firefighter/Paramedic- There was moderate support for one-two added Firefighter/Paramedic.
3. Patrol Officer - There was moderate support for one Officer.

Additional expense items and obligations

ITA Bresnahan to provide multi-year strategy if override fails and the financial impact.

Finance Committee: Reserve Fund Transfers; votes may be taken

- \$20,000 (\$18,300 plus advertising) for Municipal Resources Inc. for TA Recruitment

Vote: *The Finance Committee voted unanimously to approve the Transfer Request for \$20,000 for MRI /Town Administrator recruitment.*

- \$20,000 for 40 School Street (Glue Factory) fencing around the property to increase safety and reduce liability, as soon as the construction season begins.

After a discussion, the Finance Committee did not find the request unforeseen citing the town has owned the abandoned property for years and **no action was taken**. There was general consensus to move forward with the project during this fiscal year.

This expense was recommended to be taken up with end of the year transfers.

Upcoming meetings:

Tuesday February 21 @ 7:00PM - Tentative date to close Warrant

Saturday March 4 @ 8:30AM – FY24 Capital Budget Summit; Operating Budget part 2 (revised/updated data)

Tuesday March 7 @ 7:00PM - Final Date to close Warrant

Thursday March 30 @ 7:00PM - Joint BOS/FinCom: Budget hearing and warrant review

Thursday April 6 @ 7:00PM - Joint BOS/FinCom: Finalize budget, if needed

Tuesday May 9 @ 7:00PM- Annual Town Meeting

Adjournment – The meeting was adjourned at 4:03PM.

Respectfully submitted,

Catherine Tinsley

Catherine Tinsley, Recording Secretary

Jeff Garber, BOS Clerk

Finance Committee Co-Chair

Finance Committee Co-Chair

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

Agenda

Budget Message to Select Board/Finance Committee from J. Bresnahan, ITA 2.4.23

Town of Middleton FY24 Budget Book – Operating & Capital Budgets

FY23 Q2 Financial Report

FY24 Supplemental Budget Requests & Adjustments; Formula correction 1.31.23 - Flint Public Library; Fire Department; Planning Department; Police Department; Merit Pay Program

Town of Middleton Financial Management Policies Draft 2.4.23

Request for Transfer from Reserve Fund, 2.4.23 (\$20,000 Building Maintenance & \$20,000 Town Administrator Recruitment)

FY24 Operating & Capital Budgets

Stabilization fund; Capital Stabilization Fund; Pension Stabilization Fund; Special Education Stabilization Fund

State Aid Budget Book Page 33

MRSD – Athletic Turf Project – Overview including cost Analysis Phase 1

Fire Supplemental

Flint Public Library Programming VS (12) Comparable Communities

MEETING MINUTES

SELECT BOARD

FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER

143 SOUTH MAIN STREET, MIDDLETON, MA 01949

TUESDAY, February 7, 2023

7:00 PM

This meeting was recorded

*Present: Chair Kosta Prentakis, Debbie Carbone, Brian Cresta, Jeff Garber (remote), Rick Kassiotis**Others Attending: Interim Town Administrator (ITA)/HR Director Jackie Bresnahan**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.*

7:00 PM With a quorum present, Chair Prentakis called the meeting to order.

BUSINESS

Warrant Approval: ITA Bresnahan provided a brief overview of Warrant #2316.

The Town Accountant/Finance Director has reviewed the warrant and requested the Board's approval.

On a **MOTION** made by **Cresta** second by **Kassiotis**, the Select Board **VOTED** unanimously by roll call to approve warrant # 2316 as presented.**Minutes Approval:** The Board was provided with the minutes from the Open Session January 24, 2023 meeting and took the following action:On a **MOTION** made by **Cresta** second by **Kassiotis**, the Select Board **VOTED** unanimously by roll call to approve the January 24, 2023 minutes as presented.**Public Comment:** There was none.**Interim Town Administrator update**

- ITA Bresnahan thanked those that participated in the annual operating budget summit meeting on February 4.
- She recognized Fire, Police, and Public Works for their preparation of town buildings for the extreme cold and acknowledged them for the extra calls due to the weather. Storm damage included burst pipe at the Fuller Meadow School and damage to the Fire department's water pump tanker Engine 4; claims are underway and repairs being scheduled.
- The two deeds for the final parcels held by Massachusetts Division of Capital Asset Management and Maintenance (DCAMM) were recorded in registry of deeds and all 12 parcels have been conveyed to the town of Middleton; this wraps up a twelve year process.
- Developer Lars Unhjem, Villebridge Real Estate Development, requested to be on an upcoming Select Board agenda to update the Board/ Town on his next plan for the formal Angelica property, 49 South Main St., (at the corner of Routes 114 and 62). More information to follow.

Town Administrator Recruitment Update: votes may be taken

The recruiting firm, MRI, reported 26 applications were received for the Town Administrator position. MRI will provide a breakdown of the applicants to provide the Board with a general overview, e.g. demographics, experience, current position, etc.; the essay phase is this weekend.

Public interviews of the finalists was scheduled for March 20, 21, & 22; it was anticipated there would be four finalists. The Select Board's regular meeting of March 21 was rescheduled to March 14. The finalists will be announced at the March 14 meeting and the Community forum on March 15 & 16 or March 18. It was agreed to post an all-board meeting for any community forums.

Accept and Review presentation and final report on Aging in Middleton by Sue Berger, PhD, OT, UMass McCormack Graduate School of Policy & Global Studies: - votes may be taken

Sue Berger referenced a slide deck and spoke on the final report of the needs assessment to plan for the future Middleton Senior Center to meet the needs, interests, preferences of Middleton's older residents; as of 2020, 26 percent of Middleton residents were over 60 years of age. The report included demographic changes, strengths & challenges of aging in town and planning & design of the future Senior Center. Recommendations for the new building included plenty of parking, covered entrance, minimal steps, single level or easily accessible elevator, expand space for variety of programing, café, outdoor space, well equipped.

One recommendation was to change the name of the Senior Center to be more inclusive and extend outreach, hours and programing. Cresta suggested a follow up assessment after the new building is open and operating.

Review & Approve Amendment #2 for design services with Context Architecture-\$4,620*; votes may be taken.

ITA Bresnahan spoke on the amendment to the design service for additional wetlands flagging on the northeast corner of the site of the future town Public Facilities Project at 105 South Main Street; this shifted the entire project slightly south. A site plan review is anticipated in April 2023. Kristen Kent was recognized for her assistance. It was noted soil testing was done the past few weeks for the foundation and stormwater research and perk testing for the septic is scheduled in the spring 2023.

On a **MOTION** made by **Cresta**, second by **Carbone**, the Select Board **VOTED** unanimously by roll to approve amendment #2 in the amount of \$4,620 for design services with Context Architecture.

(*The agenda incorrectly stated the amended amount as \$4,915; this was amended at the meeting)

Review & Discuss Common Victualler applications for Aroma Joes; votes may be taken

ITA Bresnahan spoke on a new application for a Common Victualler, non-alcohol License for Aroma Joes, 210 South Main Street; this is a new business. The proprietor was present and updated the Board on the progress of opening the shop and gave a brief background on the business and the mission to bring positivity to the community.

On a **MOTION** made by **Cresta**, second by **Kassiotis**, the Select Board **VOTED** unanimously by roll to approve the Common Victualler License as proposed for Aroma Joes, contingent on successful inspection by Fire and Building.

