

**BOARD OF SELECTMEN  
MEETING AGENDA**

**Fuller Meadow School**

**Nathan Media Room**

**143 South Main Street, Middleton, MA 01949**

**Tuesday, December 19, 2017**

**7:00 PM**

*This meeting is being recorded*

1. 7:00 PM Warrant  
Minutes  
Town Administrator
2. 7:10 PM Vote to appoint Carolyn Damato-MacPherson to the Zoning Board of Appeals through June 30, 2020
3. 7:15 PM Review of FY18 First Quarter financial highlights, presented by Chief Financial Officer/Town Accountant Sarah Wood.
4. 7:30 PM Blanket vote to renew alcoholic beverage licenses for calendar year 2018
5. 7:40 PM Blanket vote to renew all expiring licenses (Common Victualler, Class II, Class III, Gasoline, Golf Course, Auctioneer, Precious Metals, Livery Licenses) for calendar year 2018
6. 7:50 PM Review Open Meeting Law complaint and discuss response or delegate responsibility for the response.
7. 8:00 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed

*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.*

December 6, 2017

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Carolyn Damato-MacPherson  
14 Wennerberg Rd  
Middleton, MA 01949

Mr. Andrew Sheehan  
Town Administrator  
48 S Main Street  
Middleton, MA 01949

Dear Mr. Sheehan,

Please accept this letter, and attached application, as my submission for consideration for the open position on Middleton's Zoning Board of Appeals. I am interested in the opportunity to serve my community and feel I can be a valuable asset to the committee.

I have a Master's degree in Geography and Regional Planning from Indiana University of Pennsylvania (2008) and have spent the last 7 years teaching part-time in Salem State University's Geography department.

Prior to working at Salem State, I worked for the United States Census Bureau as an administrative Regional Technician, where I was the administrative trainer for 35 local offices within the Boston Region. I was also the regional subject matter expert on federal hiring regulations and veterans preference, and I functioned as a consultant to the local offices when administrative problems arose.

Through my graduate studies, and some post-graduate work, I participated in projects including brownfield remediation in Pittsburgh, PA, the design of recreational spaces, comprehensive plans, and long-range transportation plans. In graduate school, I spent several years working for tax-funded federal TRiO programs, from which I gained a deep understanding of the great responsibility that comes with the use of taxpayer money.

In addition to my experience and education, I consider myself to be an effective communicator. Years in the classroom have made me comfortable speaking to large groups, dealing with diverse opinions, and working to resolve problems efficiently.

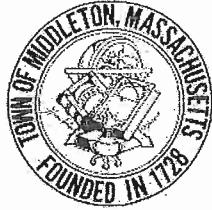
In all honesty, my husband and I didn't plan to stay in the area. But, seven years later, we love our home and our neighborhood, and we are here for good. Middleton is a community worth serving, and hope that in the future my service will not be limited to a single board.

Sincerely,



Carolyn Damato-MacPherson

Enclosure: Talent Bank Application



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

**TOWN OF MIDDLETON - TALENT BANK APPLICATION**

The Board of Selectmen maintains a Talent Bank of names of citizens of Middleton willing to serve on boards, commissions and committees. Names in this file are available for use by all Town Departments.

Names: Carolyn E. Damato MacPherson Telephone: 978-325-1562

Address: 14 Wennerberg Rd Bus. Telephone: n/a

Occupation: College Professor

Background Experience: MS Geography and Regional Planning, 7 years teaching geography/land use at the college level, 3 years in federal govt. administration

I am interested in serving on Town Boards and Committees involved in the following areas:  
(Please check all that apply. The Board encourages you to attach a recent resume if available.)

<input type="checkbox"/> Board of Health	<input type="checkbox"/> Recreation Commission
<input type="checkbox"/> Council on Aging	<input type="checkbox"/> Historical Commission
<input type="checkbox"/> Finance Committee	<input type="checkbox"/> Planning Board
<input checked="" type="checkbox"/> Board of Appeals	<input type="checkbox"/> Scholarship Committee
<input type="checkbox"/> Master Plan Committee	<input type="checkbox"/> Library Services
<input type="checkbox"/> Conservation Commission	<input type="checkbox"/> Town Recycling Committee
<input type="checkbox"/> Industrial Commercial Development	<input type="checkbox"/> Cultural Council
<input type="checkbox"/> Review Committee	

Amount of Time Available: 1-2 monthly evenings

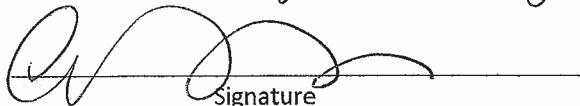
Are you available year round for committee meetings? Yes  No   
If not, when are you available?

Winter  Spring  Summer  Autumn

Are there any Boards or Committees in which you are particularly interested?

2DA, others as needed

Email Address: Carolyn.damato@gmail.com

  
Signature

December 6, 2017  
Date



**TOWN OF MIDDLETON**  
Office of Town Accountant/CFO  
48 South Main Street  
Middleton, MA 01949  
(978) 777-4966

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**TO:** **Board of Selectmen/Finance Committee**  
**FROM:** **Sarah Wood**  
**DATE:** **December 13, 2017**  
**SUBJECT:** **FY 2018, 1<sup>st</sup> Quarter Highlights**

This report includes a summary of the 1<sup>st</sup> quarter results as of September 30, 2017 of FY 2018 for the General Fund, CPA Fund, Water Fund, and Revolving Accounts. The General Fund accounts for the Town's annual operating and the majority of the capital budget. Exceptions include MELD and SESD assessments, which are accounted for as enterprise funds and capital budget items that are for another fund (i.e. CPA Fund).

### **General Fund Expenditures**

As of September 30, 2017, 26% of the FY 2018 General Fund budget had been expended. Please see the chart below for a breakdown of each major category's budget versus actual figures as of the first quarter in FY 2018. Encumbrances and warrant articles are not included in these figures.

