

**MIDDLETON SELECT BOARD
MEETING AGENDA
FULLER MEADOW ELEMENTARY SCHOOL
NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, MARCH 7, 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/88446830179?pwd=WHBjbjY0Z01rYmNiREVHRDE5dXRVdz09>

Notice: Update on 49 South Main Street/10-18 Boston Street project will occur at the March 14th Select Board Meeting

7:00 pm 1. Business

- a. Warrant: 2318
- b. Minutes: February 21, 2023
- c. Town Administrator Updates and Reports

7:10 pm 2. TA Recruitment update; votes may be taken

7:15 pm 3. Public Comment

7:20 pm 4. Eagle Scout Presentation by Rohan Plant on King Pines Trail

7:35 pm 5. Follow up discussion on FY 24 Operating and Capital Budgets from Capital Budget Summit; votes may be taken

7:50 pm 6. Review all articles and potentially vote to close the May 9, 2023 Annual Town Meeting warrant; votes may be taken

8:10 pm 7. Updates & Announcements

8:15 pm 8. 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*

Upcoming Meetings: March 14
March 18 at 9 am
March 20, 21, & 22
March 30
April 4 & 18

- Regular Select Board meeting
- Community Forum for TA Finalists
- Placeholders for TA Interviews
- Joint Meeting with Finance Committee
- Regular Select Board meetings

The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

MEETING MINUTES

SELECT BOARD

FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER

143 SOUTH MAIN STREET, MIDDLETON, MA 01949

TUESDAY, February 21, 2023

7:00 PM

1b.

This meeting was recorded.

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

Others Attending: Interim Town Administrator (ITA)/HR Director Jackie Bresnahan; and others 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.

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 #2317.

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 # 2317 as presented.

Minutes Approval: The Board was provided with the minutes from the Budget Summit **February 4, 2023** & Open Session **February 7, 2023** meetings 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 February 4, 2023 & February 7, 2023 minutes as presented.

Public Comment: *There was none.*

Interim Town Administrator update/reports- Bresnahan

- The Capital Budget Summit joint meeting with Finance Committee is Saturday March 4, 2023.
- Fire Engine 4 has been repaired from damage sustained during the frigid temperatures a few weeks ago; repairs were \$ 3,000, well under the estimated cost.
- ITA attended Administrative and Executive Board meeting at North Shore 911; Manchester By The Sea is the newest community to join and is going live March 1.
- Update from Staff Design Review group meeting held on February 14 on two projects coming before the Planning Board/Zoning board; construction of Chase Bank, 247 South Main Street and the definitive subdivision, 56 North Liberty Street.
- Additional enforcement at 18 Boston Street of unregistered vehicles and parking violations at Manning Road Essex Sport Center.

Town Administrator Recruitment Update: *votes may be taken*

Municipal Resource Inc. (MRI) reported eleven applicants submitted essays and commented this was a good response. MRI recruitment managers will review the candidates' essays and conduct phone/ in-person

interviews over the next week. MRI is confident they are on schedule to announce the finalists on March 14 and for the Board to conduct interviews March 20, 21, & 22. Discussion followed on the preferred date and format of the community forum. The Board agreed this be an informal forum on Saturday March 18. Residents can provide feedback to MRI via email, which will be forwarded anonymously to the Select Board. This information can be found on the Town's website under Town Administrator Search.

Update on 49 South Main Street/10-18 Boston Street 40B negotiations: votes may be taken

Attorney Jay Talerman, Town Counsel participated via Zoom and spoke on the current status of 49 South Main Street/ 10-18 Boston Street 40B. The potential developer/applicant has requested to address the Board on his newest ideas and revised proposal for the property, potentially at the March 7 Select Board meeting. Attorney Talerman recommended a week in advance of this meeting the developer provides the Select Board a set of draft plans with a narrative, and this meeting takes place prior the applicant resubmitting the project eligibility application with the subsidizing agency. The Board reviewed the applicant withdrew the application filed in November, without prejudice. Attorney Talerman confirmed this triggers the one year waiting period before resubmitting with the ZBA, however, if a favorable plan is presented before one year, the ZBA may consider the application at will.

- Update/Report on General Land Area (GLAM) Calculations- *ITA Bresnahan referenced the extensive report* on the gross land area calculations to potentially protect the town from 40B developments. The town is currently susceptible to 40B developments until Middleton has 10 percent of the housing stock deemed affordable, or, has a minimum of 1.5 percent of the total land area zoned for residential, commercial, or industrial use for affordable housing. Middleton currently only has .16 percent and is therefore not eligible for "Safe Harbor" under this program. The Affordable Housing Trust will have this information for their first meeting in a couple weeks.

Update on remote meetings by Town Counsel, Mead, Talerman, & Costa- J. Talerman; votes may be taken.

Attorney Jay Talerman, Town Counsel said the provisions to the Open Meeting Law (OML) which allow for remote meetings, expires the end of March 2023. To date the Governor has not indicated if this would be extended or permanent. He opined it is unlikely the state would go back to pre-pandemic OML laws and anticipated, at the least, another extension to continue remote/hybrid meetings; but if not, meetings would return to in-person. The Board noted participation by the public has increased since remote participation.

Review & Discuss the following fee schedule; votes may be taken

- a. *Zoning Board of Appeals (ZBA)*
- b. *Building Permit (this was deferred to a future meeting)*
- c. *Liquor License*

Zoning Board of Appeals (ZBA) - ITA Bresnahan referenced the ZBA fee schedule comparison of current / proposed fees against current projects and fees compared to surrounding communities. The updated fee schedule was supported by the ZBA.