Follow up discussion from FY24 Operating Budget Summit; votes may be taken

ITA Bresnahan updated the board on the status of the budget following Saturday's FY24 operating budget summit. The capital budgets were due yesterday and meetings with department heads are being held this week as well as follow up meetings on operating budgets. The Town continues to work with Essex Tech, MIIA and the state for updates and look at affordability components regarding the deficit for discussion/decisions. ITA Bresnahan is in discussions with legislative delegation regarding the (14 percent) increase for out of district

school's placement. It was noted the state formula must change for Middleton to realize a reduction as well as funding for regional transportation.

The Capital Budget meeting is Saturday March 4. ITA Bresnahan noted this meeting may be longer than usual with additional discussions regarding the operating budget on the agenda.

Review & Discuss May 9, 2023 Annual Town Meeting (ATM) Warrant: *votes may be taken*

ITA Bresnahan reviewed the draft ATM Warrant; currently there are potentially 25 to 30 articles. The Select Board will review all articles in draft form prior to closing the warrant.

There was a brief discussion on the article for the two turf fields at Masco High School, and it the towns of Topsfield and Boxford are preparing to put this on their warrant and why the approx. \$600,000 as opposed to the lower amount. Cresta reiterated the need for a cost estimate of the entire turf field project.

ITA Bresnahan confirmed no citizen's petitions were received and commented on the following:

- Easements for Maple Street Bridge project - This may be deferred to the Fall Special Town Meeting.
- 105 South Main – Building Committee to make a recommendation regarding conservation restriction.
- Industrial Commercial Design Review Committee - Possible article to revise the bylaw. A discussion followed on how to best include the Select Board informed on projects going through the (building, zoning, planning) process.
- Charter Review Committee – Potential article to amend the charter language to gender neutral and remove what is no longer in compliance with MGL.
- Place holder for Masconomet Regional School Agreement Capital Assessment calculation
- Establish Opioid Stabilization fund for settlement payments anticipated over the next three to four years; this money must be kept separate from the General Fund and used for specific purposes under the Public Health Department. Discussion followed if a stabilization fund was the appropriate fund; ITA Bresnahan will confirm all available options per the settlement agreement and provide the Board with an update from the Health Department.
- The Building Committee recently had a presentation from the Middleton Electric Light Department (MELD)manager regarding a peak usage generator building at the golf course (future site of the Town facilities) to mitigate the electrical cost. A 50 x 100 foot section of space is required and must be approved by town meeting. The Board was committed to the aesthetics of this project and sensitive to the neighboring residents and did not put this on the warrant.

Mel Kleckner was present and introduced to the Board. As a retired Town Manager, Mr. Kleckner will provide support to the town as a part-time temporary employee, until such time the Town hires a Town Administrator. Mr. Kleckner spoke on his 40-years' experience as a Town Administrator and his ability to help the town.

Update on outstanding licenses; *votes may be taken*

ITA Bresnahan updated the Board the American Legion Post had their final inspection for the Liquor License and certified letters were mailed to those applicants not in compliance.

The first due date for applications was November 30, 2022; Common Victualler Licenses expire December 31. Two outstanding businesses, McDonalds and Middleton Subway have not made progress since the last meeting and certified letters will be sent. ITA Bresnahan briefly spoke on the regulations for Common Victualler licenses and asked for direction from the board regarding the outstanding licenses.

The Board reviewed the list of businesses. Charlies Roast Beef has not submitted an application/check for a 2023 Common Victualler license, has not responded to communication from the town and is currently operating without a Common Victualler License. The Board directed ITA Bresnahan to consult with Town Counsel regarding the options to the Board.

On a **MOTION** made by **Cresta**, second by **Kassiotis**, the Select Board **VOTED** unanimously by roll to send a certified letter identifying the infraction and lateness be sent to McDonalds, Wacky, LLC and Middleton Subway, Inc.

On a **MOTION** made by **Cresta**, second by **Kassiotis**, the Select Board **VOTED** unanimously by roll to if Town Counsel states (Charlies) is operating without a Common Victualler License, the appropriate enforcement (Building Commissioner or Health Director) inform Charlies Roast Beef forthwith, they are operating without a license and cannot continue to operate until they begin the process to be in compliance.

Review & vote to accept the following donations; votes may be taken

Piano from Brian & Michelle Cresta to the Council on Aging valued at \$2,000.

Middleton Food Pantry from United Civil Inc. \$500

On a **MOTION** made by **Kassiotis**, second by **Carbone**, the Select Board **VOTED** unanimously by roll to accept the donations with thanks.

Updates & Announcements

- February 21 – Select Board meeting
- March 4 - Saturday FY24 Capital Budget Summit
- March 7 & 14 Select Board meetings
- March 20, 21, 22 Town Administrator interviews

Adjourn – *The Select Board voted unanimously by roll call to adjourn at 9:26 pm.*

Respectfully submitted,
Catherine E.Tinsley

Catherine Tinsley, Minutes Secretary

Jeff Garber, BOS Clerk

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

Agenda: February 2, 2023

February 9, 2023 Warrant #2316: Payroll: \$ 759,733; Bills Payable: \$ 4,040,021; Facilities project: \$58,520

Minutes: OS January 24, 2023

Aging in Middleton: A Community Needs Assessment – December 2022

Context Architecture Amendment No. 2 to Contract 1.20.23

Memorandum re Middleton Food Bank donations to Select Board from J. Smith, COA Director 1.24.23

May 9, 2023 Annual Town Meeting Table of Contents



Town of Middleton

Planning Department

Town Planner Katrina O'Leary, AICP

195 North Main Street, Middleton, MA 01949

kat

4.

Date: February 15, 2023

To: Select Board

From: Katrina O'Leary

RE: GLAM Calculations

Attachment: Maps and GLAM Calculation Spreadsheet

CC: Zoning Board of Appeals

Late last year, the Select Board authorized the Town to procure a GIS Consultant to assist the Town in determining whether it had protection, also known as "Safe Harbor," under Section 56.03 of 760 CMR; "Methods to Measure Progress Toward Local Affordable Housing Goals."

A decision by a board to deny a Comprehensive Permit shall be upheld if it is "consistent with local needs." This is defined under MGL Chapter 40A, Section 20:

"Requirements or regulations shall be consistent with local needs when imposed by a board of zoning appeals after comprehensive hearing in a city or town where (1) low or moderate income housing exists which is in excess of ten per cent of the housing units reported in the latest federal decennial census of the city or town or on sites comprising one and one half per cent or more of the total land area zoned for residential, commercial or industrial use...

The calculations found under Section 56.03 of 760 CMR are called "General Land Area Calculations" or "GLAM" for short. The goal was to determine if Middleton's Subsidized Housing Inventory (SHI) covered at least 1.5% of our total land area zoned for residential, commercial or industrial use.

Our current GIS consultant, CAI, was procured to perform these calculations. Attached you will find the resulting maps, aerial views, and calculations.

One caveat is that these calculations do not include any of our Group Homes due to privacy restrictions. The only way to obtain an updated accurate list of Group Homes from the state is to submit a request when the town has an active Comprehensive Permit application before them. However, the results show that Middleton is so far away from reaching the needed 1.5% SHI figure, that it is incomprehensible that the Group Homes would bring us close to that figure; e.g; in order to reach the needed 1.5% figure, it is estimated that we would need 90 acres of Group Homes. I have run the calculations using our best estimate of the locations of existing Middleton Group Homes with assistance from the Assessor and the change is negligible.

