

**BOARD OF SELECTMEN
MEETING AGENDA**

**Fuller Meadow School
Nathan Media Room
143 South Main Street, Middleton, MA 01949
January 17, 2017
7:00 PM**

This meeting is being recorded

1. 7:00 PM Minutes
Warrant
Town Administrator
2. 7:10 PM Acceptance of \$500 donation to the Middleton Food Pantry from an anonymous donor
3. 7:15 PM Request from Mike's Discount Liquors, Mr. Amal Ghaly owner, for a change of hours on Sundays from 12:00 pm to 6:00 pm to 10:00 am to 11:00 pm.
4. 7:20 PM Review and approve letter to legislative delegation regarding early voting
5. 7:25 PM Discussion of Board of Selectmen sponsorship of warrant article for the May 2017 Annual Town Meeting to establish a temporary moratorium regarding the Regulation of the Use and Distribution of Marijuana Not Medically Prescribed Act of 2016
6. 7:45 PM Request to designate Matt Armitage as Records Access Officer for Police Department
7. 7:50 PM Update from Selectperson Kosta Prentakis on feedback from the Citizen Feedback Session held on Thursday, January 12th at the Flint Public Library
8. 7:55 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
9. 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

**Board of Selectmen Meeting
September 13, 2016
7:00 p.m.
Fuller Meadow School
Nathan Media Room**

1

Call to Order – Chairman Timothy Houten called the meeting to order at 7:00 p.m. Also present were Mr. Kosta Prentakis, Mr. Todd Moreschi, Mr. Rick Kassiotis, Town Administrator Mr. Andrew Sheehan and Assistant Town Administrator Mr. Ryan Ferrara. Chairman Houten announced that the Meeting is being recorded.

Warrant – The Payroll Warrant totaled \$571,671. The Payables Warrant totaled \$3,179,700 and includes \$30,490 for the new telephone system, \$85,584 for paving and re-surfacing, \$24,828 for excavation and preparation at the Town Hall and \$366,333 for Purchase of Power.

Mr. Prentakis made a motion to approve the Warrants. Mr. Moreschi seconded the motion and all were in favor

Town Administrators Report

Roselli, Clark & Associates – The Town’s recently hired auditing firm, Roselli, Clark & Associates, has begun the process of collecting information from members of the finance team Fiscal Year 2016 audit.

Ms. Cheryl Wright – The Interim Town Accountant/CFO, Ms. Wright, has completed her engagement. Ms. Wright most recently assisted the new Town Accountant/CFO, Ms. Sarah Wood, as part of the transition process. Ms. Wright and the former Town Accountant/CFO, Ms. Nicole McGee, remain available as a resource for Ms. Wood.

State Primary – Mr. Sheehan extended his gratitude to everyone who voted in the State Primary and for everyone who volunteered their time to help during the election.

Memorial Hall – Work is continuing at Memorial Hall, the old curbing has been removed and the new curbing is scheduled to be installed next week.

Master Plan – The contract has recently been signed with the Metropolitan Area Planning Council (MAPC) for the initial phase of the master planning process.

Coffee With A Cop - Chief DiGianvittorio and members of the Police Department are hosting an event on Wednesday from 5:00 p.m. to 7:00p.m. at Dunkin Donuts on South Main Street. This is part of a community outreach effort.

Masco Budget Sub-Committee – There will be a Masconomet budget sub-committee meeting on Wednesday, September 14, 2016 at 7:00 pm.

Middleton School Committee – There is a vacancy coming up on the Middleton School Committee. An advertisement will go out soon and a joint meeting will be hosted with the Board of Selectmen and the School Committee.

Citizen Feedback Session – Mr. Prentakis said that he will be hosting a Citizen Feedback Session on Tuesday, September 20, 2016 at 6:30 p.m. at the Flint Public Library.

Recognition of the following firefighters for their efforts during the incident involving Fire Chief Frank Twiss: Lt./Paramedic Douglas K. LeColst, Lt./Paramedic Tyler Dechene, Lt./Paramedic Daniel Kessel, FF/Dr. H Peter Beauparlant, FF./Paramedic David Kelsen, FF./Paramedic Eric Moore, FF./Paramedic Patrick Carritte, FF. Reid Warnock - Chief Martinuk thanked the fire fighters for the professional, efficient and caring way they handled the emergency when Chief Twiss was taken ill. Mr. Sheehan added his appreciation for staff's efforts.

