

# **BOARD OF SELECTMEN MEETING AGENDA**

**Fuller Meadow School  
Nathan Media Room  
143 South Main Street, Middleton, MA 01949  
January 31, 2017  
7:00 PM**

*This meeting is being recorded*

1. 7:00 PM Warrant  
Town Administrator
2. 7:10 PM Recommendation of Chief DiGianvittorio to appoint Reserve Police Officer Henry Bouchard IV as a Full Time Police Officer (including a probationary period of one year upon completion of Municipal Police Training Committee (MPTC) Training Program)
3. 7:20 PM Public Hearing, per Massachusetts General Law Chapter 140, Section 157, to investigate the complaints made regarding a dog domiciled at two Bellevue Avenue and to determine if the dog is a nuisance or dangerous dog
4. 7:30 PM Update and discussion regarding plans for Natsue Way recreational area
5. 7:45 PM Request of 245 Middleton Pub Corporation for a change of "Doing Business As" (DBA) from Hailey's Restaurant and Pub to Main Street Grill
6. 7:50 PM Vote to open the warrant for the May 9, 2017 Annual Town Meeting
7. 7:55 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
8. 8:00 PM Executive Session under Massachusetts General Laws Chapter 30A, Section 21(a) 3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares



## *Middleton Police Department*

65 North Main Street

Middleton, MA 01949

Tel: (978) 774-4424 Fax: (978) 774-4466

E-mail: [chief@middletonpolice.com](mailto:chief@middletonpolice.com)

*James A. DiGianvittorio*  
*Chief of Police*

Date: January 27, 2017  
To: Board of Selectmen  
From: Chief James DiGianvittorio  
Subject: Fulltime Appointment

As a reminder this is the letter that the Board approved back in August.

On Wednesday July 27, 2016 the Command Staff conducted a series of three interviews; each interview lasted approximately 1 hour.

Each Sergeant was asked to rate the three candidates separately and provide me with their recommendations in sequential order from top to bottom. We then compared notes and discussed each candidates work performance over the past year, at the conclusion it was unanimous. Each Sergeant had Officer Henry Bouchard IV as their top pick.

The board approved this longstanding policy of promoting from within at that time, whereas I respectfully asked for the Board to allow me to offer Reserve Officer Henry Bouchard with a conditional appointment allowing me to secure a seat in the September Police Academy in Reading MA.

I mirrored the procedure that we created with Officer Bettencourt in 2010, we paid Officer Bouchard as a fulltime Reserve Officer and at the completion of the Academy I asked the Board to promote him to a fulltime position. This allowed us to save money and not have to post the opening in the shift bid process until he completes his obligations at the academy.

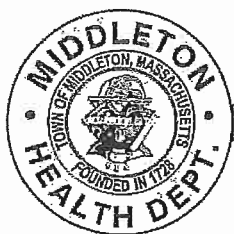
Officer Bouchard will have completed his 19<sup>th</sup> week at the academy as of today; he is on schedule to graduate the academy on February 16, 2017. I have discussed with Officer Bouchard the field training program and he will be placed into the open 4pm-12am slot.

I respectfully request that the Board promote Officer Bouchard to Fulltime status at the next Board meeting.

Thank You.

Visit Our Website: [www.middletonpolice.com](http://www.middletonpolice.com)

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Derek Fullerton, RS, CHO  
Public Health Director

**Town of Middleton**  
**Board of Health**  
195 North Main Street  
Middleton, Massachusetts 01949  
978-777-1869  
FAX 978-774-0718  
[www.townofmiddleton.org](http://www.townofmiddleton.org)



**Public Health**  
Prevent. Promote. Protect.

January 26, 2017

Joe Flynn  
2 Bellevue Avenue  
Middleton, MA 01949

Certified Mail #70160910000139405156

Dear Mr. Flynn,

This letter serves as a follow up to our department's recent findings that your dog (Killian; Malamute Mix) has been involved in another incident with a dog, while your dog was running at large/loose. Additionally, we have recently received information that residents of the neighborhood have filed verbal concerns related to your dog with members of the Board of Selectmen.

In April of 2015 you were provided a letter, which is attached for your reference, indicating future issues related to your dog would initiate a hearing before the Board of Selectmen.

The Board of Selectmen (hearing authority) will thus be holding a public hearing for investigating the animal complaint(s), in accordance with Massachusetts General Law Chapter 140, Section 157, to determine whether your dog is nuisance or dangerous dog.

On behalf of the Town of Middleton, I respectfully request your presence at the meeting. The meeting will be held on Tuesday 1/31/2017 at 7:00 p.m. within the Nathan Media Room at Fuller Meadow School, 143 South Main Street, Middleton MA 01949.

If you have any questions or concerns, please contact me.