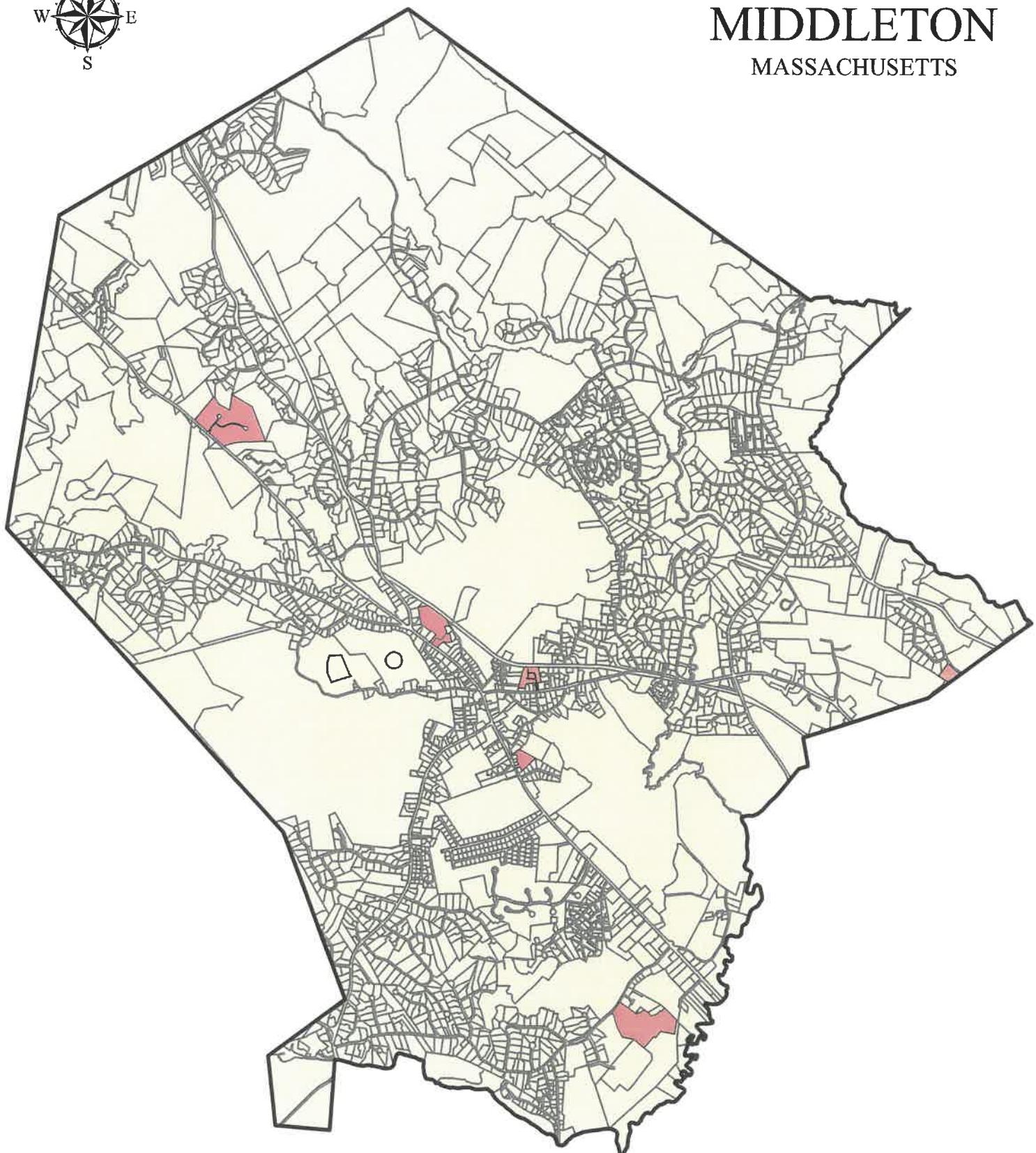
A second caveat is that Middleton does not yet have GIS data discerning between public and private roads. To err on the side of caution, we asked that all roads be excluded from the Total Land Area (GLAM requirements ask that only public roadways be excluded from the total land area used for the final calculation). Even with the help of excluding private roadways, Middleton's final figure came to 0.16% which is roughly 10% of the 1.5% threshold set by the state.

Therefore, Middleton can safely rule out any "Safe Harbor" protection using the General Land Area Calculation.

DHCD ID	Proj Name	Address	SHI Units	Tenure	Num Parcels	TotU Units	GIS Number	LOC ID	ac_p_unit	eligible area	pct_eligible	prorated_area	req lot area	SHI area	TOTAL LAND AREA (Acres)	TOTAL SHI AREA (Acres)
1973	n/a	Orchard Circle	54	Rental	1	54	54	F 787624 3040563	0.459	3.02846		24.786	1	3.02846	24.786	6757.582
1974	n/a	Memorial Dr or Locust	12	Rental	1	12	12	F 798220 3042270	0.918	1.20523		1	1.20523	11.016	1.20523	Results (Acres)
1975	n/a	Middleton 59 North Main St	11	Rental	1	11	11	F 785715 3043589	0.459	0.636587		1	0.636587	5.049	0.636587	Results (%)
3809	North Main Oak Knoll St	48	Rental	1	48	48	0017-0000-0097	F 785382 3043973	0.459	3.349249		1	3.349249	22.032	3.349249	
9754	Riverside Condos Sheldon Cir	6	Ownership	1	24	24	0025-0000-0170	F 787786 3042505	0.459	3.688649		0.25	0.92216225	11.016	0.92216225	
10300	Park Cranberry Ln	6	Ownership	1	48	48	0032-0000-0005	F 791039 3034062	0.918	8.011414		0.125	1.00142675	44.064	1.00142675	
10308	Cranberry Ln WhiteCedar Dr	4	Ownership	1	42	42	0010-0000-0006	F 780272 3048622	0.918	12.875384		0.095238	1.22622552	38.556	1.226225521	