ITA Bresnahan fielded questions from the Board regarding specific examples for a better understanding of the categories and proposed fee changes.

On a **MOTION** made by **Cresta**, second by **Carbone**, the Select Board **VOTED** unanimously by roll to adopt the proposed Zoning Board of Appeals fee structure as presented (item 6A on the agenda) effective March 1, 2023.

Liquor License Fees – The recommended change was to add late fees to the liquor license process for applications received after the November 30 deadline. As proposed: \$50 after November 30 deadline; \$75 after December 15; \$100 after January 1.

The Board was in support of the proposed late fees and discussed increasing the proposed fees, daily fees and/or changing the timeline. It was noted Business Managers of the Liquor License must sign the application in November per the Alcohol Beverages Control Commission.

On a **MOTION** made by **Cresta**, second by **Kassiotis**, the Select Board **VOTED** unanimously by roll to add late fees to the liquor license process as follows:

- \$100 after November 30 deadline
- \$200 after December 15
- \$300 after January 1

Review & Discussion process & criteria for distribution of additional liquor licenses; votes may be taken

ITA Bresnahan issued a recommendation for the Home Rule Licenses distribution. On January 5, 2023 the Town was granted eight additional specific types of liquor licenses & locations. Based on research of other communities, a process was drafted for Select Board approval. Applicants may not have outstanding debt to the town and must be in compliance with all town boards/committees/departments.

It was agreed the licenses would be advertised and applications reviewed by the Select Board and a public hearing held to include public input. The Board agreed sufficient and appropriate parking be added to the criteria.

On a **MOTION** made by **Cresta**, second by **Carbone**, the Select Board **VOTED** unanimously by roll to adopt the Home Rule License Criteria as detailed in the Memorandum of February 17, 2023 and to include parking, as well as any Scribner's errors.

ITA Bresnahan reviewed upcoming Select Board meetings and recommended licenses open up March 15 with applications due back no later than April 18 and any subsequent meetings/hearings be held in April and/or May. Discussion followed on the process and the schedule leading up to awarding the licenses. The type and location of the licenses will be posted on the town website. These new licenses will follow the regular renewal process. ITA Bresnahan noted if a license holder fails to renew a license granted under the Home Rule, or it is revoked or no longer used, it must be cancelled.

FY24 Operating Budget-continued discussion: votes may be taken

ITA Bresnahan updated the Board on the FY24 operating budget. Meetings continue with staff and the school department /district. The school was given the direction that expenses exceeding a 4 percent increase would be out of the levy limit and be presented to town meeting as an override question; currently the school has a 10 percent operating increase with a potential override of approximately \$ 830,000. The School Committee is meeting March 6 on the budget.

At this point in the budget process there is a school and town operating budget deficit and potential operational override. The Board would be provided with what an override question would look like, impact to the taxpayers, and alternative budget cuts.

ITA Bresnahan gave an overview of the budget increases and noted additional information would be available after the Capital Budget Summit March 4.

Member Cresta stated he would not support an override and reviewed past budgets and current financial commitments ie. new facilities. The Board discussed factors impacting the budgets.

Review & vote to close the May 9, 2023 Annual Town Meeting (ATM) warrant; votes may be taken

Knowing the warrant would need to be opened in the future, the Board opted to not close the warrant at this meeting and deferred action to March 4 or 7.

Mr. Cresta noted he was not in support of Article 28 to create a stabilization fund for the opioid settlement citing the delay in using the funds and referenced Department of Local Services guidance.

ITA Bresnahan noted the Department of Health is working on a plan to get the funds into the community as soon as possible.

Update on outstanding licenses; votes may be taken

- *Best Bagels: ready for reinspection*
- *Charlies Roast Beef: has not responded to calls, emails, certified letters.*
- *Freddy's Place: failed inspection and needs a re-inspection which has not been scheduled to date*
- *McDonalds: reinspected/passed*
- *Middleton Subway: scheduled for reinspection this week.*

Town Counsel provided guidance on enforcement and the *failure to comply* process.

ITA Bresnahan reviewed the inspection process by the different departments.

The Board asked ITA Bresnahan to request a Life & Safety Inspection be done by the Building Commissioner for Charlie's Roast Beef.

Updates & Announcements

- March 4 - Saturday FY24 Capital Budget Summit
- March 7 & 14 - Select Board meetings
- March 18 – TA finalists - community forums
- March 20, 21, 22 - Town Administrator interviews
- March 30 - Warrant Hearing

8:58 PM Executive Session

ITA Bresnahan noted executive session #12 was not needed (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.)

On a **MOTION** made by **Cresta**, second by **Kassiotis**, the Select Board **VOTED** unanimously by roll to enter into Executive Session pursuant to Open Meeting Law (Chapter 30A Section 21 (a) (3) – To discuss strategy with respect to collective bargaining negotiations and not return to open session but adjourn directly from Executive Session.

Adjourn – The Select Board adjourn Executive Session at 9:33 pm.