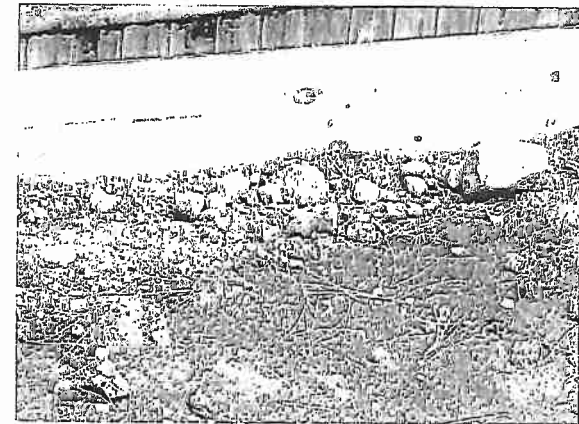
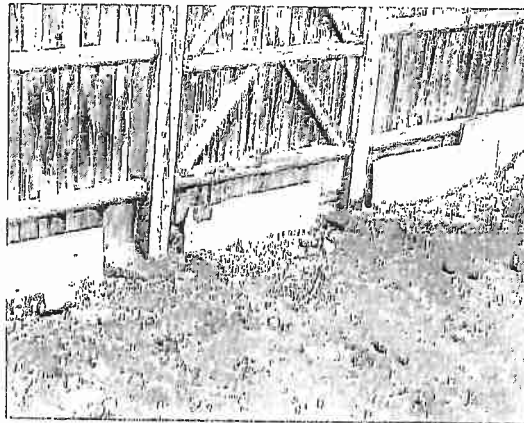
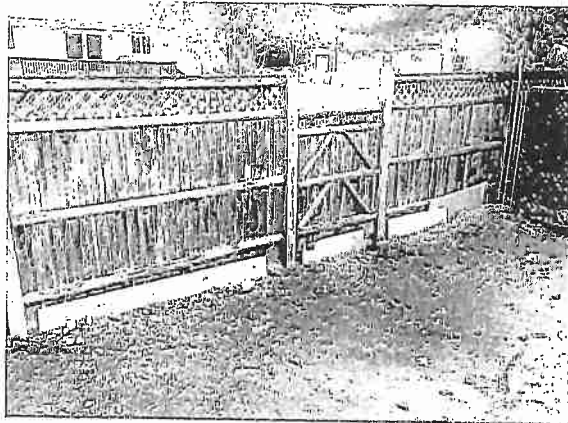
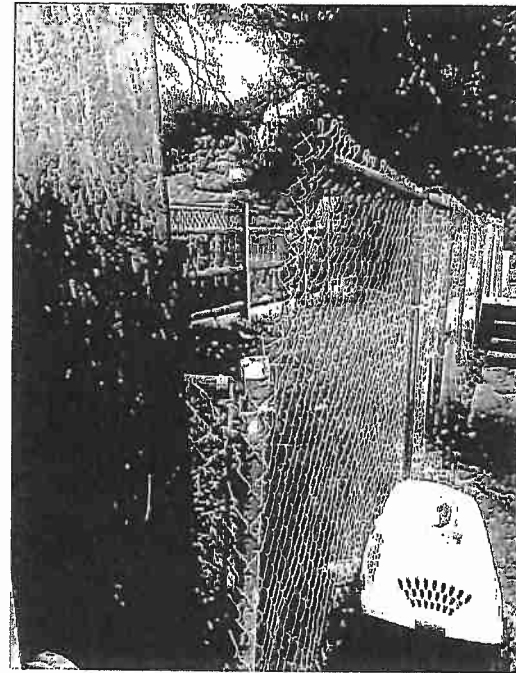
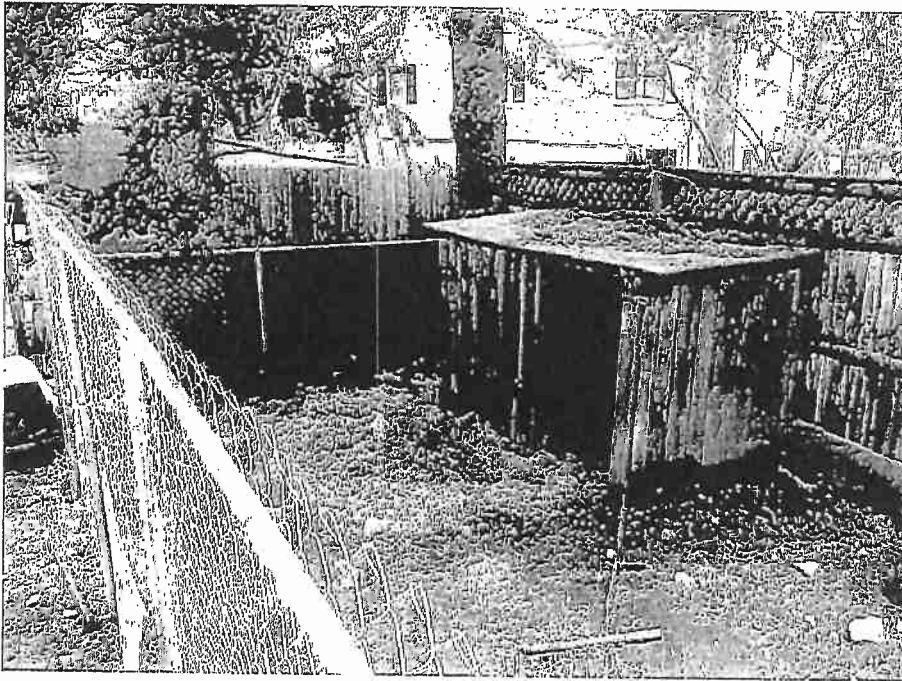
The Town of Middleton appreciates your attention to this matter.

Respectfully,

Derek Fullerton, RS/REHS, CHO, CEHT  
Public Health Director

Cc: Andrew Sheehan, Town Administrator  
Ryan Ferrara, Assistant Town Administrator  
Timothy Houten, Chair of Board of Selectmen  
Jim DiGianvittorio, Police Chief  
Reed Wilson, Animal Control Officer  
Regular Mail & Certified Mail





### **Kennel/Pen at 2 Belleview Avenue**

Top Pictures: 3 sided chain link pen, ownership of dog owner. 1 side wood fence, owner of abutter

Bottom Pictures: Wood baseboard provided to prevent digging under fence, with concrete base in place to prevent digging through soil.



Derek Fullerton, RS, CHO  
Public Health Director

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[www.townofmiddleton.org](http://www.townofmiddleton.org)



**Public Health**  
Prevent. Promote. Protect.

April 17, 2015

Joe Flynn  
2 Belleview Avenue  
Middleton, MA 01949

Certified Mail #70091680000087501374

Dear Mr. Flynn,

This letter serves as a follow up to our meeting today that was held at the Middleton Police Station at 2 p.m. Present at the meeting were, Joe Flynn (Dog Owner); your brother, William Flynn; Jim DiGianvittorio, Police Chief; Reid Wilson, Animal Control Officer; and Derek Fullerton, Public Health Director.

At the meeting you were outlined with the following related to your dog:

- Four occurrences of your dog at loose/at large off your property have been documented with the municipality of the Town of Middleton. Respectively, you have received three violation tickets with fines in accordance with our Town Code Chapter 270-7 pertaining to Animals.
- Following the first incident, when your dog bit another dog, you adhered to the quarantine order issued by the Animal Control Officer.

The fourth occurrence reflected the purpose of the meeting today with the aforementioned town officials. During our meeting you indicated, for the file, the facts listed below and submitted paperwork to support accordingly:

- Your dog is properly licensed by the Town of Middleton;
- Your dog is up to date with current rabies vaccination;
- Your dog attended pet training from Petsmart in 2014.

After further discussion with you and the Animal Control Officer, your dog continues to be a nuisance by actions of leaving off the property, at large and loose. At the present time, the Animal Control Officer does not deem your dog as a Dangerous Dog, but a Nuisance Dog. Respectively, you have indicated, in your best faith effort, procedures



Derek Fullerton, RS, CHO  
Public Health Director

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**Public Health**  
Prevent. Promote. Protect.

that you will continue and implement to eliminate this nuisance. The following are what you indicated:

- Continue to walk the dog on a leash;
- Install a large dog kennel on your property designed to prevent your dog from escaping your existing fenced in yard, by **May 1<sup>st</sup>, 2015**.

Please contact my department when the kennel is installed. In addition, note that future complaint(s) will cause an investigation of the complaint(s) and may result in your request to appear at a public hearing before the Board of Selectmen. The Selectmen (hearing authority) will determine actions and orders for the dog in accordance with Massachusetts General Law 193, An Act Further Regulation Animal Control (A copy was provided to you at our meeting today).

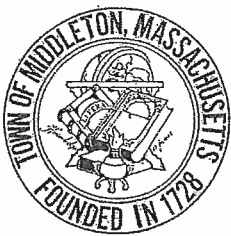
If you have any questions or concerns, please contact me.

The Town of Middleton appreciates your attention to this matter.