PARCELS & SHI SITES
MIDDLETON
MASSACHUSETTS



LEGEND

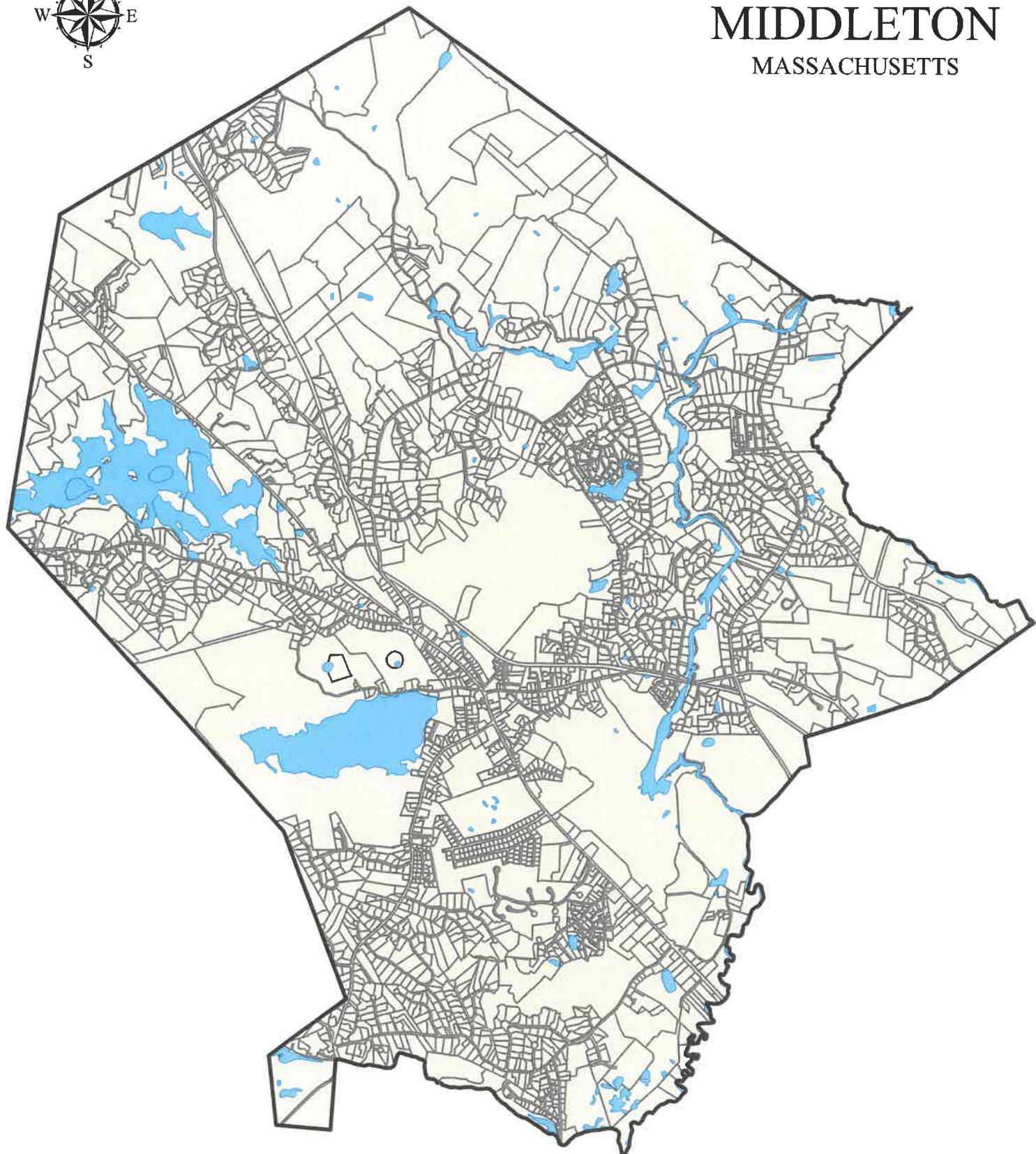
- GLAM_Middleton_Boundary
- GLAM_Middleton_SHI_Sites
- GLAM_Middleton_Parcels

0 0.25 0.5 1 Miles
SCALE = 1:40,000

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WATER BODIES
MIDDLETON
MASSACHUSETTS



LEGEND

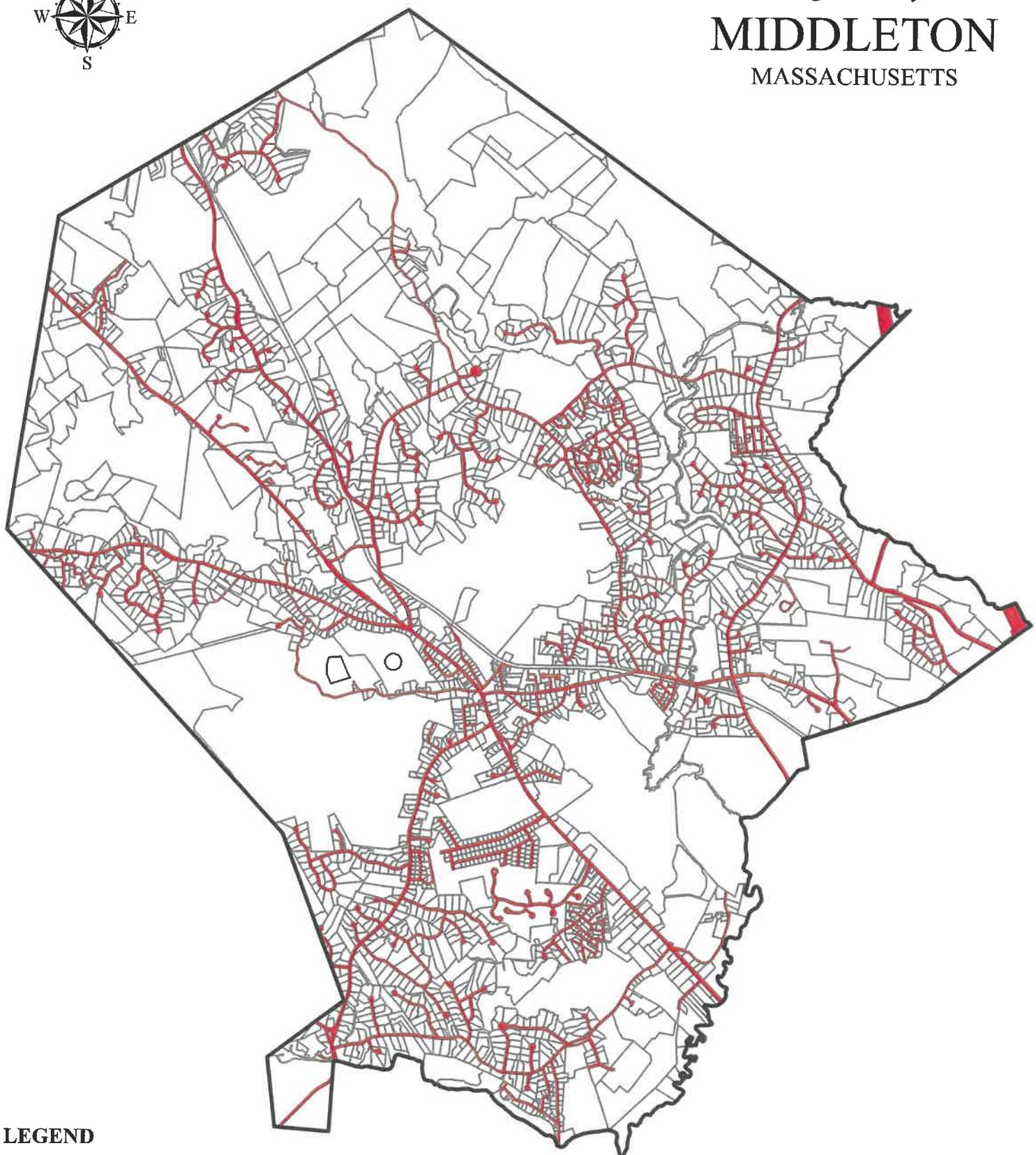
- GLAM_Middleton_Boundary
- GLAM_Middleton_Water
- GLAM_Middleton_Parcels

0 0.25 0.5 1 Miles
SCALE = 1:40,000

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Rights-of-Way
MIDDLETON
MASSACHUSETTS



LEGEND

- GLAM_Middleton_Boundary (9271 Acres)
- GLAM_Middleton_ROW (405 Acres)
- GLAM_Middleton_Parcels