<b>Major Category</b>	<b>Adjusted Budget</b>	<b>Actual Expended</b>	<b>Percent Expended</b>
General Government	\$1,724,382	\$323,377	19%
Public Safety	\$3,814,258	\$710,974	19%
Education	\$21,712,953	\$4,113,686	19%
Public Works	\$1,473,105	\$214,804	15%
Health and Human Services	\$485,157	\$99,809	21%
Culture and Recreation	\$562,774	\$150,781	27%
Unclassified	\$4,257,493	\$3,184,196	75%

At the end of the first quarter of the fiscal year the total year-to-date expenditures should be around 25% of the departmental budget. The recreation committee and Town counsel departments typically sees higher expenditures in the first quarter. Recreation committee's summer park program takes place within the first few months of the fiscal year therefore expenditures are higher. Town counsel bills bi-annually and therefore this department is typically higher than the expected 25% of budget.

The unclassified category has a higher percent expended because this category includes transfers to other funds, which are made at the beginning of the year. This category also includes items that are originally expensed to the Town but then allocated to MELD and the School Department in March.

As of September 30, 2017 48% of encumbrances carried from FY17 were closed out. At this period I would expect that all encumbrances were closed out. There are two items causing there to be a large amount still outstanding; police department compensation reserve related to ongoing litigation and school 1<sup>st</sup> Quarter special education transportation. The litigation was still ongoing as of September 30<sup>th</sup> and has since been resolved. The school transportation incurred some late bills that were paid in October versus being paid within the 1<sup>st</sup> Quarter.

### **General Fund Revenues**

Revenue collections were largely in line with estimates. As of September 30, 2017, 24.94% or \$8,551,442 of total estimated revenues for FY 2018 (\$34,284,283) had been collected.

Of the local receipts, there were only three categories that are lower than 25% of their budgeted revenues: Motor Vehicle Excise, Penalties & Interest on Taxes and Licenses and Permits. Motor vehicle commitments runs on a calendar year. The first commitment for calendar year 2018 will be issued in the third quarter therefore the majority of revenue collections typically occur in the third quarter of the fiscal year. Licenses and permits typically see the most activity in the second and third quarters of the year so it is not unusual for this line item to be below budgeted expectations in the 1<sup>st</sup> quarter. It should also be noted that revenues for licenses and permits are up 18% from 1<sup>st</sup> quarter of 2017. Penalties and Interest on taxes can fluctuate significantly from year to year. Looking forward into FY17 the Treasurer did have some larger payments received in the month of October, which will hopefully bring this category in line with our budgeted expectations.

Revenues as of September 30, 2017 that have exceeded their revenue budgets are transfer station stickers, fees and cemetery receipts. The majority of transfer station stickers are sold at the end of quarter one and beginning of quarter two. I would expect to see a slight increase in these revenues within the next quarter however amounts are generally consistent from year to year. Fees saw an increase in police department related fees. This is important to note as

historically we have seen a decline in these fees. Cemetery receipts has seen a 70% increase in interment (burial) fees compared to the end of the first quarter of FY2017.

It is pertinent to note that the budgeted figures do not include the Free Cash or Overlay Surplus appropriated to support the FY 2018 Operating Budget.

### **CPA Fund Expenditures & Revenues**

CPA expenditures at 54% of budgeted expenditures, not inclusive of capital items. This is due to debt payments for 11 S Main Street are due in August. The remainder of the operating budget items will be paid out in October.

CPA revenues are at 25% of the budget which is what is expected after the first quarter.

### **Water Fund Expenditures & Revenues**

Water expenditures are at 20% of the budget. This is not unusual as a large portion of the budget (\$50k) is for landfill mitigation which typically occurs later in the fiscal year.

There is no true budgeted amount for the water fund. It is expected that revenues will be enough to cover the current year budget as well as add some additional revenue that will close out to fund balance at the end of the year.

I hope the information presented is informative and helpful. If you have any questions, please do not hesitate to contact me.

**Town of Middleton, MA**  
**Fiscal Year 2018 Expenditures (unaudited)**

For the Period Ended GENERAL FUND	BUDGET	9/30/17	12/31/17	3/31/18	6/30/18	Total YTD EXPENDED	AVAILABLE BUDGET	% USED
		Quarter 1	Quarter 2	Quarter 3	Quarter 4			
Total 114 TOWN MODERATOR	\$ 200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200	0%
Total 122 SELECTMEN	288,976	65,115	-	-	-	65,115	223,861	23%
Total 131 FINANCE COMMITTEE	103,460	180	-	-	-	180	103,280	0%
Total 135 TOWN ACCOUNTANT	123,663	28,809	-	-	-	28,809	94,854	23%
Total 141 ASSESSORS	172,963	40,676	-	-	-	40,676	132,287	24%
Total 145 TREASURER/COLLECTOR	223,504	46,029	-	-	-	46,029	177,475	21%
Total 146 CUSTODIAN OF TOWN LANDS	2,500	-	-	-	-	-	2,500	0%
Total 151 TOWN COUNSEL	60,000	15,212	-	-	-	15,212	44,788	25%
Total 155 MIS	261,165	46,382	-	-	-	46,382	214,783	18%
Total 161 TOWN CLERK	127,054	28,002	-	-	-	28,002	99,052	22%
Total 162 ELECTIONS	18,341	323	-	-	-	323	18,018	2%
Total 171 CONSERVATION COMMISSION	52,049	14,411	-	-	-	14,411	37,638	28%
Total 175 PLANNING BOARD	99,418	21,069	-	-	-	21,069	78,349	21%
Total 176 BOARD OF APPEALS	10,746	122	-	-	-	122	10,624	1%
Total 181 MASTER PLAN COMMITTEE	1,198	122	-	-	-	122	1,076	10%
Total 192 TOWN BUILDING	104,145	16,533	-	-	-	16,533	87,612	16%
Total 195 TOWN REPORT	5,000	-	-	-	-	-	5,000	0%
Total 196 AUDIT	30,000	-	-	-	-	-	30,000	0%
Total 199 STREET LIGHTS	40,000	391	-	-	-	391	39,609	1%
Total 210 POLICE	1,712,807	328,608	-	-	-	328,608	1,384,199	19%
Total 220 FIRE	1,823,886	322,045	-	-	-	322,045	1,501,841	18%
Total 241 BUILDING INSPECTION	251,235	54,586	-	-	-	54,586	196,649	22%
Total 292 ANIMAL CONTROL	26,130	5,735	-	-	-	5,735	20,395	22%
Total 296 CONSTABLE	200	-	-	-	-	-	200	0%
Total 301 SCHOOL DEPARTMENT	11,466,881	1,580,842	-	-	-	1,580,842	9,886,039	14%
Total 314 MASCONOMENT ASSESSMENT	9,626,121	2,375,223	-	-	-	2,375,223	7,250,898	25%
Total 315 ESSEX TECH ASSESSMENT	619,951	157,622	-	-	-	157,622	462,329	25%
Total 420 DPW ADMINISTRATION	1,097,863	152,950	-	-	-	152,950	944,913	14%
Total 425 TRANSFER STATION	375,242	61,854	-	-	-	61,854	313,388	16%
Total 511 BOARD OF HEALTH	130,437	26,146	-	-	-	26,146	104,291	20%
Total 541 COUNCIL ON AGING	193,568	45,005	-	-	-	45,005	148,563	23%
Total 543 VETERANS AGENT	122,652	21,533	-	-	-	21,533	101,119	18%
Total 545 TRI TOWN COUNCIL	28,500	7,125	-	-	-	7,125	21,375	25%
Total 548 GARDEN CLUB	5,000	-	-	-	-	-	5,000	0%
Total 550 CHIEF WILLS FESTIVAL	5,000	-	-	-	-	-	5,000	0%
Total 610 LIBRARY	512,225	122,700	-	-	-	122,700	389,525	24%
Total 630 RECREATION COMMISSION	44,549	27,996	-	-	-	27,996	16,553	63%