Respectfully,

Derek Fullerton, RS/REHS, CHO, CEHT  
Public Health Director

Cc: Ira Singer, Town Administrator  
Ryan Ferrara, Assistant Town Administrator  
Nancy Jones, Chair of Board of Selectmen  
Jim DiGianvittorio, Police Chief  
Reid Wilson, Animal Control Officer  
Regular Mail & Certified Mail



**Town of Middleton**  
Memorial Hall  
48 South Main Street  
Middleton, Massachusetts  
01949-2253  
978-774-3589  
[www.townofmiddleton.org](http://www.townofmiddleton.org)

January 26, 2017

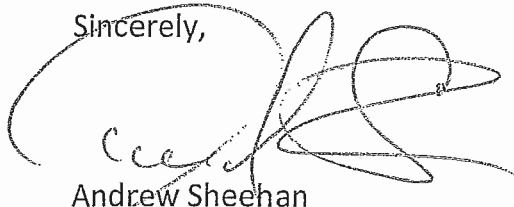
**To:** Residents of Bellevue Avenue, Hilldale Avenue, Riverview Drive, Jersey Lane, Maplewood Road and River Street (From The Greenway to Kimberly Lane)

**From:** Middleton Town Administrator's Office

**Subject:** Notice of January 31, 2017 public hearing regarding a dog domiciled at 2 Bellevue Avenue, Middleton, MA

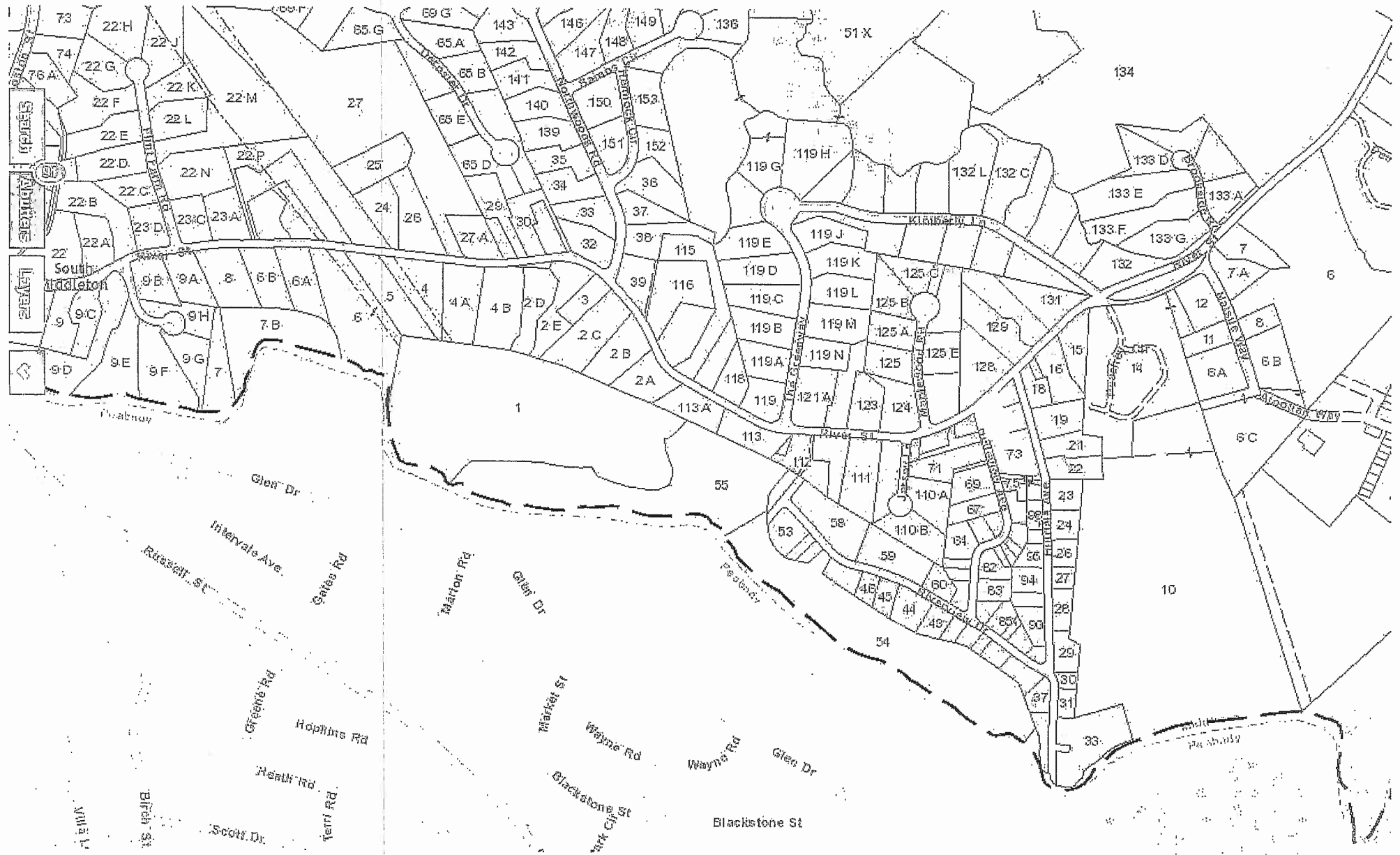
The Middleton Board of Selectmen have received complaints regarding the actions of a dog domiciled at 2 Bellevue Avenue. Neighbors indicate the dog recently escaped from 2 Bellevue Avenue and proceeded to bite another dog and in a separate incident, ran into a resident with sufficient force to knock the individual to the ground. **You are hereby invited to the Middleton Board of Selectmen's meeting on Tuesday, January 31st, at 7:00PM, at the Fuller Meadow School, for a public hearing.** The dog's owner, Mr. Joseph Flynn has been requested to appear before the Board of Selectmen. The Board of Selectmen, per the terms of Massachusetts General Law Chapter 140, Section 157, will investigate the complaint to determine whether the dog is a nuisance or dangerous dog. This notice is being forwarded to residents of Bellevue Avenue, Hilldale Avenue, Riverview Drive, Jersey Lane, Maplewood Road and River Street (From The Greenway to Kimberly Lane).

Sincerely,



Andrew Sheehan  
Town Administrator

List of 91 Abutters for dog nuisance complaint at 2 Bellevue Ave





## **Massachusetts General Law Chapter 140**

### **Section 157: Nuisance or dangerous dogs; orders for remedial action; appeal; violation of order**

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- (1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
- (2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
- (3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or
- (4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

- (i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

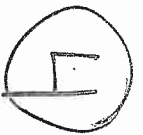
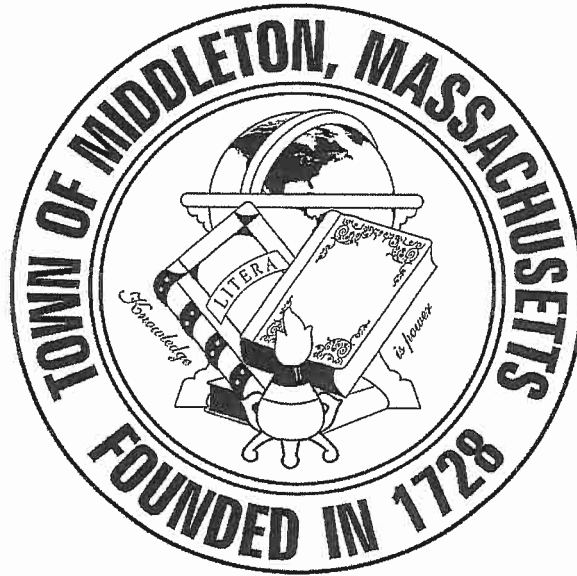
If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has