Introduction and presentation by Mary Sarris, Executive Director of the North Shore Workforce Investment Board (WIB) - Mary Sarris and Laura Swanson, Director of the Enterprise Center at Salem State and the North Shore Alliance for Economic Development, gave the Board a presentation regarding the agreement introduced by Salem Mayor Kimberly Driscoll, and signed by the Town of Middleton last year, to join in a collaboration of all of the cities and towns in the north shore to help prepare the workforce for the future.

Presentation by Melissa Gaspar, Flint Public Library Director, of the Tri-Town Community Read, Life is Good: The Book and to receive a proclamation for the same – Ms. Gaspar addressed the Board and explained that the Tri-Town is participating in a tri-town community read, in partnership with the schools, with the book "Life is Good". the Book, by Bert and John Jacobs, running from September to June.

The UN is sponsoring a peace ceremony on International Day of Peace, Wednesday, September 21, 2016 at the Flint Public Library at 4:00 p.m. to promote world peace and to promote understanding among cultures, peoples and religions. Mr. Sheehan read the Tri-Town Community Read Proclamation.

Dipak Karia and Kush Karia to discuss additional all alcohol licenses – Chairperson Houten, recused himself from the meeting. Mr. Karia addressed the Board and said he is here to request an additional All Alcohol Liquor License for the Town of Middleton and specifically for Middleton Beer & Wine. He feels that Middleton is missing business opportunities as residents have to drive to neighboring towns to buy liquor, with the exception of beer and wine. Mr. Sheehan said there are more businesses in Middleton who have requested additional liquor licenses and asked the Board if they should petition for additional liquor licenses or additional liquor licenses specifically tied to a business. This is penciled in as a potential warrant article at the Special Town Meeting.

Ms. Samantha Miller of Vinum Wine Shop addressed the Board and said that she supports the request for another All Alcohol Liquor License for the Town and specifically for Vinum Wine Shop.

Vote to consider the request of Joe Famolare for a street opening permit on Boston Street for installation of a gas service within the five year prohibition – Mr. Famolare addressed the Board and said he is here on behalf of the new homeowners to request a street opening permit on Boston Street for installation of a gas line for a new home that he is constructing. If the request is refused, propane will be installed. Mr. LaBossiere addressed the Board and said that he would recommend the Board decline the request.

Mr. Prentakis made a motion to grant a street opening permit for Mr. Famolare for 177 Boston Street. Mr. Moreschi seconded the motion. Mr. Houten recused himself from the vote. Mr. Moreschi voted in favor while Mr. Prentakis and Mr. Kassiotis voted in the negative. The proposed motion thus failed by a vote of 2 to 1.

Continuation of discussion from the August 30, 2016 Board of Selectmen Meeting regarding water conservation and Transfer Station, including enforcement of water restrictions and fees for certain solid waste items – Mr. Robert LaBossiere addressed the Board and said he has researched to see how much neighboring towns are charging for items to be disposed at their transfer stations. The average charge is \$10 per unit, which will cover the disposal cost of electronics goods including televisions, monitors, computers and laptops. It was agreed that a sticker would be purchased to cover the cost. Mr. Sheehan suggested that guidelines should be drawn up of how the process will work including where to buy stickers, effective dates and items covered.

Water Restrictions – Mr. LaBossiere said following the discussion at the prior Board of Selectmen's meeting, he has discovered that the town of Ipswich's enforcement policy is to issue a warning to customers, if this is ignored, the water is turned off and a fee is charged to get the water turned back on. There was a discussion

regarding what action the Town of Middleton should take to reduce the use of water during drought conditions and the repercussions to homeowners if water use is abused. The maximum violation charge in Massachusetts is \$300 per violation.

Chairperson Houten suggested inviting the violators to a Board meeting to discuss the matter with the Board of Selectmen. Mr. Sheehan said a grant application is being put together to see if it is viable to set up a regional entity that would manage water in the region. Mr. LaBossiere said the worst violators names are sent to the Massachusetts Department of Environmental Protection (DEP), as part of the permit requirement. Mr. Sheehan stated that if a decision is made to increase fees, this may need to be addressed at Town Meeting and suggested that a draft proposal be drawn up for the Boards consideration prior to contacting violators. This will be put on the agenda for next meeting.