Total 691 HISTORICAL COMMISSION	1,000	85	-	-	-	-	85	915	9%
Total 692 MEMORIAL DAY	5,000	-	-	-	-	-	-	5,000	0%
Total 710 DEBT SERVICE	1,358,927	779,554	-	-	-	-	779,554	579,373	57%
Total 820 STATE ASSESSMENTS & CHARGES	422,654	105,672	-	-	-	-	105,672	316,982	25%
Total 910 COMPENSATION RESERVE	25,000	2,500	-	-	-	-	2,500	22,500	10%
Total 911 RETIREMENT	1,300,187	1,628,327	-	-	-	-	1,628,327	(328,140)	125%
Total 913 UNEMPLOYMENT	10,000	198	-	-	-	-	198	9,802	2%
Total 914 HEALTH INSURANCE	801,525	262,361	-	-	-	-	262,361	539,164	33%
Total 915 GROUP INSURANCE	2,000	723	-	-	-	-	723	1,277	36%
Total 916 MEDICARE/DEP TAX	76,000	18,000	-	-	-	-	18,000	58,000	24%
Total 945 LIABILITY INSURANCE	161,200	286,862	-	-	-	-	286,862	(125,662)	178%
Total 962 TRANSFERS TO OTHER FUNDS	100,000	100,000	-	-	-	-	100,000	-	100%
<b>Total GENERAL FUND</b>	<b>\$ 34,030,122</b>	<b>\$ 8,797,628</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 8,797,628</b>	<b>\$ 25,232,494</b>	<b>26%</b>
<b>Total CPA</b>	<b>\$ 96,885</b>	<b>\$ 51,970</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 51,970</b>	<b>\$ 44,915</b>	<b>54%</b>
<b>Total WATER FUND</b>	<b>\$ 186,914</b>	<b>\$ 37,129</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 37,129</b>	<b>\$ 149,785</b>	<b>20%</b>
<p>The Departmental Codes in the 900 series are initially expensed with the Town covering all costs. In March, MELD's portion of these expenditures are journalized out of the GF and into MELD's fund. At fiscal year end, the School's portion of these expenditures are journalized and placed into the appropriate school accounts.</p>									