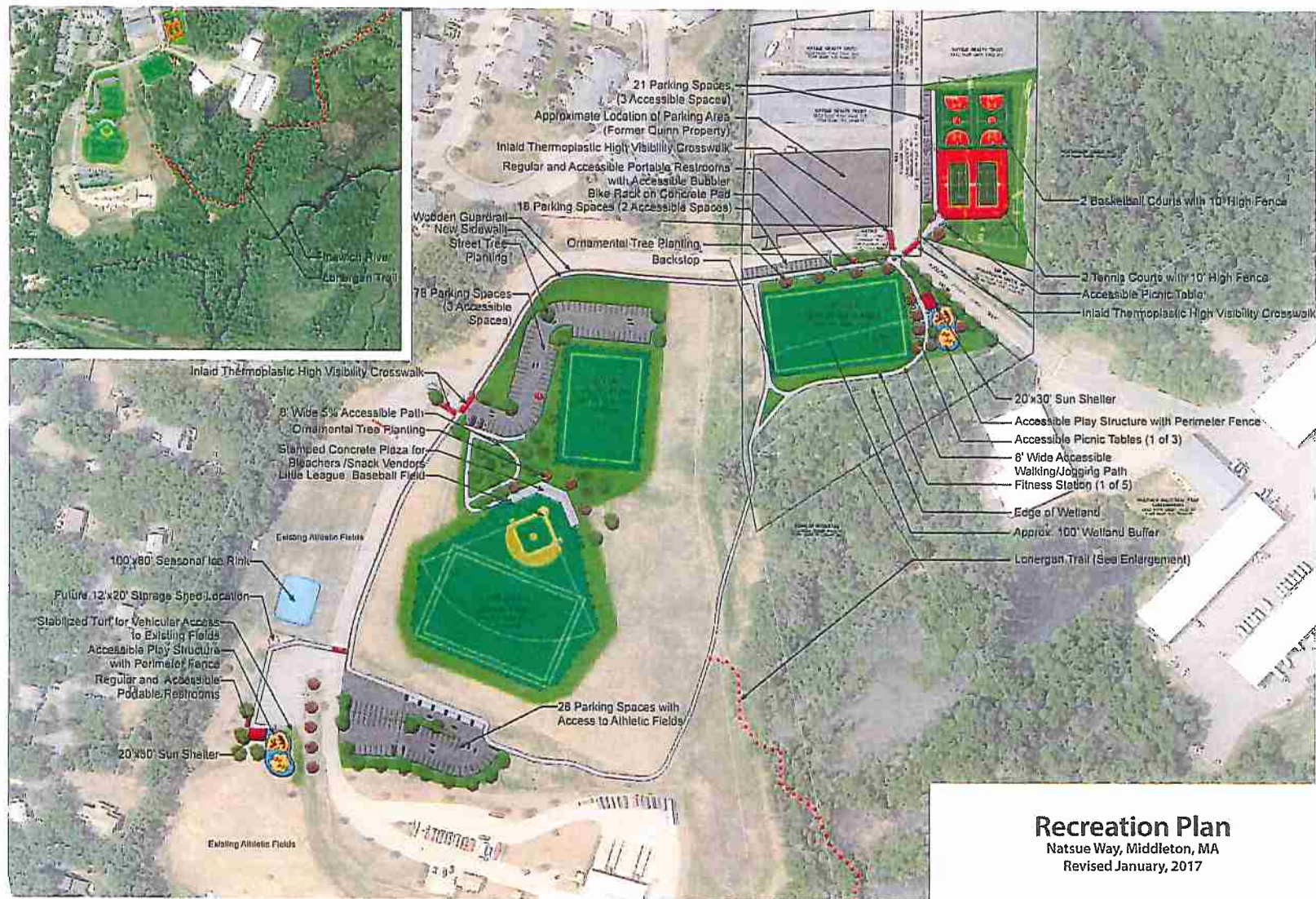
violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).