Vote to sign easement agreement with Cumberland Farms for parcel of land located at Maple Street and South Main Street – Mr. John Smolak is attending the meeting on behalf of Cumberland Farms. Mr. Sheehan said Town Meeting had approved the easement for the connection from the Cumberland Farms project to the Tragert Common behind Memorial Hall, the easement has been executed by Cumberland Farms and the Board is being asked to formally execute the agreement.

Mr. Prentakis made a motion to sign the easement agreement with Cumberland Farms for parcel of land located at Maple Street and South Main Street. Mr. Kassiotis seconded the motion and all were in favor.

Vote to authorize the Town Administrator to apply for and accept a MassWorks Infrastructure Grant in the amount of \$2,596,760 – Mr. Sheehan said that the Town has been working with its consultant, World Tech, on this project which has included meetings with Mass DOT and Jay Ash, Secretary of Housing and Economic Development. World Tech has put together a grant application for Maple Street, from Middlton Square to the Danvers town-line. The scope of the project calls for reconstructing the road and sidewalks which will be ADA accessible and compliant, intersection improvements, signal improvements geometric realignment at Liberty Street and a bike lane crossing at Liberty Street for the bike trail. All of these improvements will provide additional opportunity for future growth, and add safe and efficient pedestrian and bicycling facilities to the Route 62 corridor.

Mr. Prentakis made a motion to approve the authorization of the Town Administrator to apply for and accept a MassWorks Infrastructure Grant in the amount of \$2,596,760. Mr. Kassiotis seconded the motion and all were in favor.

Vote to set the speed limit for Locust Street - It was agreed that a 30 MPH sign will be erected on Locust Street and after the Town Meeting, if the new policy is adopted, it will be replaced by a 25 MPH sign.

Vote to award bond anticipated notes (BAN) for borrowing of \$2,076,130 – Mr. Kassiotis read the following:
VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Middleton, Massachusetts, certify that at a meeting of the board held September 13, 2016, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that we hereby determine, in accordance with G.L. c. 70B, that the amount of the cost of the Fuller Meadow School roof replacement project authorized by a vote of the Town passed on May 12, 2015 (Article 8) not being paid by the school facilities grant is \$989,294 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.

Further Voted: to approve the sale of a \$1,312,078 0.85 percent General Obligation Bond Anticipation Note (the "Note") of the Town dated September 16, 2016 and payable March 17, 2017, to Century Bank and Trust Company at par.

Further Voted: that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 30, 2016 and a final Official Statement dated September 8, 2016, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Note.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk, and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Note were taken in executive session, all in accordance with G.L. c.30A §§18-25 as amended.

Chairperson Houten made a motion to approve the bond anticipation note (BAN) for borrowing of \$2,076,130. Mr. Prentakis seconded the motion and all were in favor.

New Business (may be reserved for topics that the Chair did not reasonably anticipate would be discussed) – Mr. Sheehan informed The Board of Selectmen that the formal opening of the Department of Youth Services, on Gregory Street facility is scheduled for September 29, 2016. The Northeast Regional Detention Center and headquarters contains 45 residential beds. Residents began moving in to the facility approximately one month ago. Mr. Sheehan said that the meeting space and training room is available to the Town of Middleton. Chairperson Houten requested information on the promised landscaping. Mr. Kassiotis suggested Board members take a tour of the facility.

Mr. LaBossiere said that the Danvers Water Treatment Plant, located on Middleton Pond is open to the Board members for tours if anyone is interested.

The meeting was adjourned at 8.40 p.m.

Respectfully submitted,

Julie Roscoe
Julie Roscoe, Recording Secretary

Rick Kassiotis, Clerk

Board of Selectmen Meeting
October 11, 2016
7:00 p.m.
Fuller Meadow School
Nathan Media Room

Call to Order – Chairman Timothy Houten called the meeting to order at 7:00 p.m. Also present were Mr. Kosta Prentakis, Mr. Brian Cresta, Mr. Rick Kassiotis, Town Administrator Mr. Andrew Sheehan and Assistant Town Administrator Mr. Ryan Ferrara. Chairman Houten announced that the meeting is being recorded.