**Fiscal Year 2018 Warrant Articles Expenditures (unaudited)**

<u>Fund</u>	<u>FY Year</u>	<u>WA</u>	<u>Account Name</u>	<u>Original Appropriation</u>	<u>Available Balance at 7/1/2017</u>	<u>YTD Expenditure</u>	<u>Available Balance at 9/30/2017</u>
GF	2011	25	DPW RENO & MOWER	\$ 43,000	\$ 9,800	-	\$ 9,800
GF	2011	26	REPAIR TOWN HALL & OLD	52,000	2,277	-	2,277
GF	2012	30	STORM MANAGEMENT CONSULT	15,000	2,613	-	2,613
GF	2012	30	RE-INSULATE FIRE STATION ROOF	35,000	1,271	-	1,271
STM	2012	13	ASSESSOR GIS SVS	32,000	3,756	-	3,756
GF	2013	23	DPW BLDG REPAIR	41,000	29,320	-	29,320
GF	2013	36	SCHOOL SECURITY SYSTEM	37,000	7,691	-	7,691
GF	2014	26	DPW BLDG IMPROVEMENTS	35,000	8,513	-	8,513
GF	2015	9	FIRE DEPT DEBR COMPT	27,500	598	-	598
GF	2015	11	FIRE STATION REPAIR	10,000	177	-	177
GF	2015	13	RADAR GUN & VESTS	23,500	5,085	-	5,085
GF	2015	21	REP TRAILER/LEAF VAC	25,000	13,219	-	13,219
GF	2015	24	DPM COPY MACHINES	26,000	12,332	-	12,332
GF	2015	25	IMPROVE RUSHCHURK PK	90,000	41,605	-	41,605
STM	2015	2	ATHLETIC FIELD MAINT	35,000	19,357	2,322	17,034
GF	2016	14	TRUCK REPAIRS AND TOL	48,000	123	-	123
GF	2016	15	FIRE STATION REPAIR	15,000	8,782	952	7,830
GF	2016	16	FIRE TRAINING	16,000	3,951	-	3,951
GF	2016	18	ADDT/CHAP 90 FUNDING	75,000	3,555	-	3,555
GF	2016	25	DPW BUILDING REFURB	25,000	25,000	-	25,000
GF	2017	13	REPARE OLD HUNDRED LANE	23,500	6,630	-	6,630
GF	2017	17	REMBELATE NATURE WAY	165,000	145,115	-	145,115
GF	2017	19	LED STREET LIGHT CONVERSION	95,000	67,870	11,516	56,354
GF	2017	20	TIRES FOR 2008 LOADER	8,000	467	-	467
GF	2017	23	UPGRADE RADIO INFRASTRUCTURE	25,000	2,536	-	2,536
GF	2017	24	REPAIR FIRE ENGINE	14,000	2,257	2,181	76
GF	2017	24	NEW TURNOUT GEAR	29,000	1,720	-	1,720
GF	2017	24	FIRE PORTABLE RADIOS	28,000	1,099	-	1,099
GF	2017	26	PUBLIC FACILITIES STUDY	50,000	5,500	3,500	2,000
GF	2017	27	CHROMEBOOKS W/ CHARGING STATIONS	47,000	894	-	894
GF	2017	27	TEACHER LAPTOPS	3,300	3,300	-	3,300
GF	2017	27	MOBILE COMPUTER CARTS	2,000	2,000	-	2,000
GF	2017	28	SCHOOL ACCOUNTING & HR SOFTWARE	22,000	22,000	-	22,000
STM	2017	4	MEMORIAL HALL REPAIRS	100,000	95,375	4,745	90,630
GF	2018	26	PAVING & ROAD IMPROVEMENTS	100,000	100,000	6,953	93,047
GF	2018	28	REF/OUTFIT FOREST TRUCK	73,000	73,000	-	73,000
GF	2018	28	REF/DUMP TRUCK	11,000	11,000	10,375	625
GF	2018	26	DPW/REF/RODGE RIDING MOWER	9,000	9,000	9,000	9,000
GF	2018	26	TRANSFER STATION BUILDING AND DECK REPAIRS	8,500	8,500	7,675	825
GF	2018	26	REF/REF FLAT MOWER	7,000	7,000	6,000	1,000
GF	2018	26	REF/RODGE ROLL-OFF CONTAINER	33,000	33,000	33,000	33,000
GF	2018	27	PD PORTABLE RADIO UPGRADE	15,500	15,900	-	15,900
GF	2018	27	PD PISTOLS	12,000	12,000	12,000	12,000
GF	2018	27	CRUISER LAPTOPS	8,000	8,000	-	8,000
GF	2018	27	PURCHASE CRUISER RADIOS	8,000	8,000	-	8,000
GF	2018	27	RADAR/GUNS	3,900	3,900	3,882	18
GF	2018	27	PATROL RIFLES	1,400	1,400	-	1,400
GF	2018	28	REF/REF CAR 2	40,000	40,000	-	40,000
GF	2018	28	CH/OUTFIT FOREST TRUCK	35,000	35,000	15,325	19,675
GF	2018	28	FS SALARIES (MILITARY CALLUP)	26,000	26,000	25,947	53
GF	2018	28	FD BUILDING REPAIRS	20,000	20,000	-	20,000
GF	2018	28	TURNOUT GEAR WASHER/DRYER ***	17,000	17,000	49	16,510
GF	2018	28	FD TRAINING	16,400	16,400	-	16,400
GF	2018	28	FD COMMAND POST EQUIPMENT	16,000	16,000	-	16,000
GF	2018	28	FD DIV/JUMPS	11,000	11,000	-	11,000
GF	2018	28	REF/REF FIRE STATION GARAGE DOOR	10,000	10,000	-	10,000
GF	2018	28	FM SECURITY SYSTEM	8,000	8,000	-	8,000
GF	2018	29	FM SECURITY CURRICULUM	101,358	101,358	-	101,358
GF	2018	29	HOM SCIENCE CURRICULUM	66,550	66,550	49,291	17,259
GF	2018	29	HOM CHROMEBOKS	36,750	36,750	23,337	13,413
GF	2018	29	FM TECHNOLOGY IMPROVEMENTS	29,700	29,700	-	29,700
GF	2018	29	FM CHROMEBOKS	25,000	25,000	-	25,000
GF	2018	29	FM LIBRARY FURNITURE	23,000	23,000	-	23,000
GF	2018	29	FULLER MEADOW PADS	13,000	13,000	-	13,000
GF	2018	29	FULLER MEADOW WINDOWS	10,991	10,991	-	10,991
GF	2018	29	FULLER MEADOW CHROMEBOKS	6,725	6,725	-	6,725
GF	2018	29	FULLER MEADOW DOCUMENT CARRTS	4,980	4,980	-	4,980
GF	2018	30	MASCLO/DOCUMENT CARRTS	138	138	-	138
GF	2018	31	MASCLO CAPITAL IMPROVEMENTS	179,580	179,580	-	179,580
GF	2018	32	ESSEX TECH CAPITAL IMPROVEMENTS	10,907	10,907	-	10,907
GF	2018	33	COK-VAN REPLACEMENT	62,000	62,000	-	62,000
GF	2018	33	TOWN HALL WINDOWS	10,000	10,000	-	10,000
GF	2018	34	UPDATE MASTER PLAN	55,000	55,000	-	55,000
GF	2018	34	IT IMPROVEMENTS	34,450	34,450	8,650	25,800
GF	2018	34	VOTING TABULATORS	17,000	17,000	-	17,000
GF	2018	34	EMPLOYEE TRAINING	10,000	10,000	2,500	7,500
GF	2018	34	OK-VAN WORK	63,000	30,182	-	30,182
CFM	2013	27	OLD TOWN HALL	13,000	23	-	23
CPA	2014	14	TRANSTATION	9,500	500	-	500
CPA	2014	27	OLD TOWN HALL REPAIRS	22,000	22,000	-	22,000
CPA	2015	34	PHASE 1 RAILS TO TRAILS	130,000	126,600	-	126,600
CPA	2016	20	SHADE STRUCTURE AT FM	25,000	14,985	10,995	3,990
CPA	2016	21	TOWN COMMON IMPROVEMENT	100,000	4,713	-	4,713
CPA	2016	45	OLD TOWN HALL PLANS + DRAWINGS FOR REPAIR	20,000	8,510	-	8,510
CPA	2018	35	CUTTS SAW MILL PROJECT	4,900	4,900	-	4,900
CPA	2018	35	MILL POND DAM MARKER	2,000	2,000	-	2,000
CPA	2017	36	RIVER STREET WATER MAIN	450,000	101,240	101,240	-
CPA	2017	36	WATER PRESSURE UPGRDES/STUDIES LAKEVIEW AVE	65,000	-	-	65,000