# **Natsue Way Recreational Plan Update January 31, 2017**





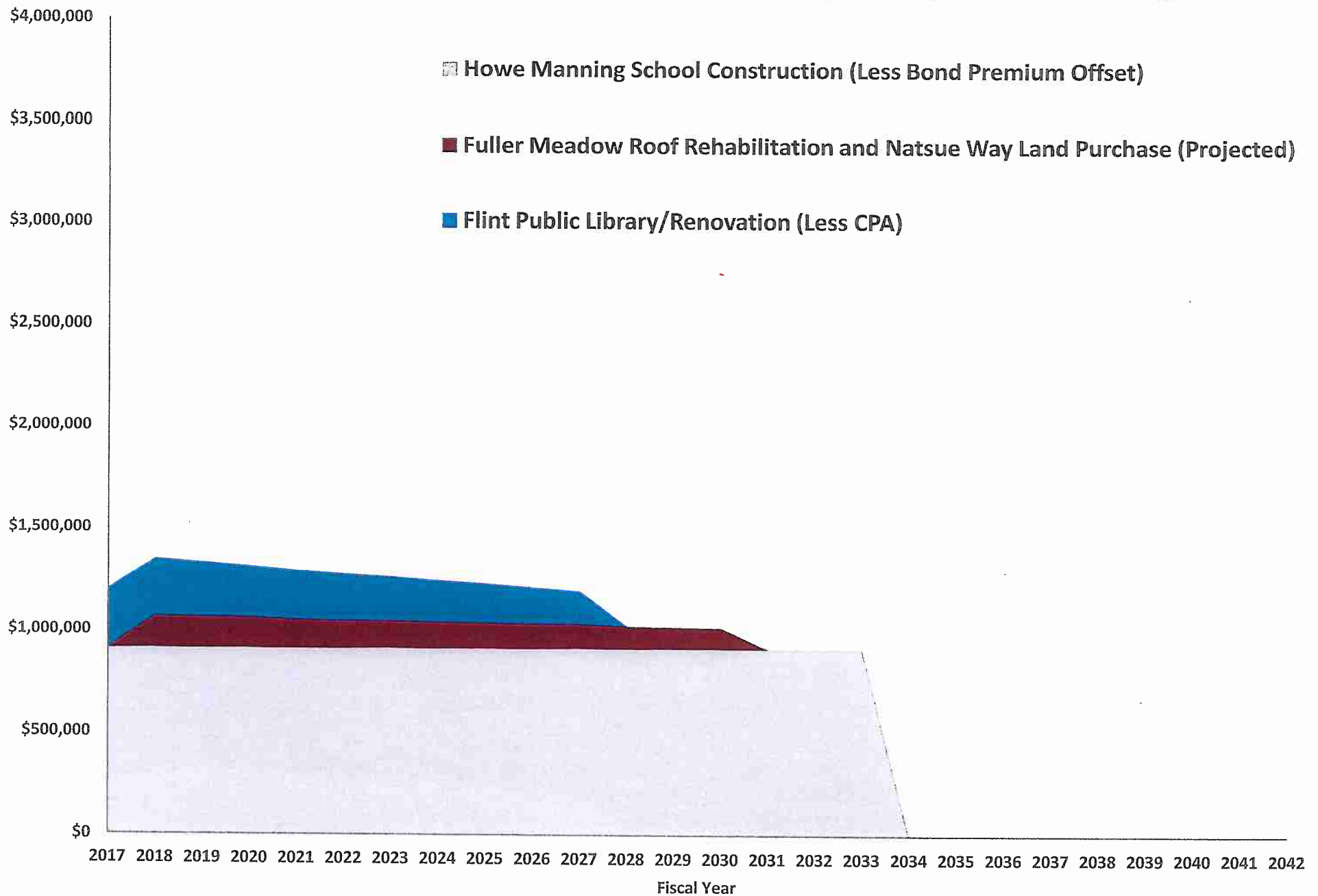


# UPDATED Construction Cost Estimates as of January 3, 2017

Project Component	Alternative			
	Entire Project	Lower Project Only	Courts Only	Lower Field Only
Phase 1 - Lower Field and Courts Including Upper Playground	\$ 1,680,000	\$ 1,680,000	\$ 821,500	\$ 1,032,000
Phase 2 - Upper Fields on Capped Landfill	<u>\$ 1,765,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Total Estimated Cost - July 2016	\$ 3,445,000	\$ 1,680,000	\$ 821,500	\$ 1,032,000
Project Escalation to July 2017 (3.9%)	<u>\$ 134,000</u>	<u>\$ 66,000</u>	<u>\$ 32,000</u>	<u>\$ 40,000</u>
<b>Total Updated Estimated Cost - 2017</b>	<b>\$ 3,579,000</b>	<b>\$ 1,746,000</b>	<b>\$ 853,500</b>	<b>\$ 1,072,000</b>

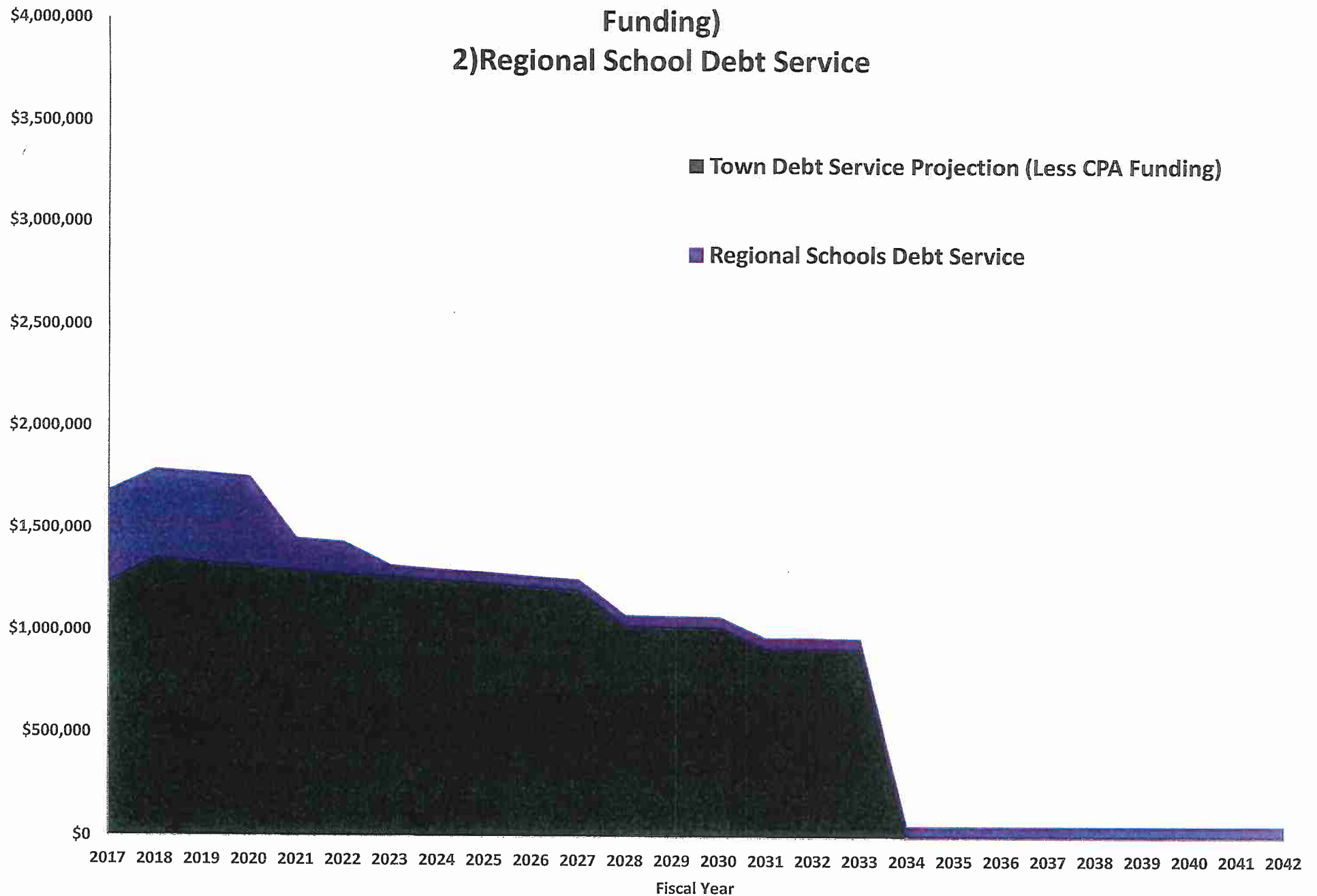
Note: Does not include cost for parking lot on Quinn Parcel

## February 2017 - Middleton Town Debt Service Projection (Less CPA Funding)





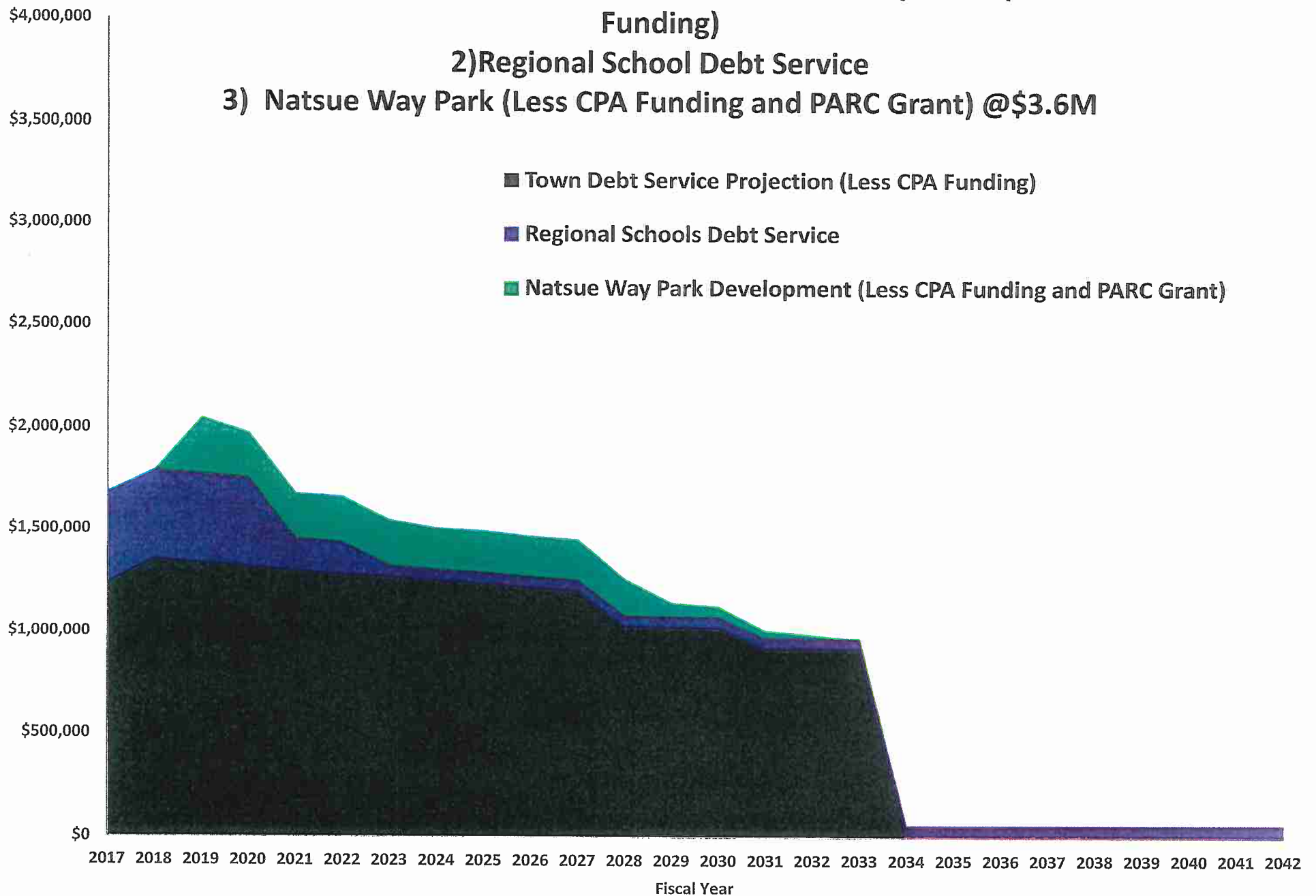
# February 2017 - 1) Middleton Town Debt Service Projection (Less CPA Funding) 2) Regional School Debt Service