NOTE: This map includes all
ROW in Middleton

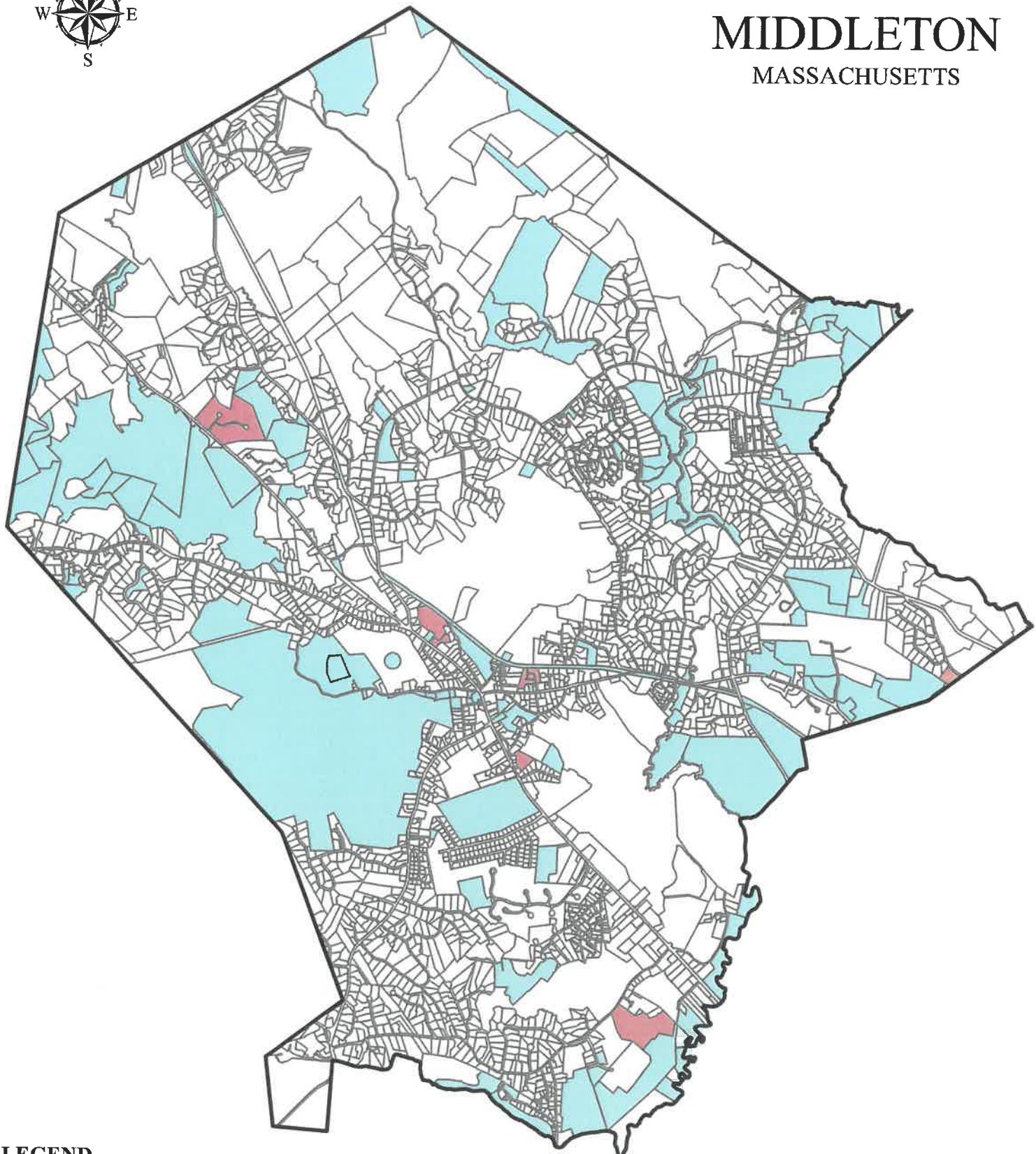
0 0.25 0.5 1 Miles
SCALE = 1:40,000



Public Fee Parcels

MIDDLETON

MASSACHUSETTS



LEGEND

- GLAM_Middleton_Boundary (9271 Acres)
- GLAM_Middleton_Parcels
- GLAM_Middleton_SHI_Sites
- GLAM_Middleton_Fee_Parcels (2645 Acres)

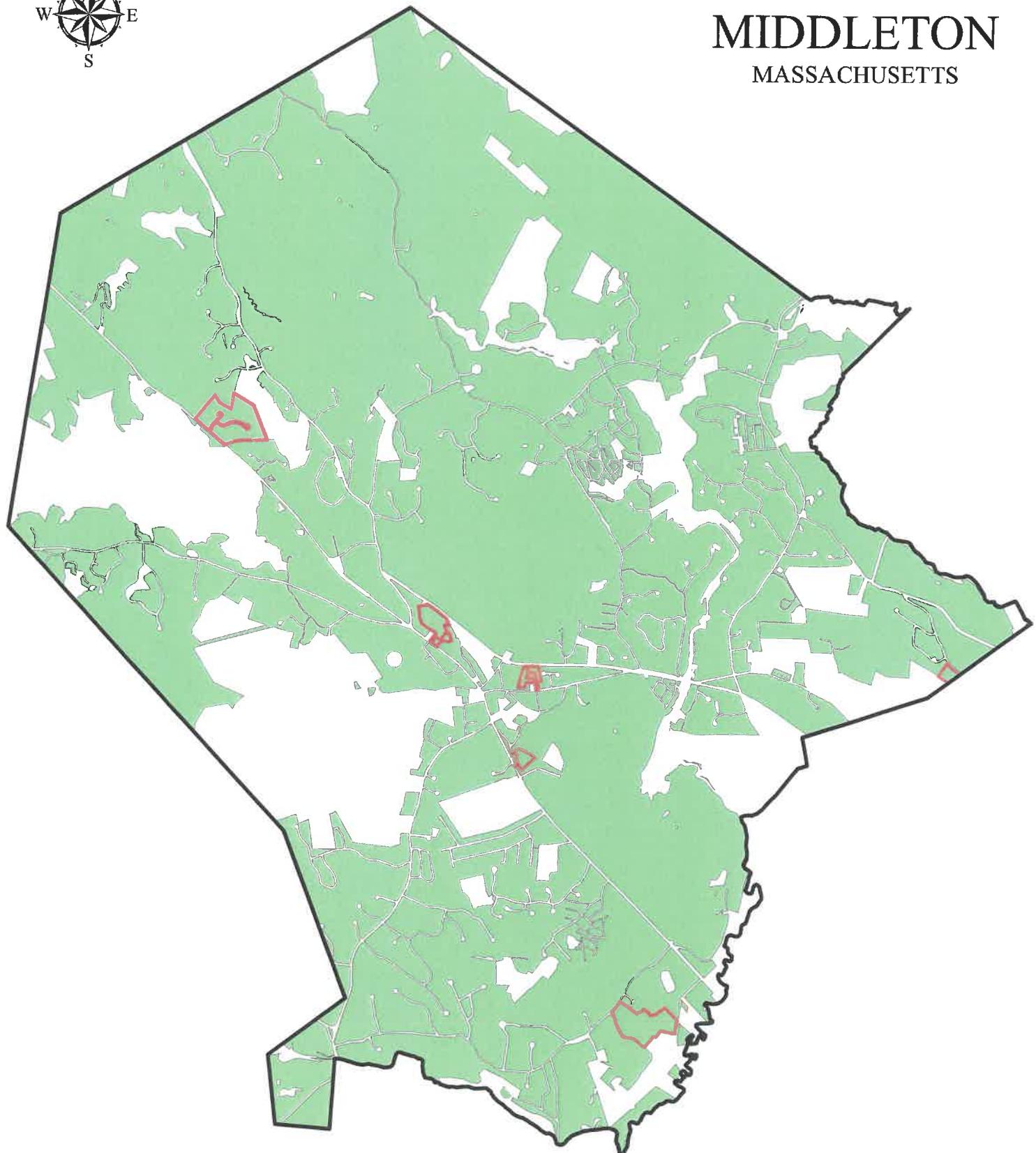
0 0.25 0.5 1 Miles
SCALE = 1:40,000

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TOTAL LAND AREA
MIDDLETON
MASSACHUSETTS