\*\*\* - A GRANT WAS OBTAINED BY THE FIRE DEPARTMENT FOR THIS PURCHASE, THUS THIS ARTICLE WILL BE CLOSED TO THE G/F AT YEAR END

**Town of Middleton, MA**  
**Fiscal Year 2018 Encumbrance Expenditures (unaudited)**

<u>Fund</u>	<u>Department</u>	<u>Account Name</u>	<u>Approved</u>	<u>YTD Expended</u>	<u>Available Balance</u> <u>at 9/30/17</u>
GF	Treasurer	Contractual Services	\$ 363	\$ 363	\$ -
GF	Clerk	Capital Outlay	5,000	-	5,000
GF	Police	Compensation Reserve	168,386	-	168,386
GF	Police	Training	25,934	3,378	22,556
GF	Police	Mobile Phone	1,500	55	1,445
GF	Police	Contractual Services	5,183	-	5,183
GF	Police	New Cruiser	6,000	-	6,000
GF	School	Salaries	301,752	301,752	\$ -
GF	School	Supplies	148,635	34,581	114,054
GF	DPW	Catch Basin Cleaning	12,000	-	12,000
GF	DPW	Stone Sealing	6,500	-	6,500
GF	Transfer Station	Monitoring Wells	14,630	-	14,630
GF	BOH	Consultant	2,880	313	2,567
GF	COA	Fuel	336	336	\$ -
GF	COA	Equipment Repair	66	66	0
GF	COA	Telephone	725	200	525
GF	COA	Copier/Printer	156	-	156
GF	COA	Contractual Services	118	118	\$ -
GF	COA	Building Maintenance	956	247	708
GF	COA	Travel	1,583	1,583	\$ -
GF	COA	Outlay Equipment	175	175	\$ -
GF	Historical Commission	Map & Deed Binding	329	309	19
WATER	Water	Contractual Services	11,000	74	10,926
			\$ 714,208	\$ 343,553	\$ 370,656

48.1%

**Town of Middleton, MA**  
**Fiscal Year 2018 Revenues (unaudited)**

For the Period Ended GENERAL FUND	BUDGET	9/30/17	12/31/17	3/31/18	6/30/18	Total YTD REVENUE	(UNDER)/OVER BUDGET
		Quarter 1	Quarter 2	Quarter 3	Quarter 4		
PERSONAL PROPERTY TAXES	\$ 653,701	\$ 247,806				\$ 247,806	(405,895)
REAL ESTATE**	26,980,411	6,479,716				6,479,716	(20,500,695)
TAX LIEN/TITLE/FORECLOSURE	*	31,032				31,032	n/a
MOTOR VEHICLE EXCISE	1,775,000	169,021				169,021	(1,605,979)
OTHER EXCISE - ROOM	230,000	71,562				71,562	(158,438)
OTHER EXCISE - MEALS	170,000	55,813				55,813	(114,187)
OTHER EXCISE - PENALTIES AND INTEREST ON TAXES	100,000	10,238				10,238	(89,762)
PILOT	125,000	-				-	(125,000)
PILOT - MELD	204,000	-				-	(204,000)
CHARGES FOR SERVICES - SOLID WASTE FEES	165,000	53,165				53,165	(111,835)
FEES	105,000	28,127				28,127	(76,873)
DEPARTMENTAL REVENUES - LIBRARIES	3,500	645				645	(2,855)
DEPARTMENTAL REVENUES - CEMETERIES	50,000	16,600				16,600	(33,400)
OTHER DEPARTMENTAL REVENUE	55,000	29,329				29,329	(25,671)
LICENSES AND PERMITS	610,000	103,625				103,625	(506,375)
FINES AND FORFEITS	20,000	5,095				5,095	(14,905)
INVESTMENT INCOME	40,000	14,174				14,174	(25,826)
MEDICAID REIMBURSEMENT	30,000	4,954				4,954	(25,046)
STATE AID	2,301,696	561,565				561,565	(1,740,131)
TRANSFERS IN	668,975	668,975				668,975	
<b>Total GENERAL FUND</b>	<b>\$ 34,287,283</b>	<b>\$ 8,551,442</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 8,551,442</b>	<b>\$ (25,735,841)</b>
<b>Total CPA</b>	<b>\$ 213,440</b>	<b>\$ 53,308</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 53,308</b>	<b>\$ (160,132)</b>
<b>Total WATER FUND</b>	<b>*</b>	<b>\$ 25,450</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 25,450</b>	<b>N/A</b>

\* Indicates budgeted figures not available.

\*\* Net of Overlay raised on recap

Note: The budgeted figures for Personal Property and Real Estate taxes are the amounts to be raised per the recap

Note: Budgeted revenues does not include the free cash or overlay surplus appropriated for fiscal year expenditures

**Town of Middleton, MA**  
**Revolving Funds (unaudited)**

	Fund Balance as of 7/1/2017	Revenue as of 9/30/17	Expenditures as of 9/30/17	Fund Balance as of 9/30/17
RECREATION REVOLVING	\$ 17,343	\$ 3,159	\$ (2,872)	\$ 17,630
USER FIELD FEES	32,324	3,200	(501)	35,023
COA TRIP FUND	17,085	2,860	(1,443)	18,502
STORMWATER MANAGEMENT	600	100	-	700
FIREARMS LICENSES AND PERMITS	13,355	600	-	13,955

**Town of Middleton, MA**  
**Appropriation Funds (unaudited)**

	Fund Balance as of 9/30/2017	Revenue as of 9/30/2017	FY 18 Appropriation
FIRE ALARM FEES	\$ 13,055	\$ -	\$ (15,000)
AMBULANCE FUND	555,824	148,965	(380,000)
WATER FUND	702,222	25,450	(186,914)
CELL TOWER LEASE RECEIPTS	120,249	15,025	(50,000)
PEG	343,097	51,025	(208,975)
WEIGHTS & MEASURERS	32,792	-	(15,000)
OPEB*	1,087,924	39,056	50,000
STABILIZATION*	1,935,205	1,175	50,000

\* Revenue amount indicates interest only.