# February 2017 - 1) Middleton Town Debt Service Projection (Less CPA Funding)

## 2) Regional School Debt Service

## 3) Natsue Way Park (Less CPA Funding and PARC Grant) @\$3.6M



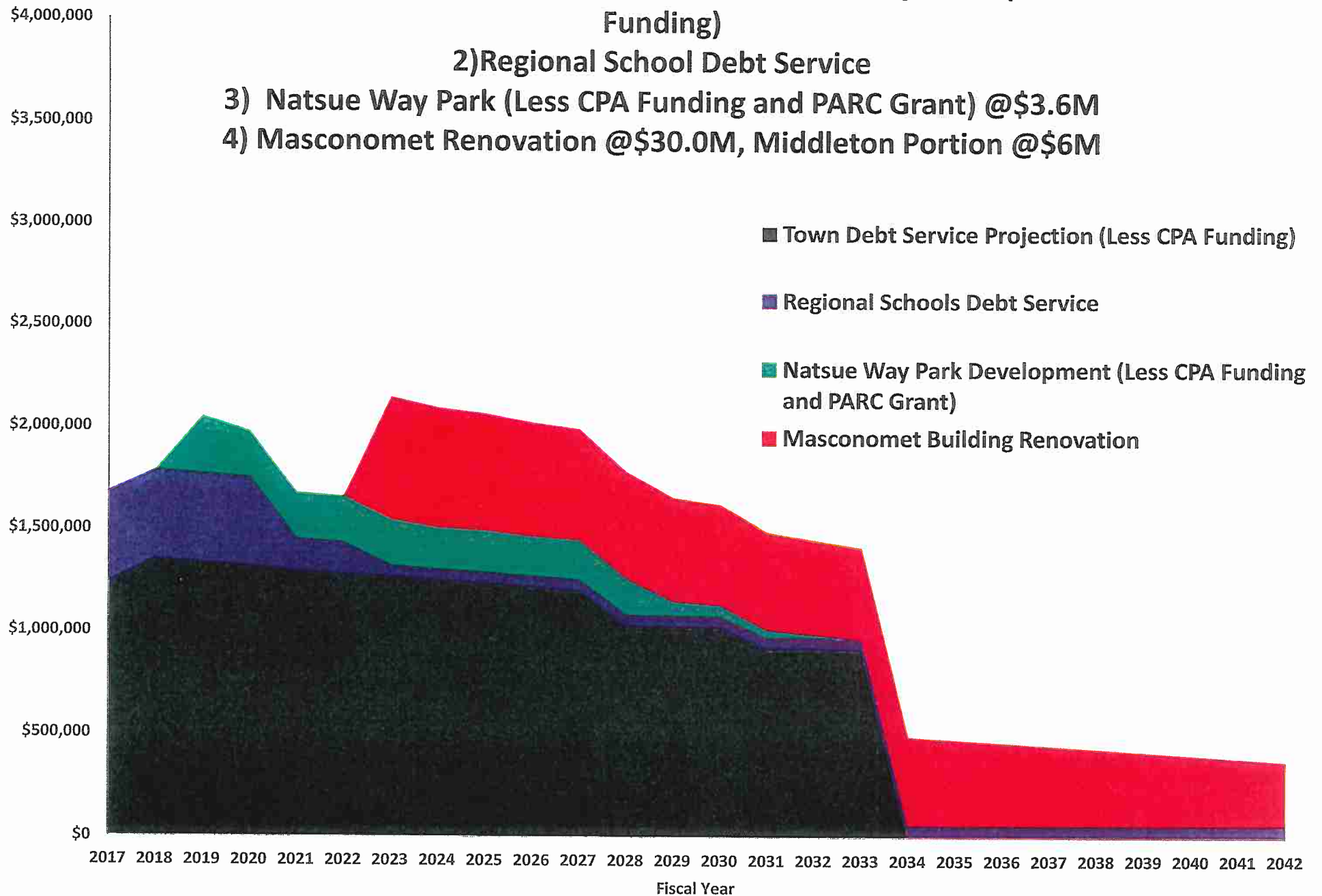


# February 2017 - 1) Middleton Town Debt Service Projection (Less CPA Funding)

## 2) Regional School Debt Service

### 3) Natsue Way Park (Less CPA Funding and PARC Grant) @\$3.6M

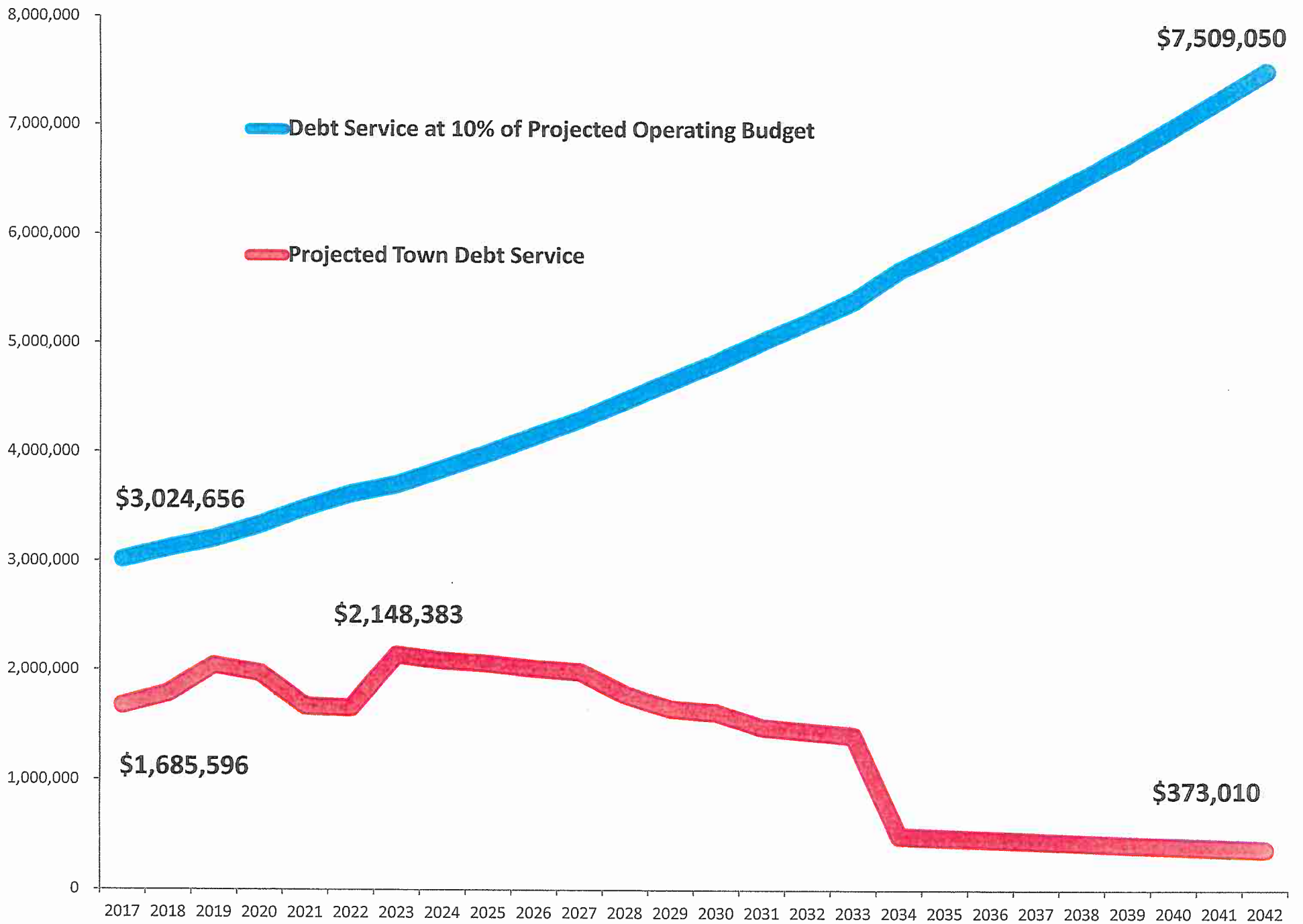
### 4) Masconomet Renovation @\$30.0M, Middleton Portion @\$6M



# Town of Middleton Debt Management Policy

The Town will establish a **debt service “ceiling” of 10%**, meaning that the annual debt service payable on bonded debt should not exceed 10% of the annual operating budget.

The Town will establish a **debt service “floor” of 2%** as an expression of support for continued investment in the town’s roads, schools, public facilities and other capital assets.



Debt Schedule	CPA Offset	PARC Grant	Total
387,160	(110,000)		277,160
373,400	(50,000)	(100,000)	223,400
363,800	(60,000)	(80,000)	223,800
354,200	(60,000)	(70,000)	224,200
344,600	(65,000)	(55,000)	224,600
335,000	(70,000)	(60,000)	205,000
325,400	(100,000)	(20,000)	205,400
315,800	(105,000)	(15,000)	195,800
306,200	(110,000)		196,200
296,600	(120,000)		176,600
282,000	(215,000)		67,000
272,600	(220,000)		52,600
263,200	(225,000)		38,200
253,800	(240,000)		13,800
244,400	(250,000)		(5,600)



**Based on the current Fiscal Year 2017 Tax Rate, an increase of \$277,160 to the tax levy would increase the \$13.95 tax rate by \$0.15. The average single family residential tax bill, at an assessed value of \$549,840, would increase by \$82.48 annually.**

## Impact of \$277,160 on the Fiscal Year 2017 Local Tax Rate

Current Tax Rate	\$13.95
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Tax rate impact of expenditure	\$0.15
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Assessed Value	Tax Bill Impact
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\$350,000	\$52.50
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\$549,840	\$82.48
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\$750,000	\$112.50
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\$950,000	\$142.50
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Debt Schedule	CPA Offset	PARC Grant	Total
387,160	(110,000)	0	277,160
373,400	(50,000)	0	323,400
363,800	(60,000)	0	303,800
354,200	(60,000)	0	294,200
344,600	(65,000)	0	279,600
335,000	(70,000)	0	265,000
325,400	(100,000)	0	225,400
315,800	(105,000)	0	210,800
306,200	(110,000)	0	196,200
296,600	(120,000)	0	176,600
282,000	(215,000)	0	67,000
272,600	(220,000)	0	52,600
263,200	(225,000)	0	38,200