Respectfully submitted,
Catherine E. Tinsley

Catherine Tinsley, Recording Secretary

Jeff Garber, Select Board Clerk

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

Agenda: February 21, 2023

Warrant #2317: Payroll: \$ 959,812; Bills Payable: \$ 1,310,504; Facilities project: \$4,620

Minutes: Budget Summit February 4, 2023; OS February 7, 2023

Planning Department K. O'Leary to Select Board – Maps & GLAM Calculation Spreadsheet, Maps, & Aerial Views

May 9, 2023 ATM Table of Contents

ZBA Fee Comparison – Existing vs Proposed

Memorandum J. Bresnahan to Select Board – Recommendations based on Liquor License Fee Review

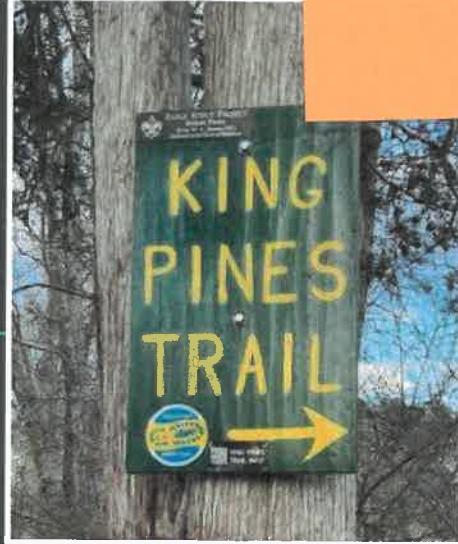
Memorandum J. Bresnahan to Select Board – Recommendations for Home Rule License distribution

Eagle Project: King Pines Trail

Middleton Board of Selectmen

Rohan Plante
Troop 19
Middleton, MA

4.



About Me

- Junior at Essex Tech
- Love hiking (Mrs. Schneider's MST photo)
- Boy Scout with Troop 19 Middleton
- Going for Eagle Scout



Eagle Project Key Dates

- Developed proposal Jan-May '21
- Approved by beneficiary Middleton Stream Team and Middleton Conservation Commission May '21
- Approved by Scouts BSA May '21
- Completed Jan '23



Mr. Messenger
and Mr. Goodwin
March 12, 2021



MCC
May 4, 2021



Scouts BSA
May 19, 2021



Eagle Project

- **Trail** by Peabody Street Landing
- **Elevated walkway** about 40 ft long near half mile mark to keep trail on conservation land
- **Educational materials**

Trailhead



Digital plan
for walkway



Trail



Trail

- 2 miles long
- 1 mile each way
- survey
- clear brush and invasive species



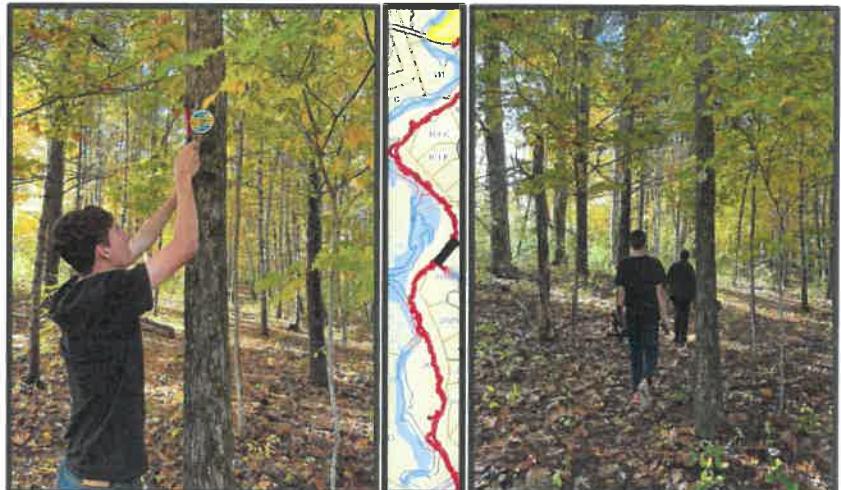
Trail

- 2 miles long
- 1 mile each way
- survey
- clear brush and invasive species
- clear debris



Trail

- 2 miles long
- 1 mile each way
- survey
- clear brush and invasive species
- clear debris
- add trail markers
- natural, under 6 ft wide

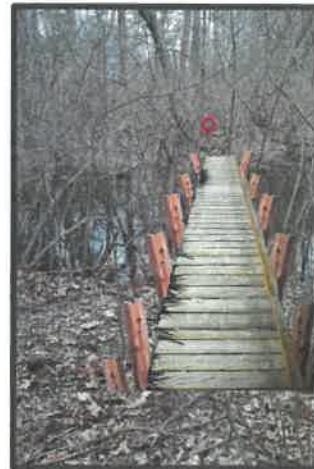


Elevated Walkway



Elevated Walkway

- halfway point of trail
- conservation land
 - 2 ft above water
 - 40 ft long
 - 3 ft wide
 - posts 8 ft apart



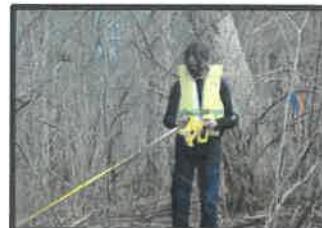
Digital Rendering



Completed Walkway

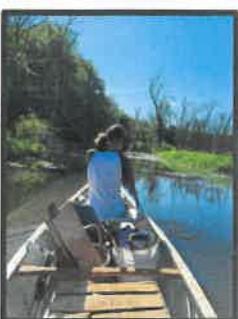
Elevated Walkway 2021

- soil study
- locate lumber
- mark beginning and end
- deliver supplies to site
- surveying



Elevated Walkway 2022

- locally sourced posts; set without machinery
 - sandy bottom of stream without rocks; dug holes underwater
- stringers



Elevated Walkway 2022

- locally sourced posts; set without machinery
 - sandy bottom of stream without rocks; dug holes underwater
- stringers
- boards
- wood preservative
- 3 generations