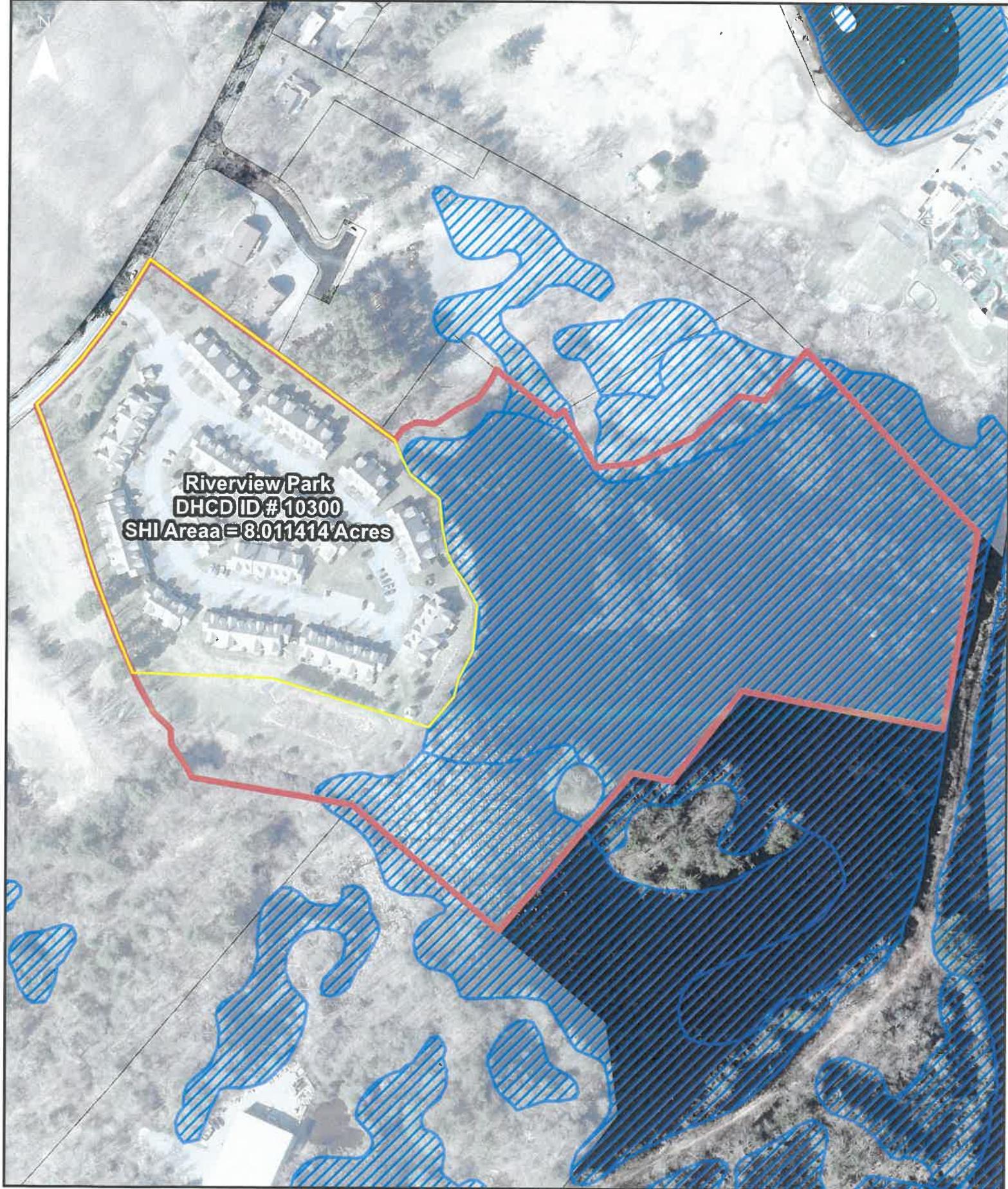
LEGEND

- GLAM_Middleton_Total_Land_Merge (6757.58 Acres)
- GLAM_Middleton_Boundary (9271.58 Acres)
- GLAM_Middleton_SHI_Sites

0 0.25 0.5 1 Miles
SCALE = 1:40,000

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Riverview Park
DHCD ID # 10300
SHI Areaa = 8.011414 Acres

- GLAM_Middleton_SHI_Sites_DA
- GLAM_Middleton_SHI_Sites
- GLAM_Middleton_Wetlands
- GLAM_Middleton_Total_Land_Area

0 0.025 0.05 0.1 Miles



Cranberry Commons/North Meadow Village

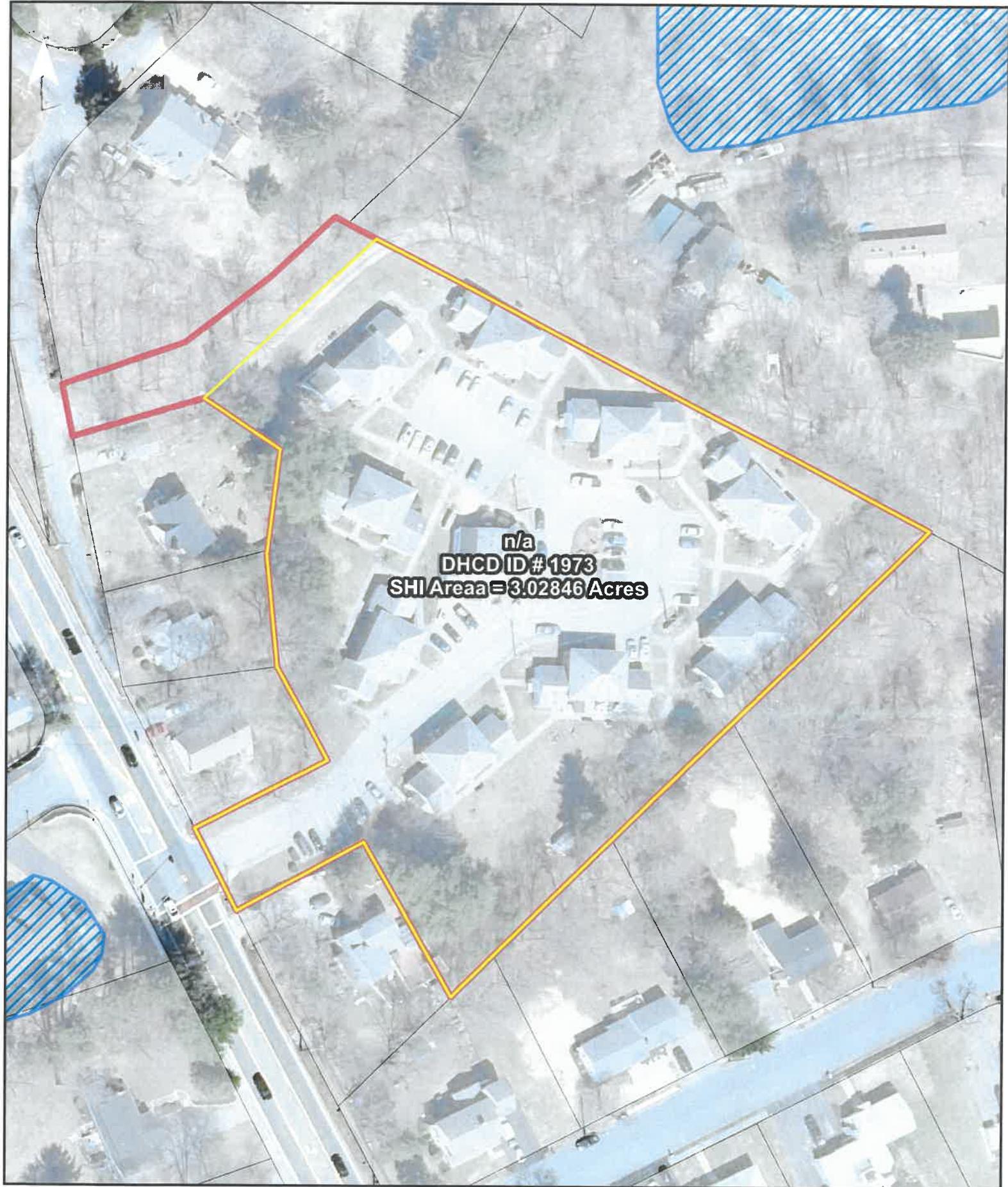
DHCD ID # 10308
SHI Areaa = 12.875384 Acres