Minutes

Mr. Cresta made a motion to accept the regular session Minutes of September 8, 2016.

Mr. Prentakis seconded the motion and abstained from voting, all other Board members were in favor.

Warrant – The Payroll Warrant totaled \$610,340. The Payables Warrant totaled \$1,177,239 and includes \$4,300 for the street light conversion project, \$7,000 for the telephone system upgrade, \$37,000 for paving and \$12,500 for granite curb and \$434,990 for purchase of power.

Mr. Prentakis made a motion to approve the Warrants. Mr. Cresta seconded the motion and all were in favor

Town Administrator's Report

Peabody Centennial Parade - Mr. Sheehan addressed the Board and said that he attended the Peabody Centennial Parade on Sunday October 2, 2016 and walked in the Parade.

NorthEast Emergency Medical Services, Inc, MA EMS Region III Awards – Mr. Sheehan attended the presentation ceremony. Nine members of the Middleton Fire Department were honored for saving Chief Twiss' life.

DYS Northeast Youth Services Center – Mr. Sheehan joined Chairman Houten for the ribbon cutting ceremony at the Gregory Street facility on September 29, 2016. This event was attended by Governor Charlie Baker, Secretary of the Executive Office of Health and Human Services (EOHHS) Marylou Sudders, Administration and Finance Secretary Kristen Lepore and Division of Youth Services (DYS) Commissioner Peter Forbes. A neighborhood meeting is scheduled on Saturday, September 15, 2016 for residents to tour the facility

Annual International Meeting of the City & County Managers Association – Mr. Sheehan attended this conference in Kansas City, Missouri which was attended by approximately 3,500 people.

Fiscal Year 2016 Budget Update – Ms. Cheryl Wood, Interim CFO, has closed the books on the Town's Fiscal Year 2016 budget and submitted the balance sheet to the Department Of Revenue. The preliminary Free Cash figure is \$2.1M. Field work has started on the 2016 audit.

Coffee With A Cop - Chief James DiGianvittorio, as well as other officers from the Middleton Police Department, held a "coffee with a cop" at Dunkin' Donuts on South Main Street recently which was well attended.

Fire Chief Twiss' Retirement Party – There are tickets still available from the Fire Department for Chief Twiss' retirement party which will be held on Thursday, October 20, 2016 at Theresa's Hillview Country Club, 149 North Street, North Reading, MA.

Pumpkin Festival – The annual pumpkin festival will be held on October 21st and 22nd.

River Street Water Main Extension Project –The contract will be executed later this week for the River Street water main extension project. This project came in within budget at just under \$400,000. This project will be completed in two parts and there will be some road closure and detours.

River Street Truck Traffic – There was a discussion between Board members and residents of River Street regarding the truck exclusion currently in place on River Street dating from 1949. This restriction was put into place because of a failing culvert and/or a bridge that was unable to support the weight, and this is no longer applicable. Mr. Bob LaBossiere has inspected the site, the current weight restriction is set at 10,000 lbs. and has reported this can safely be increased to 30,000 lbs. Mr. James and Mrs. Janet Hansen, Mrs. Mary Simmons and Mr. Pasquale Diplacido, residents of River Street, addressed the Board and expressed their concern regarding large trucks using River Street as a cut-through.

Update from Masconomet School Committee Vice-Chair, Teresa Buono – Ms. Buono addressed the Board. Tomorrow evening there is a meeting of the Budget Sub-Committee to look at the facilities assessment report. There should be a general plan by the end of the year regarding strategic planning and capital planning. School start times at Masconomet and Elementary schools will also be discussed.

Public Hearing: Retail Package Good Store License Revocation Hearing for Rusty's Bottle Shop (21 South Main Street, Licensee Alan Karahalis) – Chairperson Houten recused himself. Mr. Karahalis, the current owner of the business has not adhered to the conditions of the agreement he signed with the Town. Mr. Karahalis reported that he has found a potential buyer, Mr. Mike Ghaly, and would like to transfer the liquor license to him. Attorney Gregory Demakis addressed the Board and said he is representing Mr. Ghaly to request a license transfer for the above business. He stated that the license transfer application has been submitted. The Board directed Mr. Karahalis to remain open the required hours stipulated on his license until license is transferred. Mr. Ghaly currently owns two similar businesses and plans to make substantial renovations and improvements to the premises.