Elevated Walkway Progress



July 2021

May 2022

July 2022

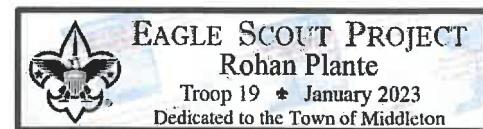
September 2022

Educational Materials



Educational Materials

- signs
- QR code on each sign [links to doc](#) with info and website links
- short map of trail



Educational Materials

- signs
- QR code on each sign [links to doc](#) with info and website links
- Short map of trail



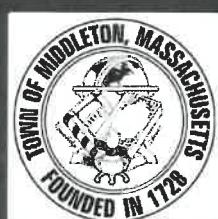
Welcome to King Pines Trail

Eagle Scout Project
Rohan Pante Troop 19
Dedicated to the Town of Middleton, MA
Scroll down for information about the trail and more



[View Map of King Pines Trail](#)
[Learn more about King Pines](#)
[Learn more about Cub Scout Troop 19](#)
[Learn more about the Middleton Stream Team](#)
[Learn more about Troop 19 Middleton](#)
[Learn more about the Town of Middleton](#)

Thank You

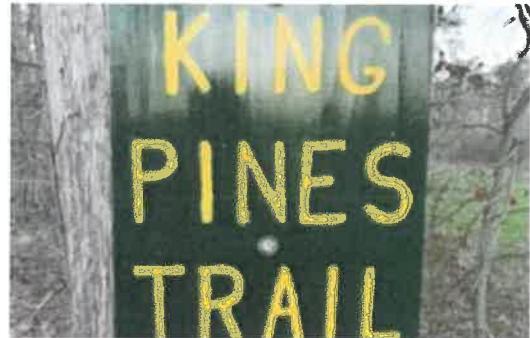


Search How it works Start GoFundMe Sign In

Peabody St. Landing Trail - Eagle Scout Project



\$1,000.00
\$0.00
Robert P.
RNA Ch.
\$0.00 - 0



Thank you for your support on my Eagle Project - Rohan Plante



3/4/2023

Town of Middleton Massachusetts



ANNUAL TOWN MEETING

Tuesday, May 9, 2023

7:00PM

**Howe Manning School Gymnasium
26 Central Street, Middleton, MA**

**TOWN OF MIDDLETON
ANNUAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
MAY 9, 2023**

ESSEX s.s.

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs, to meet at the Howe Manning School Gymnasium, 26 Central Street, on Tuesday, May 9, 2023, at 7:00PM, then and there to act on the following articles:

FY2023 AND PRIOR YEAR FINANCIAL ARTICLES

ARTICLE 1. To hear Committee Reports.

ARTICLE 2. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to be used to fund the deficit incurred in the Department of Public Works Snow and Ice budget; or take any other action relative thereto.

Purpose: This article closes the deficit for Snow and Ice removal. The Snow and Ice deficit is typically funded through a transfer from Free Cash. At the time of printing the Snow and Ice deficit funding request is \$ [REDACTED]. Requires a simple majority vote.

ARTICLE 3. On petition of the Select Board and Finance Committee, to see if the Town will vote to pay prior fiscal year bills; or take any other action relative thereto.

Purpose: This article authorizes payment of bills from prior fiscal years. Under General Law c. 44, s. 64, bills from prior fiscal years can only be paid if approved by Town Meeting unless funds were encumbered. Requires a 4/5 vote.

- Stadium Oil: \$1,783.00
- [REDACTED]

ARTICLE 4. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, transfer between and among various accounts, or transfer from available funds to supplement the Fiscal Year 2023 operating budget; or take any other action relative thereto.

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

Commented [JB1]: Confirm with PG and SW that nothing needed for landfill monitoring

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

Purpose: This article transfers funds and supplements monies to fund capital appropriations in the current fiscal year ending on June 30, 2023. These include additional funds for _____ At the time of printing the total anticipated appropriation is \$_____ to be transferred from Free Cash. Requires a simple majority vote.

ARTICLE 6. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, transfer between and among various accounts, or transfer from available funds to fund collective bargaining agreements; or take any other action relative thereto.

Purpose: This article funds costs associated with contracts negotiated with collective bargaining groups (public employee unions). At the time of printing the _____ have settled contracts. The anticipated total amount is \$_____, of which \$_____ is to be raised and appropriated and \$_____ is to be transferred from Free Cash. Requires a simple majority vote.

FY2024 FINANCIAL ARTICLES

ARTICLE 7. On petition of the Select Board and Finance Committee, to see if the Town will vote to set the salaries of elected officials pursuant to Massachusetts General Law Chapter 41, Section 108; or take any other action relative thereto.

Purpose: This article establishes the compensation of elected officials. The schedule of salaries which shows the compensation of elected officials and employees is located in the back of the warrant book. Requires a simple majority vote.

ARTICLE 8. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Omnibus Budget for Fiscal Year 2024; or take any other action relative thereto.

Purpose: This article requests approval of the Town's operating budget for the coming fiscal year beginning on July 1, 2023 and running through June 30, 2024. Detailed descriptions of revenues and expenditures are presented in the warrant book. Requires a simple majority vote unless a transfer from a stabilization fund is used as a funding source which requires a 2/3 majority.

ARTICLE 9. **[PLACEHOLDER]** On petition of the Select Board and Finance Committee, to see if the Town will be allowed to assess an additional \$ _____ in real estate and personal property taxes for the purposes of balancing the FY 2024 local school operating budget for the fiscal year beginning July 1, 2024, contingent on passage of a so-called Proposition 2 ½ operating override ballot question by the Middleton voters; or take any other action relative thereto.