- GLAM_Middleton_SHI_Sites_DA
- GLAM_Middleton_SHI_Sites
- GLAM_Middleton_Wetlands
- GLAM_Middleton_Total_Land_Area

0 0.025 0.05 0.1 Miles

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GLAM_Middleton_SHI_Sites_DA
GLAM_Middleton_SHI_Sites
GLAM_Middleton_Wetlands
GLAM_Middleton_Total_Land_Area

0 0.01 0.02 0.04 Miles

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- GLAM_Middleton_SHI_Sites_DA
- GLAM_Middleton_SHI_Sites
- GLAM_Middleton_Wetlands
- GLAM_Middleton_Total_Land_Area

0 0.0075 0.015 0.03 Miles



- GLAM_Middleton_SHI_Sites_DA
- GLAM_Middleton_SHI_Sites
- GLAM_Middleton_Wetlands
- GLAM_Middleton_Total_Land_Area

0 0.0125 0.025 Miles



- GLAM_Middleton_SHI_Sites_DA
- GLAM_Middleton_SHI_Sites
- GLAM_Middleton_Wetlands
- GLAM_Middleton_Total_Land_Area

0 0.01 0.02 0.04 Miles

ZBA FEE COMPARISON
EXISTING VS PROPOSED

6a.

PROJECT ADDRESS	COMM. (C) OR RES. (R)	TYPE OF APPLICATION	DESCRIPTION OF PROJECT	EXISTING FEE TOTAL	
336 No. Main Street	C	Special Permit/Site Plan Approval	Construction of 61,612 sf industrial building	\$250	\$9,625.68
210-220 So. Main St.	C	Special Permit	New business use in existing commercial space	\$250	\$300
194 So. Main St.	C	Site Plan Approval	Construction of 7,320 sf addition	\$250	\$2,024.80
10-18 Boston	C	Variance	47 unit Multi-family Project	\$250	\$3,350.00
255 So. Main St.	C	Special Permit	Electronic Message Board Sign	\$250	\$300
154 Boston St.	R	Special Permit	Raze existing non-conforming home and construct a new home	\$200	\$300
21 Hilldale Ave.	R	Variance & Special Permit	New addition to an existing non-conforming residential home	\$200	\$300

TOTAL \$1,650 \$16,200.48

Special Permit - Site Plan Review													
	Middleton [existing]	MIDDLETON [proposed]	LITTLETON	WILMINGTON	WAKEFIELD	NORTH READING	GEORGETOWN	TOPSFIELD	BOXFORD	IPSWICH	WENHAM	N. ANDOVER	DANVERS
Appeal	Residential: \$200 Commercial: \$250	\$300	\$200 residential; \$350 commercial	\$100	\$125	\$100	\$250 residential; \$800 multi-family, industrial, commercial	\$200	\$500	\$200 residential; \$250 non- residential	\$250	100	\$150 residential; \$250 commercial
Variance	Residential: \$200 Commercial: \$250	\$300	\$200 residential; \$350 commercial	\$100	\$50 residential; \$100 non- residential	\$100	\$250 residential; \$800 multi-family, industrial, commercial	\$200	\$550	\$200 residential; \$250 non- residential	\$250	150 residential; \$250 non- residential	
Residential 1 & 2 family	\$200	\$300	\$100	2-25 units \$1,000	\$70/unit	n/a	\$250	n/a	n/a	\$200	\$250	150	n/a
All others not listed here	Residential: \$200 Commercial: \$250	\$300											
Signs	\$250	\$300											
Commercial and/or Industrial Construction	\$1000 plus \$1.14 per sq. ft of GFA	\$250	\$1,500 PLUS \$1.25/sq. ft OVER 10,000 SQ. FT.	\$100 7999sf=\$1,000; 75K sf; 99,999sf=\$1,500; 100,000+sf=\$2,000; others \$2,000	\$1000sf=\$500; 10000sf- 7999sf=\$1,000; 99,999sf=\$1,500; 100,000+sf=\$2,000; others \$2,000	\$100 5000-9999sf=\$600; 10,000- 49,999sf=\$1000; 50,000+sf=\$2000	0-499sf=\$100; 500-999sf=\$150; 1000-4999sf=\$200; \$15/sq. ft. footprint, not less than \$1000	\$100 plus \$100 sf gross floor area/5,000 sq. ft. x \$200)= total site plan review fee	\$500	\$300	Spec. Pmt:\$400; Site Plan Review:\$1000	\$400 plus \$14 per sf of GFA	\$1000 plus \$10/sf GFA for over 5000 sf; max of \$15,000
New multi-family (3+ units)	\$250	\$1000 plus \$50/unit	by right	\$70 per unit	\$70 per unit	\$800	\$200 plus \$100/unit	\$100/unit	\$500 plus \$500/unit over \$100/unit over 5 units; max of \$10K	\$1500 plus \$200/unit	\$400 plus \$14 per sf of GFA	\$1000 plus \$10/sf GFA for over 5000 sf; max of \$15,000	
New commercial and/or industrial use - no site plan review	\$1,000 * (change to \$300)	\$2,000	\$100 (ZBA)+Site Plan Review by PB \$2,000	\$100	\$2,000	\$800	\$200	\$500	\$300	\$250	300	500	n/a
Wireless Facilities	\$250	\$2,000	\$3,750	\$1,010 (ZBA)+Site Plan Review by PB \$2,000	\$100	\$2000 new; \$1000 co-location	\$1,200			\$2,000			
Comprehensive Permit	\$1000 plus; \$50/unit		\$1000 plus; \$25/unit LDO; \$25/unit non- profits; \$0/unit public	\$3/unit for LDO; \$3/unit for non-profits; \$0/unit for public agencies	\$70/unit	\$1000 plus \$50/unit	\$1,200 plus \$200/unit	\$500 plus \$100/unit over \$50/unit max of \$10K	\$500 (1-5 units); \$500 plus \$100/unit over \$50/unit max of \$10K	\$500 plus \$50/unit over \$10 units	\$7,500 (1-14 units); \$7600 (15-19 units); \$2100 (20+ units)	LDO: \$2K + \$50/unit; Non-profit: \$2K + \$25/unit; LUP: \$2K + \$0/unit; DHA: \$0	



OFFICE OF THE TOWN ADMINISTRATOR

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

6.C.