Mr. Cresta made a motion that the revocation hearing is continued at the next Board of Selectmen meeting on October 25 and also move that the application is accepted for the transfer of license to Mike's Discount Liquors Inc.

Mr. Prentakis seconded the motion and all were in favor. Mr. Demakis submitted the application to Mr Ferrara.

Dipak Karia of Howe's Station Store, 229 Maple Street, to discuss additional all alcohol licenses - Mr. Karia addressed the Board and said he would like to be considered as a candidate for a full liquor license for his business, Howe's Station Store.

Application of Robert D. Malerba Jr., dba Robert's Motor Group, for a Class II Used Car Dealer's License (with no on-site storage of vehicles) working out of his place of business at 5 Forms Way, Unit #2 - Mr. Malerba addressed the Board and said he is here tonight to request the Board to grant him a pocket license. His office is located at the above address and he wishes to purchase cars at auction and sell them via the internet. The cars will be stored in Everett or Revere. Mr. Malerba is a resident of Middleton, he is a general contractor and the car business is a hobby.

Mr. Cresta made a motion to approve a Class II Used Car Vehicles License to Robert D Malerba Jr with the stipulation that there will be no onsite storage or repair of vehicles and production of a copy of lease. Mr. Kassiotis seconded the motion and all were in favor.

Acceptance of \$1,200 donation from Bostik to the Middleton Fire Department – Fire Chief Tom Martinuk addressed the Board and said he has received a donation from Bostik which will be used to purchase foam.

Mr. Prentakis made a motion to accept the donation, with thanks, from Bostik to the Middleton Fire Department. Mr. Cresta seconded the motion, with gratitude, and all were in favor.

Update from Town Clerk, Ilene Twiss on the November 8, 2016 Election – Ms. Twiss addressed the Board and said early voting will be available from October 24 to November 4 - Monday, Wednesday and Thursday from 9:00am to 4:00pm, Tuesday from 9:00am to 6:00pm, Friday from 9:00am to 1:00pm and Saturday, October 29 from 9:00am to 1:00pm at Memorial Hall. Absentee votes will run until noon on October 7. All the information is available on the Town Website.

Continuation of discussion from the September 13, 2016 Board of Selectmen Meeting regarding the transfer station and fees for certain solid waste items – Mr. LaBossiere sent his apology for his absence tonight and sent information stating that he has looked at surrounding towns procedures on disposal of electronic devices. Fees range from \$15 to \$50 per device and he recommends that the Town of Middleton charge \$15 per item. A sticker will be purchased from the Tax Collector's Office, attached to the device, and a database will be kept similar to the solid waste/recycling stickers. This procedure will begin December 1, 2016. Information will be available on the Towns website.

Mr. Kassiotis made a motion to begin the issuance of a \$15 sticker (per device) for the disposal of electronic devices at landfill beginning on December 1, 2016.

Mr. Cresta seconded the motion and asked that Tax Collectors Office would include notifications in the packets that are currently being collected. All were in favor.

Review and finalize the November 15, 2016 Special Town Meeting Warrant and Vote to Close the Warrant.

Mr. Sheehan addressed the Board and said that the purpose of this Agenda item is for the Board members to decide what items should be included on the Agenda for the Special Town Meeting. The Board members discussed each item and agreed that the following items will be included:

1. On petition of the Finance Committee and Board Of Selectmen to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$_____ to be used to fund repairs and improvements to Memorial Hall at 48 South Main Street, or take any other action relative thereto.
2. On petition of the Board of Selectmen and Board of Assessors to see if the Town will vote to enter into a tax agreement with ECA Solar with respect to roof mounted solar projects located at Log Bridge Road and Ajootian Way; or take any other action relative thereto.
3. On petition of the Board of Selectmen to see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 40, Section 8J creating a Commission on Disability, or take any other action relative thereto.
4. Item 4 will not be included on the Agenda.
5. On petition of the Board of Selectmen to see if the Town will vote to amend Chapter 56 of the Middleton Code, Section 56-3, Hours for Special Town Meetings, by changing the start time of Special Town Meetings from no earlier than 7:30pm to no earlier than 7:00pm or such other time called by the Board Of Selectmen, Section 56-3 will read "No Special Town Meeting shall be called to assemble earlier than 7:00pm or such other time as the BOS may call; and no Special Town Meeting shall be called to assemble later than 9:00pm" or take any other action relative thereto.
6. Chairperson Houten recused himself from the discussion on this item. Item 6 will be not be included on the Agenda.
7. On petition of the Board of Selectmen to see if the Town will vote to adopt section 17C of Chapter 90 of the Massachusetts General Laws relative to speed limits of 25 miles per hour on any roadside inside a thickly settled or business district; or take any other action relative thereto.
8. On petition of the Board of Assessors and Board of Selectmen to see if the Town will vote to adopt Section 5 of Chapter 184 of the Acts of 2002 and to increase the amount of the exemptions set forth in said Section 5 of taxable valuation to \$8,000 or the sum of \$1,000, whichever would amount in an exemption of the greater amount of taxes due, said acceptance to take effect in Fiscal Year 2017; or take any other action relative thereto"
9. ***Mr. Prentakis made a motion to refer this article to the Planning Board. Mr. Cresta seconded the motion and all were in favor.***

Item 9 will not be included on the Agenda.

10. On petition of more than 100 registered voters to see if the Town will vote to amend the Middleton Zoning Bylaw, the Table of Dimensional Requirements referred to in Section 4.1 "General Dimensional Requirements" and Section 4.1.2 "Notes to Table of Dimensional Requirements" by adding the words as shown on **bold underline** and deleting the words in strikethrough below:

5. Business and Light Industrial District; lots abutting Residential District. Where a lot abuts a Residential District, side and rear yards of not less than 100 35 feet shall be provided. In such cases, parking shall not be permitted in these setback areas unless buffer screens are provided.

Ms. Theresa Buono, 25 Dixie Drive, addressed the Board and expressed her dissatisfaction with the way that the Board of Selectmen and the Zoning Board have handled the development adjacent to Dixie Drive and the lack of information available regarding the planned development. She believes the planned development will adversely impact the value of the properties in Dixie Drive.

Mr. Ron Trottier, 26 Dixie Drive addressed the Board and expressed his dissatisfaction in the planned development and the process surrounding it. The residents of Dixie Drive and the Board members had a discussion regarding the above. Mr. Cresta said that the Town needs to improve the process of making information available and accessible to residents regarding notable changes.

Mr. Cresta made a motion to the Chairman to request that the Planning Board hold a Public Hearing on the two articles that have been presented tonight and add them to the Warrant to be presented at the Special Town Meeting. Mr. Kassiotis seconded the motion and all were in favor.

Mr. Cresta made a motion to close the Warrant for the Special Town meeting of November 15, 2016 with the seven articles as discussed.

Mr. Prentakis seconded the motion and all were in favor.

New Business (may be reserved for topics that the Chair did not reasonably anticipate would be discussed) –
The Thirty Second Annual Pumpkin Festival will be held on Friday, October 21 and Saturday October 22, 2016. Volunteers are needed and hours served will go towards community service hours for students at Masconomet. Please see Chairman Houten for further information.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Julie Roscoe

Julie Roscoe, Recording Secretary

Rick Kassiotis, Clerk

BOS

2



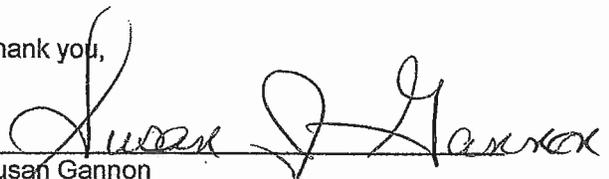
Council on Aging
Old Town Hall
38 Maple Street
Middleton, MA. 01949
978-777-4067
www.townofmiddleton.org

December 21, 2016

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

Re: Food Pantry [REDACTED]

Please add the following donation to your agenda for acceptance by the Board of Selectmen for the Middleton Food Pantry, and notify me when the check has been accepted so that it can then be deposited.