Purpose: This article requests approval of an operating override to balance the operating budget to meet the full request from the Middleton Elementary School Committee. Within the omnibus budget in Article 8, the Middleton Elementary School Budget is funded at a 4% increase. The School Committee's final request of XX%, or \$ ---- is reflected in the operating override. **If unsuccessful, this would result in the following reductions or changes in service:**

This question requires a majority vote at Town Meeting and a subsequent _____ majority vote at the Annual Town Election.

ARTICLE 10. On petition of the Select Board and Community Preservation Committee, to see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues or available funds the amounts recommended by the Community Preservation Committee for debt service, community preservation projects, and other expenses in Fiscal Year 2024 with each item to be considered a separate appropriation; or take any other action relative thereto.

Proposed Fiscal Year 2024 Community Preservation Budget

The Community Preservation Committee recommends that the following amounts be appropriated or reserved from Fiscal Year 2024 Community Preservation Fund Revenues, unless otherwise specified for Fiscal Year 2024 Community Preservation Purposes with each item considered to be a separate appropriation:

<u>Purpose</u>	<u>Recommended</u>	<u>Funding Source</u>
	<u>Amount</u>	
A. Reserves: Open Space	\$39,785.56	FY 2024 Estimated CPA Receipts
Reserves: Historic Resources	\$39,785.56	FY 2024 Estimated CPA Receipts
Reserves: Community Housing	\$39,785.56	FY 2024 Estimated CPA Receipts
B. Flint Library Debt Service	\$87,375.00	\$39,853.12 from Historic Resources Reserve and \$47,521.88 from Fund Balance
C. CPA Committee Admin. Expenses	\$1,000.00	From Fund Balance

Community Preservation Total **\$207,731.68**

Purpose: Each year the Town Meeting must appropriate or reserve for future appropriation at least 10% of the estimated annual fund revenues for acquisitions and initiatives in each of the following three categories of allowable community preservation purposes:

- Open space (excluding recreational uses)
- Historic resources
- Community housing

The “annual fund revenues” in Fiscal Year 2024 are estimated at \$349,500 and is composed of the estimated receipts from the local surcharge of \$270,000 and monies from the State Trust Fund, which will make its seventeenth payment in October of 2023 providing an additional estimated \$79,500 in matching funds based upon the local share raised in FY 2024. Requires a simple majority vote.

ARTICLE 11. On petition of the Select Board and Community Preservation Committee, to see if the Town will vote to appropriate from the Community Preservation Fund annual revenues the following amounts recommended by the Community Preservation Committee for new community preservation projects in Fiscal Year 2024 with each item to be considered a separate appropriation; or take any other action relative thereto.

<u>Purpose</u>	<u>Recommended Amount</u>	<u>Funding Source</u>
Cemetery Monument Restoration	\$	Fund Balance
Rail Trail	\$	Fund Balance
Transfer \$_____ to Affordable Housing Trust	\$	Fund Balance
Community Preservation Total	\$	

Requires simple majority vote.

ARTICLE 12. On petition of the Select Board and Finance Committee, to see if the Town will vote to amend Chapter 79 of the Middleton Code, Revolving Funds, by striking the language shown in **~~bold strikethrough~~** and inserting the language shown in **bold underline**; or taken any action relative thereto.

S. 79-1 Purpose.

This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs

or activities. These revolving funds are established under and governed by MGL c. 44, § 53E 1/2.

S. 79-2 Expenditure limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and Finance Committee.

S. 79-3 Interest

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

S. 79-4 Procedures and reports.

Except as provided in MGL c. 44, § 53E 1/2, and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

S. 79-5 Authorized revolving funds.

The table establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- D. The expenses of the program or activity for which each fund may be used;
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund; and
- G. The fiscal years each fund shall operate under this bylaw.

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Firearms License and Permits	Police Chief	Firearm licenses and permit revenues	Firearm permit issuance expenses, purchase of equipment and technology associated with the implementation of Chapter 180 of the Acts of 1998			Fiscal Year 2019 and subsequent years
Council on Aging	Council on Aging Director	Fees from programs, activities and trips sponsored by the Council on Aging	Expenses related to said programs, activities and trips sponsored by the Council on Aging			Fiscal Year 2019 and subsequent years
Recreation	Recreation Commission	Fees from programs, activities and trips sponsored by the Recreation Commission	Expenses related to said programs, activities and trips sponsored by the Recreation Commission			Fiscal Year 2019 and subsequent years
Recreation Field Use	Superintendent of Public Works	Field use permits	Expenses related to field maintenance and improvements			Fiscal Year 2019 and subsequent years
Stormwater Management	Superintendent of Public Works under direction of Town Administrator	Permits, fees, fines, and contributions related to stormwater management	Expenses related to the design, <u>and</u> construction <u>and</u> maintenance of stormwater improvement projects			Fiscal Year 2019 and subsequent years

Purpose: This article amends the Revolving Funds Bylaw by eliminating the revolving funds for Firearms Licenses and Permits and for Recreation Field Use, and by expanding the Stormwater Management revolving fund to include maintenance as an allowable expense to be paid from the fund. Requires simple majority vote.

ARTICLE 13. On petition of the Select Board and Finance Committee, to see if the Town will vote to authorize the spending limits of the following revolving funds established under the Town Bylaw and General Laws Chapter 44, Section 53E ½; or take any other action relative thereto.