253,800	(240,000)	0	13,800
244,400	(250,000)	0	(5,600)



**Based on the current Fiscal Year 2017 Tax Rate, an increase of \$323,400 to the tax levy would increase the \$13.95 tax rate by \$0.17. The average single family residential tax bill, at an assessed value of \$549,840, would increase by \$93.47 annually.**

## Impact of \$323,400 on the Fiscal Year 2017 Local Tax Rate

Current Tax Rate	\$13.95
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Tax rate impact of expenditure	\$0.17
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Assessed Value	Tax Bill Impact
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\$350,000	\$59.50
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\$549,840	\$93.47
-----------	---------

\$750,000	\$127.50
-----------	----------

\$950,000	\$161.50
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(5)

**Town of Middleton**  
Town Clerk  
Memorial Hall  
Middleton, Massachusetts 01949  
978-774-6927

**Business Certificate**

In conformity with the provisions of Chapter 110, Section 5 of the Massachusetts General Laws as amended, the undersigned hereby declare(s) that a business is conducted under the title of

Main Street Grill at  
245 S Main St.  
Address

By the following named person(s): (include corporate name and title, if corporate officer)

Full Name	Residence/Phone/ E-Mail
Spero Demakes	2 Westwind Rd Denver
	978-618-9964
	SJND101@AOL.com

Nature of Business Restaurant

The signatories below acknowledge this certificate is not proof of conformity to Zoning Bylaws or Board of Health regulations. It is the responsibility of the applicant to contact the Building Commissioner and the Health Agent in order to comply with Town Bylaws, rules and regulations.

Signatures: Spero Demakes

On January 23, 2001 the above named person(s) personally appeared before me and made oath that the forgoing statement is true.

Seal

Erika Ballew  
Signature of the Town Clerk or Assistant Town Clerk

Identification presented: Driver's License#

S36864930

Other

In accordance with the provisions of Chapter 337 of the Acts of 1985 and Chapter 110, Section 5 of MGL, business certificates shall be in effect for four (4) years from the date of issue and shall be renewed each four years thereafter. A statement under oath must be filed with the Town Clerk upon discontinuing, retiring or withdrawing from such business or partnership. Copies of such certificates shall be available at the address at which such business is conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business.

Violations are subject to a fine of not more than three hundred (\$300.00) for each month during which such violation continues.