4+5

Received	Name	Manager	Address 1
	<b>Auctioneer</b>		
12/12/2017	Brian Pollock		PO BOX 252 Berwick ME 03901
12/14/2017	Stephen Cyr		895 Salem Street
	<b>Alcohol</b>		
11/29/2017	Augustus P. Gardner Post #227	Mike Pelletier	69 River St.
11/27/2017	Angelica's Restaurant	Chris A. Kourkoulis,	49 South Main St
11/30/2017	Blue Fin Restaurant	Ganesh Bahadur Thapa	260 South Main St.
11/30/2017	Captain Pizza	Demetria Captain	227R Maple St
11/30/2017	China Villa	Carol N. Pelletier	239 Maple St.
11/30/2017	Ferncroft Country Club 19th Hole	Ronald E. Rice	SD Management Group, LLC
11/28/2017	J & J Paikos, Inc. (Dave's Liquors)	James J. Paikos	170 N Main St
11/29/2017	Double Tree	Elena Hargraves	51 Village Rd.
11/28/2017	J & A Convenience (Fast Freddie's Gas)	Ritaben Patel	265 So Main St
11/30/2017	Luv Kush (Howe Station)	Dipak Karia	229 Maple St
11/28/2017	Maggies Farm	Laura Balestraci	119 South Main St.
11/30/2017	Madhukanta Marketing (Middleton Beer and Wine)	Kush Karia	251 So Main St
11/28/2017	Middleton Golf II	William George	105 So Main St
11/27/2017	Mike's Discount Liquors	Magdy Ghaly	21 S Main St
11/30/2017	Omega Pizza	Ardian Kadeli	232 So Main St
11/30/2019	The Club House Golf and Entertainment	Joseph Piemonte/Wayne Pasanen	216-220 S. Main St
11/28/2017	J & M Convenience (Richdale)	Mukesh Patel	23-29 So Main St
11/30/2017	Siam Grill 88-Tungs Taste		242 South Main St
11/22/2017	Teresa's Italian Eatery	Nicholas A. Yebba, Jr	149 South Main St
11/27/2017	Vinum Wine Shop Inc	John Miller	210B So Main St

	<b>Class II</b>		
12/12/2017	Alliance Motor Group	Aleksey Alekseyev	184-186 North Main St
12/5/2017	Auto Choice of Peabody Inc	Glen Pierce	69 North Main St
11/29/2017	Discount Auto Sales	Jeffrey Garber	73 North Main St
12/11/2017	North 5 Auto Sales	Joseph Mazzochia	6 Dolan Drive
12/11/2017	RC Auto Group	Richard A. Cardinale	28 Campbell Rd
12/14/2017	Robert's Motor Group	Robert Malerba	5 Forms Way, Unit #2
12/7/2017	Johnny Car Craft Auto Wholesale	John S. Nicholls	6 Campbell Rd
12/15/2017	Griffs Auto	Derek Griffin	7 Second Ave
	<b>Class III</b>		
12/15/2017	Muzichuk Garage Inc.	Paul Muzichuk	295 North Main St P O Box 822
	<b>Common Victuallar Non-Alcohol</b>		
12/14/2017	Charlie's Roast Beef	Kleanth Oirjazi	152B So Main Street
12/11/2017	Cumberland Farms		4 So Main St
12/7/2017	Colby Co Enterprises (Dairy Queen)	Linda Colby	250 So Main St
11/30/2017	Danvers Fish & Game Club	Treasurer	20 Birch Road
12/12/2017	Eva's Farm Butcher Shop		210 A So Main St
12/12/2017	Fabio Donuts, Inc 29 South Main		260 So Main St
12/12/2017	Fabio Donuts, Inc 260 South Main		29 So Main St
12/15/2017	Farmer Brown's Barn		210 Maple St
12/14/2017	Freddy's Place		214 A So Main St
12/7/2017	J C Grill Pizza Convenience		323 No Main St
12/5/2017	Lisha & Nirali Fuel Inc.		223 Maple St
12/12/2017	Maple St Donuts LLC		241 Maple St
12/11/2017	Middleton House of Pizza Inc.		251 B So Main St
12/15/2017	Panini Pizza		15 No Main St
11/30/2017	Richardson Dairy		156 So Main St
11/30/2017	RPD Donuts Inc.		323 No Main St
12/7/2017	S & H Richdale		152A So Main St
12/15/2017	Sol Bean		119 So Main St
12/13/2017	Ruggieri's		170 No Main St Unit 5
12/15/2017	Subway		259 So Main St

	<b>Gasoline Pumps Only</b>		
12/5/2017	Bouchard's Auto Service	Albert Cappucci	232 Maple Street
	<b>Golf</b>		
12/12/2017	Rte 114 Golf Driving Range & Minature Golf (Needs Amusement)	Jonathan Nekoroski	160 South Main St
12/12/2017	Paradise Springs Corp (Needs Common Victullar)		28 Lonergan Road
	<b>Automatic Amusement Only</b>		
12/15/2017	Extra Innings, Inc	Robert Nash	264 So Main St
	<b>Precious Metals</b>		
11/30/2017	Parisi Hill LLC (Boston Tesoro)		119 So Main St
12/5/2017	Cash for Gold		251 So Main St
	<b>Taxi License</b>		
12/5/2017	Boston Executive Coach		174 Lake St
12/12/2017	LCS- Limo and Concierge Services Livery	Sanjay Jain	73 Peabody Street

	Still Pending Payment or Documentation		
	Milton Pollock		14 Essex St
	Ronald Pollock		14 Essex St
	McDonalds	McDonalds 255 So Main St	200 Monsignor O'Briently
	Main Street Grill	Spero J. N. Demakes	245 South. Main St
	Not Renewing		
	Libre Livery Service	Lisa Sheehan	73 Fuller Pond Road
	Mark B. Blechman	ABA	464 Boston Post Road

As of 12/15/2017 @12:00PM

Andrew Sheehan

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**From:** Teresa Buono <teresabuono@comcast.net>  
**Sent:** Wednesday, December 13, 2017 1:50 PM  
**To:** Andrew Sheehan  
**Cc:** townclerk; Brian Cresta; Kosta Prentakis; Timothy Houten; Richard Kassiotis; Todd Moreschi  
**Subject:** Re: Tax Classification Hearing and Open Meeting Complaint  
**Attachments:** BOS OML Complaint13Dec17.pdf; ATT00001.htm; BOA OML Complaint13Dec17.pdf; ATT00002.htm

Hi Andy,

Thanks for this. I'm including everyone on my response so that folks understand where I'm coming from regarding my comments.