Revolving Fund	Spending Limit
Council on Aging	\$35,000
Recreation	\$15,000
Stormwater Management	\$5,000

Note: this reflects changes to the bylaw proposed in the previous Article.

Purpose: Massachusetts General Law Chapter 44, Section 53E½ requires annual reauthorization of Revolving Funds which are self-supporting and pay for departmental expenses from user fees and charges. Requires simple majority vote.

ARTICLE 14. On petition of the Select Board and Finance Committee, to see if the Town will vote to appropriate a certain sum from the Sewer Enterprise receipts to pay expenses and contractual services required to operate the Sewer Enterprise Fund for Fiscal Year 2024; or take any other action relative thereto.

[Sarah will provide SESD FINAL budget]

Direct Costs

SESD Assessment	\$95,656
Expenses	\$100
Extra/Unforeseen	\$1,000
Total Direct Costs:	\$96,756

Indirect Costs *

Salaries and Wages	\$5,009
Insurance & Benefits	\$624
Total Indirect Costs:	\$5,633

Total FY2023 Budget **\$102,389**

**(to be raised and appropriated in the General Fund Operating Budget)*

~~Town shall raise the sum of \$96,756 or any other sum from the Sewer Enterprise Revenues and to approve the sum of \$5,633 of indirect costs appropriated in the general fund under Article 9 to be funded from Sewer Enterprise Revenues.~~

Purpose: This article funds the operation of that portion of the Town served by the South Essex Sewer District (SESD). The revenues fully fund the operating costs. Requires a simple majority vote.

ARTICLE 15. On petition of the Select Board and Finance Committee, to see if the Town will vote to appropriate a certain sum from the Water Enterprise receipts to pay expenses and contractual services required to operate the Water Enterprise Fund for Fiscal Year 2024; or take any other action relative thereto.

[Sarah will provide FINAL Water budget]

Direct Costs

Salaries and Wages	\$88,557
Debt Service	\$5,330
Expenses	\$64,100
Extra/Unforeseen	\$50,000
Total Direct Costs:	\$207,987

Indirect Costs *

Salaries and Wages	\$54,090
Insurance & Benefits	\$34,618
Total Indirect Costs:	\$88,708

Total FY2023 Budget **\$296,695**

**(to be raised and appropriated in the General Fund Operating Budget)*

~~Town shall raise the sum of \$207,987 or any other sum from the Water Enterprise Revenues and to approve the sum of \$88,708 of indirect costs appropriated in the general fund under Article 9 to be funded from Water Enterprise Revenues.~~

Purpose: This article funds the operation of the Water Department. The revenues fully fund the operating costs. Requires a simple majority vote.

ARTICLE 16. On petition of the Electric Light Commissioners, to see if the Town will vote to accept a sum of money from the earnings of the Electric Light Department, said sum to be used for the reduction of taxes; or take any other action relative thereto.

Purpose: Each year the Light Commission votes a sum to be used to reduce taxes. The FY2024 amount is expected to be \$_____. Requires a simple majority vote.

ARTICLE 17. On petition of the Superintendent of Public Works, to see if the Town will vote to raise and appropriate such sums of monies as may be received from the Commonwealth of Massachusetts for the fiscal year commencing July 1, 2023 to install drainage, widen, pave, and otherwise improve any public way in accordance with the provisions of Chapter 90 of the Massachusetts General Laws; or take any other action relative thereto.

Purpose: Each year the Commonwealth of Massachusetts distributes funds to cities and towns to be used for the maintenance and upkeep of public ways. The usual distribution is approximately \$300,000. Requires a simple majority vote.

Commented [JT2]: This article is fine but is no longer required in order to accept c. 90 money.

ARTICLE 18. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds to various reserve, stabilization and trust funds; or take any other action relative thereto.

Purpose: This article transfers funds from Free Cash to various reserve funds, including stabilization funds and the Other Post-Employment Benefits (OPEB) Trust Fund. It is anticipated that \$100,000 will be transferred to the OPEB Trust Fund and \$250,000 transferred to the Facilities Stabilization Fund, both transfers to come from Free Cash. Requires a simple majority vote.

ARTICLE 19. On petition of the Select Board and Finance Committee, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Capital expenditures for Fiscal Year 2024; and to authorize the Town Administrator to sell or trade items rendered surplus by such purchases; or take any other action relative thereto.

[Insert Capital Budget table
Path: Z:\Town Meetings\2023-05-09 ATM

Purpose: This article requests approval of the capital budget for the coming fiscal year. Capital items are assets that have a useful life of five (5) or more years and a cost of more than \$5,000. Regular capital investment is critical to maintaining the Town's infrastructure, including the vehicle fleet, buildings, equipment, and acquisition of land. Annually, a capital improvement plan (CIP) is developed looking ahead for the next five years. Year one of the CIP is the ensuing year's capital budget. The FY24 Capital Budget is proposed to be funded by \$_____ from Free Cash. Note that capital items funded through the Community Preservation Fund are reflected in that warrant article; capital items funded through outside funds are not subject to appropriation. Requires a simple majority vote unless borrowing is requested which requires a 2/3 majority.

ARTICLE 20. On petition of the Select Board, to see if the Town will vote to appropriate a certain sum to conduct appraisals, feasibility studies, engineering, and other studies of municipal properties including 48 South Main Street, said studies to be for the purposes of facilitating affordable housing and recreational use on the premises; and to authorize the Select Board to

dispose of the structure for affordable housing purposes while maintaining access for recreational purposes; and to authorize the Select Board to convey a deed restriction on any future structures on the property to maintain the historic façade; and to authorize the Select Board to convey a deed restriction to secure long term access to the passive and active recreational areas at the rear of the premises; and, to provide monies for the appraisals or other Town properties to be disposed of; and, to fund preliminary engineering and design for 4 Lake Street for the purposes of additional parking and landscaping for the Flint Public Library; or take any other action relative thereto.