MEMORANDUM

TO: Select Board

FROM: Jackie Bresnahan, Interim Town Administrator

DATE: February 17, 2023

RE: Recommendations based on Liquor License Fee Review

Every few years, the Town of Middleton reviews the various fee schedules. In addition to the regular review of liquor license fees, we also reviewed late fees for liquor licenses. We continue to use the twelve (12) comparable communities including: Boxford, Georgetown, Groveland, Hamilton, Ipswich, Littleton, Lynnfield, North Reading, Rowley, Topsfield, Wakefield and Wilmington.

Almost all of the current fees are equal or higher than the average from the comparable communities. The exceptions include the Club and Golf Licenses, of which we see minimal licensees, as well as the Entertainment licenses, where the average was \$30/license and Middleton charges \$10. At this time we are not recommending any changes.

As far as the Board's request for information on late fees, we found that most communities do not have a late fee schedule for Select Board issued permits. Of the few we found, most commonly towns add a \$100 late fee option if the renewal is submitted after the November 30th deadline. Other towns have a step increase of \$50 of each month the application is late. At this time, we're recommending a tiered approach:

\$50 late fee if November 30th deadline is missed
\$75 late fee if submitted after December 15th
\$100 late if submitted after January 1st

If the Board moves forward with this, we would send out a mailing to all licensees this spring detailing the change. We would also still continue to send the annual mailing in the fall in mid-October at the latest.

Middleton	Current	Average of comparable communities
License Fees		
All Alcohol Inn Holder	\$2,500.00	\$1,216.67
All Alcohol Package Store	\$2,000.00	\$1,638.89
All Alcohol Restaurant	\$4,000.00	\$1,983.33
Amusement/Golf Course	\$100.00	\$600
Amusement Machines	100*	\$70 **Most towns do it per machines
Auctioneer	\$45.00	\$36
Beer & Wine Package Store	\$1,500.00	\$1,227.78
Beer & Wine Restaurant	\$2,000.00	\$1,425
Class I	\$200.00	\$116.67
Class II	\$200.00	\$135.71
Class III	\$200.00	\$133.33
Club License	\$500.00	\$1,137.14
Common Victualler	\$100.00	\$83.33
Entertainment	\$10.00	\$51.42
Gas License (per nozzle)	\$45.00	\$45.00
Golf License	\$100.00	\$100.00
Juke Box	\$35.00	\$35
Livery License	\$100.00	\$62.50
Livery License # Vehicles	\$50.00 1st Vehicle; \$25.00 each additional vehicle	\$50.00 1st Vehicle; \$25.00 each additional vehicle
Precious Metals	\$50.00	\$50.00
Supervision of Firearms and Skeet Field on Approved Range on Sunday	\$10.00	\$10.00
Supervision of Firearms and Trap on Sunday	\$10.00	\$10.00

*Per machine



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7.

MEMORANDUM

TO: Select Board

FROM: Jackie Bresnahan, Interim Town Administrator

DATE: February 17, 2023

RE: Recommendations to Select Board for Home Rule Licenses distribution

As the Board will recall, we received 8 additional liquor licenses from the passage of our recent Home Rule petition. Attached you will find the final legislative language as approved by the Legislature and the Governor. Deb Mahoney reached out through the administrative staff list serv to engage with other communities that have gone through this process. Based on that research, we would recommend the following process as a baseline.

Policy on Home Rule Licenses:

Town of Middleton will advertise availability of additional licenses and requirements. Deadlines will be clearly advertised and no late applications will be considered. Applications will have no less than 15 business days to submit and no more than 30 business days to submit. The Select Board reserves the right to reject any application it deems to be incomplete.

The Select Board will review all applications and hear from all applicants at a scheduled meeting before making a decision. All applicants must appear in person and present their application to the Select Board. Applicants must be prepared to answer questions regarding their establishment. Board may consider the opinion of local residents when making their decisions.

Criteria used:

- Proximity of location to other applications and current licenses
- Proximity to a school or house of worship
- Size of proposed business (square footage of retail space, projected sales volume, etc.), factors such as traffic and noise and other products to be sold at proposed establishment
- Potential for proposed business to further economic development goals of the Town
- Experience of applicant operating all/all alcohol establishments as allowed in Massachusetts; reputation of applicant

Finally, successful applicants will submit application for renewals through the regular process. Unless otherwise determined/communicated in advance, licensees will make every effort to renew for their Home Rule license rather apply for a non-Home Rule license.

Acts (2022)

Chapter 419

AN ACT AUTHORIZING THE TOWN OF MIDDLETON TO GRANT UP TO 8 ALCOHOLIC BEVERAGES LICENSES

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Middleton may grant under conditions set by the licensing authority: (i) 2 additional licenses for the sale of wine and malt beverages to be drunk on the premises pursuant to section 12 of said chapter 138; (ii) 2 additional licenses for the sale of wine and malt beverages not to be drunk on the premises pursuant to section 15 of said chapter 138; (iii) 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to said section 15 of said chapter 138; and (iv) 2 additional seasonal licenses for the sale of wine and malt beverages, pursuant to sections 17A and 17B of said chapter 138 to establishments in locations as described in subsection (b). A license granted under this act shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall restrict the 8 licenses authorized in this act as follows:

(i) of the 2 licenses for wine and malt beverages to be drunk on the premises, 1 of which shall be issued to an establishment located on Maple street in the town of Middleton between the Ipswich river and the town of Danvers town line with frontage on Maple street, and 1 of which shall be issued to an establishment located on South Main street in the town of Middleton between Boston street and the town of Danvers town line with frontage on South Main street;

(ii) of the 2 licenses for the sale of wine and malt beverages not to be drunk on the premises, 1 of which shall be issued to an establishment located on North Main street in the town of Middleton between Piedmont street and the town of North Andover town line with frontage on North Main street, and 1 of which shall be issued to an establishment located on South Main street in the town of Middleton between Meadow drive and the town of Danvers town line with frontage on South Main street;

(iii) of the 2 licenses for the sale of all alcoholic beverages not to be drunk on the premises, 1 of which shall be issued to an establishment located on South Main street in the town of Middleton between Forms way and the town of Danvers town line with frontage on South Main street, and 1 of which shall be issued to an establishment located on Maple street in the town of Middleton between the Ipswich river and the town of Danvers town line with frontage on Maple street; and

(iv) of the 2 seasonal licenses for the sale of wine and malt beverages both of which shall be issued to establishments located on state highway route 114 in the town of Middleton, between the town of North Andover town line and the town of Danvers town line with frontage on state highway route 114.

(c) A license for the sale of wine and malt beverages to be drunk on the premises under said sections 12 or 17A of said chapter 138 granted under this act shall only be exercised in the dining room of a common victualler and in such other public rooms or areas as deemed reasonable and appropriate by the licensing authority as certified in writing.

(d) The licensing authority shall not approve the transfer of any license granted pursuant to this act to any other location but it may grant a license to a new applicant at a location within its zone as described in subsection (b) if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(e) If a licensee terminates or fails to renew a license granted under this act or any such license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, and the licensing authority may, within 3 years of such return, then grant the license to a new applicant at the same location under the same conditions specified in this act.

(f) All licenses granted pursuant to this act shall be issued within 3 years after the effective date of this act; provided, however, that a license originally granted within that time period may be granted to a new applicant pursuant to subsections (d) and (e) thereafter.

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

Approved, January 5, 2023.