- 1) Notice: I understand that the hearing was posted in the paper. However, it was not properly posted on the town website in the agenda for the meeting. You are legally required to ensure that the posting of agendas, and public hearings in particular, are consistent with the legal ad posting as most people refer to the website these days for information. I believe that was one of the impetuses for the Attorney General's Open Meeting law changes on October 6th this year (please refer to 940 CMR 29.03(2)). So, if I just read the agenda on it's face, it's not clear that the hearing is public. The legal ad in a newspaper does not obviate the BOS from verifying that the agenda item appropriately reflects that the hearing is public.
- 2) When conducting a public hearing, it must be appropriately opened and closed to public comment. This was never done. Whether or not the BOS believed that the individuals in the audience were there to comment during the hearing or not, this should have been done. The comment period should have been opened, the chair should have asked if anyone wished to comment, and if there were no comments, the hearing should have been closed.
- 3) I would like to understand why the formal adoption of the tax classification and rate determination was done during recess. This is all part of the public hearing process and if the BOS is making a formal adoption, it should be done in open session.
- 4) According to the Tax Classification Hearing Notice requirements: a) the notice should appear in the paper "within a reasonable period of time before the hearing date" and information regarding the policy decisions should be made available. Posting on 11/29, 3 calendar days (excluding Saturday and Sunday) without appropriate reference to any policy decisions, does not meet this requirement. Further, there was no policy decisions referenced at the time of posting. I note that the policy decision was dated 12/5/2017, which was the date of the public hearing. This is inappropriate. I'm not sure how a taxpayer can adequately speak to the policies without knowing what they are. In reviewing the agendas for the Board Assessors meeting on 11/30, I see that this agenda does not accurately describe the discussion of Tax Classification. I assume it is the subject of #6 Update for Certification & Classification schedule. This is the second time I have found the the Board of Assessors has failed to list an agenda topic with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting" (940 CMR 29.03(1)(b)).

It's for the reasons above that I am filing Open Meeting Law complaints to the Board of Selectmen and the Board of Assessors (attached). I will send the Open Meeting complaint to the BOA under separate email to the Board and Ilene. I look forward to your response.

Best,  
Teresa



## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Teresa Last Name: Buono

Address: 25 Dixey Drive

City: Middleton State: MA Zip Code: 01949

Phone Number: 9787770515 Ext.                   

Email: teresabuono@comcast.net

Organization or Media Affiliation (if any): N/A

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

### Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/ town, county or region, if applicable): Middleton Board of Selectmen

Specific person(s), if any, you allege committed the violation:                   

Date of alleged violation: 12/5/2017

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Middleton's official posting method is on the town website. The Board of Selectmen (BOS) posted the 12/5/2017 Tax Classification public hearing notice in the Salem Evening News on 11/29/17, not the town website. The agenda for the meeting posted on the town website was not consistent with the legal ad published on 11/29/17 and did not adequately describe the Tax Classification hearing as a public hearing. Further, Selectmen Cresta did not open or close that portion of the meeting as a public hearing. Also, it appears that the formal adoption of tax classification was taken during a recess. If the hearing was conducted in public, I believe it is required that the formal adoption be conducted in public as well. I am submitting this complaint in concert with an Open Meeting law complaint of the Board of Assessors (BOA) regarding the public meeting notification process, policy decision availability requirement, and conduct of the Tax Classification public hearing on 12/5/17. I believe both public bodies failed to adequately notify the public regarding the Tax Classification process and failed to provide relevant policy information to the public in a timely manner. Looking at the time from when the BOS posted the hearing on 11/29/17, when the BOA met on 11/30/17, when the BOA presented their policy recommendation on 12/5/17, and when the BOS voted on the tax classification on 12/5/17, there is insufficient time for adequate public review and comment (only 3 calendar days excluding Saturday and Sunday). I believe the actions of the BOS to not adhere to their official posting method, failure to ensure the agenda accurately reflected the public nature of the hearing, failure to allow reasonable time for public notice of the hearing, failure to provide information on policy decision, and failure to properly open and close the public hearing constitute actions that are intentional violations of the Open Meeting law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The votes taken regarding Tax Classification should be vacated. The hearing should be reposted and conducted again. Any documentation signed during the meeting and submitted to the Commonwealth of Massachusetts should be rescinded. The BOS should ensure that they, and members of all committees appointed by the BOS, receive appropriate training on current Open Meeting law. The BOS must include public comment at the beginning of the agenda for all of their future meetings.

## Review, sign, and submit your complaint

### **I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### **II. Consulting With a Private Attorney.**

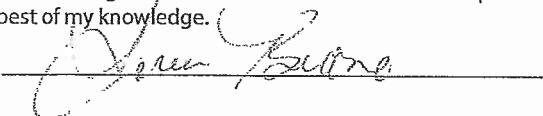
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### **III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:



Date: 13 Dec 2017

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:



## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Teresa Last Name: Buono

Address: 25 Dixey Drive

City: Middleton State: MA Zip Code: 01949

Phone Number: 9787770515 Ext.                   

Email: teresabuono@comcast.net

Organization or Media Affiliation (if any): N/A

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

### Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/  
town, county or region, if applicable): Board of Assessors

Specific person(s), if any, you allege  
committed the violation:                   