Purpose: This article requests the use of \$50,000 of free cash to be used over the coming fiscal years for the assessment, engineering, appraisal, and other study as needed of municipal properties that will be a change of use or no longer needed when the new municipal complex is complete. Additionally, this article appropriates funds and authorizes the Select Board to undertake studies necessary to convert the existing premises at 48 South Main Street to affordable housing while retaining public access to the playground, fields, and other recreational areas at the rear of the property as well as the initial engineering and design needed for converting 4 Lake Street into additional municipal parking and landscaping. Requires a 2/3 vote.

ARTICLE 21. On petition of the Select Board and Finance Committee, to see if the Town will vote to transfer from free cash a certain sum to fund the Town's share of the costs for the Design and Permitting of the Masconomet Regional High School Turf Field Project as a capital expenditure for Fiscal Year 2024; or take any other action relative thereto.

Commented [JB3]: Confirming language with Masco and other Towns

Purpose: This article requests approval of the design and permitting of the turf field project for Masconomet Regional High School at a sum of \$150k (placeholder) for the Middleton share. This represents 35% of the total cost of \$450k (placeholder) request by the district. Note that this capital project must be approved by all three member towns (Middleton, Boxford, and Topsfield) to move forward for FY 2024. Total construction costs for the project are estimated to be \$\$\$\$\$\$, of which Middleton would be responsible for \$\$\$\$\$\$. This article is for design and permitting only; construction cost funding would be subject to future appropriation.

ARTICLE 22. On petition of the Board of Assessors, to see if the Town will vote adopt the local option of Chapter 59 Section 5 c ½ at a rate of one hundred percent (**100%**); or take any other action relative thereto.

Purpose: This article increases the available exemption for those already eligible under current exemptions. Other area communities who have adopted this section include Boxford, Topsfield, North Reading, and Lynnfield. This article would not require an increase to the overlay line, but would provide tax relief by increasing the exemption amount for all currently available exemptions. For example, if someone is currently eligible for the Chapter 59 Section 37a that is currently \$500, they would be eligible for \$1,000 exemption.

CITIZEN PETITIONS, BYLAW ADOPTIONS, AND REAL PROPERTY

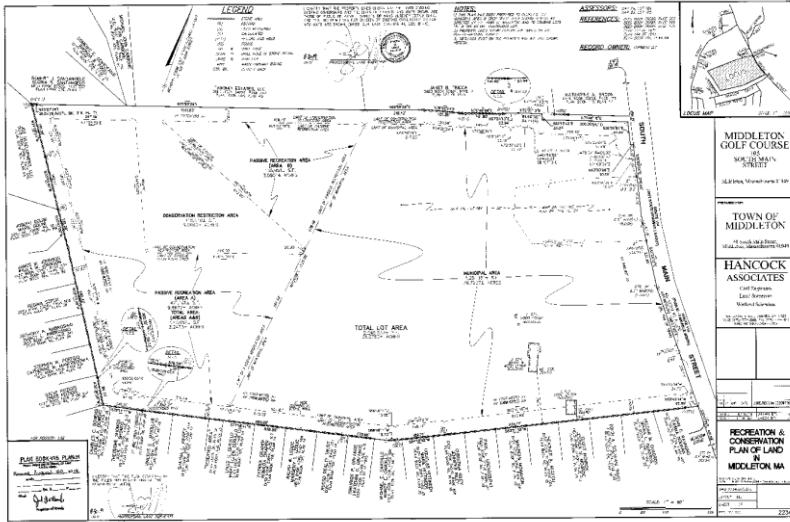
ARTICLE 23. On petition of the Select Board and Finance Committee, to see if the Town will authorize the Select Board to acquire by purchase, gift, or eminent domain easements and/or fee interests in property and/or parcels necessary for the Maple Street Bridge reconstruction project; and to authorize the Select Board to convey and accept easements, fee interests, or parcels related thereto; and, further, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds certain sums of money to fund right of way work associated with said reconstruction project, or take any other action relative thereto.

Commented [JB4]: Awaiting update on timing from MassDOT

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

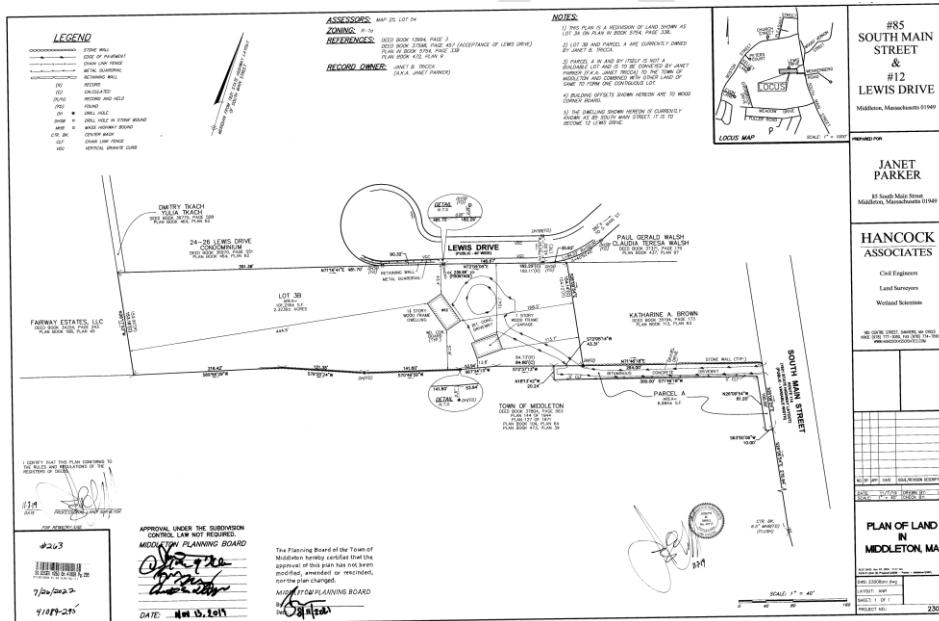
ARTICLE 24. On petition of the Select Board, to see if the Town will authorize the Select Board to convey and accept the Conservation Restriction for a certain parcel of land at 105 South Main Street: Lot 184 on Middleton Assessor's Map 29 consisting of 51.576 acres more or less; and to authorize the Select Board to convey and accept easements relative thereto; or take any other action relative thereto.