Certificate expires January 23, 2001



*The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)*

**AMENDMENT APPLICATION FOR:**

**Change of Corporate Name, Change of DBA, Change of Legal Structure, Change of Class, Change of Category**

The following documentation is required as a part of your retail license amendment application.

*ABCC investigators reserve the right to request additional documents as a part of their investigation.*

**ALL AMENDMENTS REQUIRE:**

- ☒ Monetary Transmittal Form with \$200 fee *N/A for change of 01/13/14*  
~~You can PAY ONLINE or include a \$200 check made out to the ABCC.~~
- ☒ Amendment Application (this packet)
- ☒ Vote of the Corporate Board  
A corporate vote authorizing all amendments being applied for, signed by an authorized signatory for the licensed entity
- ☐ Additional Documents Required by the Local Licensing Authority

**ADDITIONAL REQUIRED DOCUMENTS:**

**CHANGE OF CORPORATE NAME**

- ☐ Business Structure Documents  
If Proposed Licensee is applying as:  
- A Corporation or LLC - Articles of Organization from the Secretary of the Commonwealth  
- A Partnership - Partnership Agreement  
- Sole Proprietor - Business Certificate

**CHANGE OF DBA**

- ☒ Business Certificate

**CHANGE OF CORPORATE STRUCTURE**

- ☐ Business Structure Documents  
If Proposed Licensee is applying as:  
- A Corporation or LLC - Articles of Organization from the Secretary of the Commonwealth  
- A Partnership - Partnership Agreement  
- Sole Proprietor - Business Certificate

**CHANGE OF CLASS, CATEGORY, TYPE**

No additional requirements

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Print Form

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE  
LOCAL LICENSING AUTHORITY.

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: NO FEE

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

00008-RS-0704

LICENSEE NAME: 245 Middleton Pub Corporation

ADDRESS: 245 South Main Street

CITY/TOWN: Middleton

STATE MA

ZIP CODE 01949

TRANSACTION TYPE (Please check all relevant transactions):

☐ Change of Hours

☒ Change of DBA

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL  
FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND  
SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION  
P. O. BOX 3396  
BOSTON, MA 02241-3396



# AMENDMENT APPLICATION FOR:

Change of Corporate Name, Change of DBA, Change of Legal Structure, Change of Class, Change of Category

Please check the amendment that you are applying for and complete the corresponding section. Please refer to the requirements page for required documents.

<input type="checkbox"/> Change of Corporate Name	Last-Approved Corporate Name:	<input type="text"/>
This is the License Entity Name or the Business Contact	Requested New Corporate Name:	<input type="text"/>

<input checked="" type="checkbox"/> Change of DBA	Last-Approved DBA:	<input type="text" value="Halley's Restaurant and Pub"/>
	Requested New DBA:	<input type="text" value="Main Street Grill"/>

<input type="checkbox"/> Change of Corporate Structure	Last-Approved Corporate Structure	<input type="text"/>
LLC, Corporation, Sole Proprietor, etc	Requested New Corporate Structure	<input type="text"/>

<input type="checkbox"/> Change of License Category	Last-Approved License Category	<input type="text"/>
All Alcohol, Wine and Malt, Wine Malt and Cordials	Requested New License Category	<input type="text"/>

<input type="checkbox"/> Change of License Class	Last-Approved License Class	<input type="text"/>
Seasonal or Annual	Requested New License Class	<input type="text"/>

<input type="checkbox"/> Change of License Type*	Last-Approved License Type	<input type="text"/>
i.e. Restaurant to Club Package Store to Supermarket	Requested New License Type	<input type="text"/>

\*CAN NOT change from an  
on-premise to an off-premises  
license type.\*

**ADDITIONAL SPACE**

The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.

APPLICANT'S STATEMENT

I, Spero J. N. Demakes the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP member  
Authorized Signatory

of 245 Middleton Pub Corporation, hereby submit this application for change of D/B/A  
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: Spero J. N. Demakes

Date: 1/19/17

Title: President



*The Commonwealth of Massachusetts*  
**Alcoholic Beverages Control Commission**  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**AMENDMENT APPLICATION FOR:**

**Change of Corporate Name, Change of DBA, Change of Legal Structure, Change of Class, Change of Category**

*Please complete this entire application. If field does not apply to your situation, please write N/A.*

<b>1. NAME OF LICENSEE</b> (Business Contact)	245 Middleton Pub Corporation		
ABCC License Number	00008-RS-0704	City/Town of Licensee	Middleton

**2. APPLICATION CONTACT**

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name:	John	Middle:	M.	Last Name:	Mooradian
Title:	Attorney		Primary Phone:	781-595-3311	
Email:	jmooradian@demakslaw.com				

**3. BUSINESS CONTACT**

Please complete this section **ONLY** if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.

Entity Name:					
Primary Phone:		Fax Number:			
Alternative Phone:		Email:			

**Business Address (Corporate Headquarters)**

Street Number:		Street Name:			
City/Town:		State:			
Zip Code:		Country:			

**Mailing Address**

☐ Check here if your Mailing Address is the same as your Business Address

Street Number:		Street Name:			
City/Town:		State:			
Zip Code:		Country:			

CORPORATE RESOLUTION

At a meeting of the Board of Directors of 245 Middleton Pub Corporation, a majority of the Board of Directors being present and voting, held at 245 South Main Street, Middleton, Massachusetts on January 17, 2017:

On motion duly made and seconded, it was unanimously

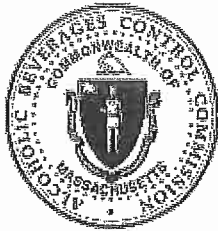
VOTED: That the President, Spero J. N. Demakes, is authorized on behalf of the corporation to apply to the Licensing Board of the Town of Middleton and the Alcoholic Beverages Control Commission for a Change of the D/B/A from "Hailey's Restaurant & Pub" to "Main Street Grill" relative to the Annual Restaurant All Alcoholic Beverages License with regard to the premises at 245 S. Main Street, Middleton, Massachusetts.

A TRUE COPY

ATTEST

  
Spero J. N. Demakes, Secretary





2017

CITY/TOWN:

DATE:

Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114

To the members of the Alcoholic Beverages Control Commission:

Acting under the authority contained in M.G.L. Ch. 138, §17, as amended the undersigned  
local licensing authority at a meeting held on:

Date of Meeting

estimated that the temporary increased resident population of:   
City/Town

As of July 10, 2017 will be

Estimate Resident Population

This estimate was made and voted upon by the undersigned at a meeting called for the purpose, after due notice to each  
of the members of the time, place, and purpose of said meeting, and after investigation and ascertainment by us of all  
the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

**THE ABOVE STATEMENTS ARE MADE UNDER THE PENALTIES OF PERJURY**

Very Truly Yours,  
Local Licensing Authorities

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS CERTIFICATION MUST BE SIGNED BY A MAJORITY OF THE MEMBERS OF THE LOCAL LICENSING AUTHORITIES.

Ward No	Prnct No	Active	Inactive	Non-Voter	Grand Total
0	01	3072	113	1188	<b>4373</b>
	02	3104	107	1343	<b>4554</b>
<b>0 Total</b>		<b>6176</b>	<b>220</b>	<b>2531</b>	<b>8927</b>
<b>Grand Total</b>		<b>6176</b>	<b>220</b>	<b>2531</b>	<b>8927</b>