Date of alleged violation: 11/30/2017

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

In reviewing the agenda for the Board of Assessors (BOA) meeting on 11/30/17, I see that this agenda does not accurately describe the discussion of Tax Classification. I assume it is the subject of #6 Update for Certification and Classification schedule. This is the second time this year that I have found the BOA has failed to list an agenda topic with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting" (940 CM R29.03(1)). The tax policy recommendation reviewed at this meeting was subsequently presented and discussed during the public hearing at the Board of Selectmen (BOS) meeting on 12/5/17. I am submitting this Open Meeting Law complaint in concert with an Open Meeting law complaint of the Board of Selectmen (BOS) regarding the public meeting notification process by the BOS and policy decision availability requirement by the BOA. Looking at the time from when the BOS posted the hearing on 11/29/17, when the BOA discussed relevant policy on 11/30/17, when the BOA presented their policy recommendation on 12/5/17, and when the BOS voted on the tax classification on 12/5/17, there is insufficient time for adequate public review and comment (only 3 calendar days excluding Saturday and Sunday). I believe both public bodies failed to adequately notify the public regarding the Tax Classification process and failed to provide relevant policy information in a timely manner. I believe these actions display intent to violate the Open Meeting law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The BOA must send out a public notice regarding the availability of the tax classification policy. Any tax classification documentation approved on 12/5/17 and submitted to the Commonwealth of Massachusetts should be rescinded. The hearing should be reposted and conducted again. The BOA should ensure that they receive appropriate training on current Open Meeting law requirements.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

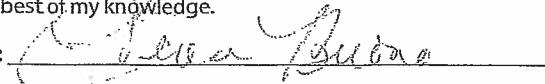
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:



Date: 13 Dec 2017

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

Once property has been classified, the Board of Selectmen or Town Council of a town, or a City Council in a city, shall call and conduct a public hearing regarding the issue of allocating the percentage of the tax levy to be borne by each class of property for the fiscal year. At the public hearing the Board of Assessors shall provide information and relevant data including the fiscal effects of the available alternatives.

This public hearing, shall comply with the requirements of the "Open Meeting Law", as supplemented by local by-law or ordinance.

In addition, local officials must provide notice of the conduct of the hearings to all taxpayers by a comprehensive public information release in a newspaper of general circulation in the community, as well as in any other appropriate news media. The release should provide information regarding the policy decisions available, and should indicate the manner by which interested taxpayers may present oral or written information on their views.

When providing notice and when conducting the public hearing, local officials shall further the legislative intent to provide an open forum for the discussion of local property tax policy.

and release the minutes, if appropriate, no later than its next meeting or within 30 days, whichever occurs first. In such circumstances, the body should still respond to the request within 10 days, notifying the requestor that it is conducting this review.

#### What is the Attorney General's role in enforcing the Open Meeting Law?

The Attorney General's Division of Open Government is responsible for enforcing the Open Meeting Law. The Attorney General has the authority to receive and investigate complaints, bring enforcement actions, issue advisory opinions, and promulgate regulations.

The Division of Open Government regularly seeks feedback from the public on ways in which it can better support public bodies to help them comply with the law's requirements. The Division of Open Government offers periodic online and in-person training on the Open Meeting Law and will respond to requests for guidance and information from public bodies and the public.

The Division of Open Government will take complaints from members of the public and will work with public bodies to resolve problems. While any member of the public may file a complaint with a public body alleging a violation of the Open Meeting Law, a public body need not, and the Division of Open Government will not, investigate anonymous complaints.

#### What is the Open Meeting Law complaint procedure?

##### Step 1. Filing a Complaint with the Public Body

Individuals who allege a violation of the Open Meeting Law must first file a complaint *with the public body* alleged to have violated the OML. The complaint must be filed within 30 days of the date of the violation, or the date the complainant could reasonably have known of the violation. The complaint must be filed on a Complaint Form available on the Attorney General's website, [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting). When filing a complaint with a local public body, the complainant must also file a copy of the complaint with the municipal clerk.

##### Step 2. The Public Body's Response

Upon receipt, the chair of the public body should distribute copies of the complaint to the members of the public body for their review. The public body has 14 business days from the date of receipt to review the complainant's allegations, take remedial action if appropriate, notify the complainant of the remedial action, and forward a copy of the complaint and description of the remedial action taken to the Attorney General. While the public body may delegate responsibility for responding to the complaint to counsel or another individual, it must first meet to do so.

The public body may request additional information from the complainant. The public body may also request an extension of time to respond to the complaint. A request for an extension should be made within 14 business days of receipt of the

REC'D 12/13/17  
RESPONSE  
DUE 1/4/18

complaint by the public body. The request for an extension should be made in writing to the Division of Open Government and should include a copy of the complaint and state the reason for the requested extension.

### Step 3. Filing a Complaint with the Attorney General's Office

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A complaint is ripe for review by the Attorney General 30 days after the complaint is filed with the public body. This 30-day period is intended to provide a reasonable opportunity for the complainant and the public body to resolve the initial complaint. It is important to note that complaints are **not** automatically treated as filed for review by the Attorney General upon filing with the public body. A complainant who has filed a complaint with a public body and seeks further review by the Division of Open Government must file the complaint with the Attorney General after the 30-day local review period has elapsed but before 90 days have passed since the date of the violation or the date that the violation was reasonably discoverable.

When filing the complaint with the Attorney General, the complainant must include a copy of the original complaint and may include any other materials the complainant feels are relevant, including an explanation of why the complainant is not satisfied with the response of the public body. Note, however, that the Attorney General will not review allegations that were not raised in the initial complaint filed with the public body. Under most circumstances, complaints filed with the Attorney General, and any documents submitted with the complaint, will be considered a public record and will be made available to anyone upon request.

The Attorney General will review the complaint and any remedial action taken by the public body. The Attorney General may request additional information from both the complainant and the public body. The Attorney General will seek to resolve complaints in a reasonable period of time, generally within 90 days of the complaint becoming ripe for review by our office. The Attorney General may decline to investigate a complaint that is filed with our office more than 90 days after the date of the alleged violation.

### When is a violation of the law considered “intentional”?

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Upon finding a violation of the Open Meeting Law, the Attorney General may impose a civil penalty upon a public body of not more than \$1,000 for each intentional violation. G.L. c. 30A, § 23(c)(4). An “intentional violation” is an act or omission by a public body or public body member in knowing violation of the Open Meeting Law. G.L. c. 30A, § 18. In determining whether a violation was intentional, the Attorney General will consider, among other things, whether the public body or public body member 1) acted with specific intent to violate the law; 2) acted with deliberate ignorance of the law’s requirements; or 3) had been previously informed by a court decision or advised by the Attorney General that the conduct at issue violated the Open Meeting Law. 940 CMR 29.02. If a public body or public body member made a good faith attempt at compliance with the law but was reasonably mistaken about its requirements or, after full disclosure, acted in good faith compliance with the advice of counsel, its conduct