Purpose: This article authorizes the Select Board to convey a conservation restriction on a portion of the property at 105 South Main Street. The conservation restriction will cover approximately 22.85 acres of land. See exhibit below for reference. Requires a 2/3 majority vote.



ARTICLE 25. On petition of the Select Board, to see if the Town will authorize the Select Board to accept Parcel A consisting of 6,984 square feet more or less shown on a plan prepared for Janet Parker by Hancock Associates dated November 17, 2019, said Parcel A being a portion of land now or formerly known as 85 South Main Street, said Parcel A to be combined with Lot 184 on Middleton Assessors' Map 29; and to authorize the Select Board to convey and accept easements relative thereto; or take any other action relative thereto.

Purpose: This article authorizes the Select Board to accept a portion of 85 South Main Street and combine it with the remaining property at 105 South Main Street. The conveyance of this parcel was agreed to at the time the Town acquired the former Middleton Golf Course in 2019. Requires a 2/3 majority vote.



Commented [JB5]: CBC meeting 3/14

ARTICLE 26. On petition of the Charter Review Committee, to see if the Town will vote to adopt the changes listed below; and authorize the Select Board to request Home Rule Petition; and further more to extend to the 2024 Annual Town Meeting the time for the Charter Review Committee to complete its work; or taken any action relative thereto. [PLACEHOLDER]

- Replace all references of Board of Selectmen with “Select Board”

- Adopt the following changes.....

Purpose:

ARTICLE 27. On a petition of the Select Board, to see if the Town will amend the Masconomet Regional Agreement.... Capital Assessment Calculation.... **[PLACEHOLDER]**

Commented [JB6]: Awaiting language from Masco/DESE

ARTICLE 28. On petition of the Select Board and Finance Committee, to see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 5B establishing an Opioids Settlements Stabilization Fund; or taken any action relative thereto.

Commented [JB7]: Awaiting written opinion from Auditor for Articles 28 and 29

Purpose: The Opioids Settlements Stabilization Fund will be a reserve fund to hold settlement payments from opioid defendants in connection with opioid settlements, including the Massachusetts statewide opioid settlements. As stated in the statewide settlement, funds are intended to be used to support and promote treatment of persons with opioid use disorders, support people in treatment and recovery, provide connections to care for people who have or are at risk of developing opioid use disorder, support efforts to prevent overdose deaths or other opioid-related harms, support diversion and deflection programs and strategies for criminal-justice-involved persons with opioid use disorder, support pregnant or parenting women with opioid use disorder and their families, and support efforts to prevent misuse of opioids. The Opioids Settlements Stabilization Fund will be separate and distinct from other stabilization funds. Per the State, these funds are required to be appropriated by Town Meeting. Requires a 2/3 majority vote

ARTICLE 29. On petition of the Select Board and Finance Committee, to see if the Town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all or a percentage not less than 25 percent, of particular fees, charges, or receipts to the Opioids Settlements Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023; or taken any action relative thereto.

Purpose: This article provides that receipts distributed as part of the opioids settlement be directly transferred into the Opioids Settlements Stabilization Fund discussed under the previous warrant article.

END OF ANNUAL TOWN MEETING WARRANT

Anyone in need of special accommodations for the Town Meeting, please contact the Office of the Select Board at 978-777-3617 by April 25, 2023 in order that reasonable accommodations may be made.

3/4/2023

TO THE TOWN CONSTABLE:

You are hereby ordered to notify and warn said qualified voters to meet at the Fuller Meadow School, 143 South Main Street, Middleton, MA on **Tuesday, May 16, 2023**, next for the following purposes, VIZ: To choose by ballot the following Town Officers for the ensuing year:

- One Town Clerk for three (3) years
- One Select Board member for three (3) years
- One Board of Assessors member for three (3) years
- One Elementary School Committee member for three (3) years
- Two Regional School Committee members for three (3) years
- One Planning Board member for five (5) years
- Two Electric Light Commissioner for three (3) years
- Two Library Trustee for three (3) years

Potential Ballot Question for school operating override

The Polls open at 7:00 a.m. and close at 8:00 p.m. Voting takes place at the Fuller Meadow School, 143 South Main Street, Middleton, MA.

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

Memorial Hall Flint Public Library Ferncroft Towers
Post Office Howe Station Market Fuller Pond Village

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

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

MIDDLETON SELECT BOARD

A true copy Attest:

Constable of the Town of Middleto

Date Posted