Thank you,

Susan Gannon
COA Director/Food Pantry Admin.

A donation has been made payable to the Middleton Food Pantry for the following:

Date: 12/14/16

Name: [REDACTED]

Donation: \$500.00

Check Number: [REDACTED]

This donor would like to remain anonymous

Yes

No

Donation is in memory of or to honor:



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

3

LOCAL LICENSING AUTHORITY REVIEW RECORD

88926-PK00704

Middleton

Date Filed with LLA

ABCC License Number

City/Town

TRANSACTION TYPE (Please check all relevant transactions):

- New License
- Change Corporate Name
- Pledge of Collateral (i.e. License/Stock)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Change of DBA
- Change of Class (i.e. Annual / Seasonal)
- Change of Hours
- Change of Manager
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Issuance/Transfer of Stock/New Stockholder
- Change of Beneficial Interest
- Change of Location
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement

APPLICANT INFORMATION

Name of Licensee MIKE'S DISCOUNT LIQUORS, INC.

D/B/A

ADDRESS: 21 SOUTH MAIN STREET

CITY/TOWN: MIDDLETON

STATE MA

ZIP CODE 01949

Manager AMAL S. GHALY

Granted under Special Legislation? Yes No

\$15 Package Store

Annual

All Alcoholic Beverages

If Yes, Chapter

of the Acts of (year)

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

Category
(i.e. Wines and Malts / All Alcohol)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority: Approves this Application

Please indicate what days and hours the licensee will sell alcohol:

Mon-Sat 8am-11:00pm
Sunday 10:00am-11:00pm

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area
Total Square Footage NA

Seating Capacity NA

Indoor Area
Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes No

Date of Abutter Notification

Date of Advertisement

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Date APPROVED by LLA

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

**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):

88926-PK-0704

LICENSEE NAME:

MIKE'S DISCOUNT LIQUORS, INC.

ADDRESS:

21 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**



BOARD OF SELECTMEN

Town of Middleton
48 South Main Street
Middleton, Massachusetts
01949-2253
978-777-3617

4

January 17, 2017

Honorable Bruce Tarr, Senator
State House, Room 308
Boston, MA 02133

Honorable Bradley H. Jones, Jr., Representative
State House, Room 124
Boston, MA 02133

Honorable Theodore C. Speliotis, Representative
State House Room 20
Boston, MA 02133

Dear Senator Tarr, Representative Jones, and Representative Speliotis:

The Middleton Board of Selectmen writes to you seeking your assistance in offsetting the impacts of an unfunded mandate imposed on the Town of Middleton. The Legislature passed and the Governor signed into law on May 24, 2014, Chapter 111 of the Acts of 2014, An Act Relative to Election Laws. Among other provisions, the law instituted early voting for State Elections beginning with the November 8, 2016 election.

As stewards of our great American democracy we support efforts to increase participation in the democratic process. However, the imposition of early voting represents an unfunded mandate on the Town of Middleton and other cities and towns in the Commonwealth. Successful implementation of the law required that the Town Clerk staff Memorial Hall with poll workers during normal hours from October 24 to November 4. We were also strongly encouraged to hold weekend voting hours, which we did on October 29, as well as extended hours on November 4.

Town Clerk Ilene Twiss informs us the additional costs of early voting in the November 8, 2016 State Election were approximately \$7,000. Due to the lack of clarity and the requirements of the law we were unable to properly budget for these additional costs. It should also be pointed out that the law, while well intentioned and convenient for voters, did not result in increased voter turnout. Turnout was approximately 90%, roughly the same as in prior Presidential election years.

In light of the additional costs we were forced to bear we respectfully request the delegation's help in securing reimbursement of funds for the costs incurred at the most recent election. We further request that funds be included in future State budgets to hold Middleton harmless from the added costs of early voting.

We look forward to your anticipated cooperation and welcome the opportunity to discuss the issue of this and other unfunded mandates in greater detail.

Respectfully yours,

MIDDLETON BOARD OF SELECTMEN

Timothy P. Houten, Chairman

Richard Kassiotis, Clerk

Kosta E. Prentakis

Brian M. Cresta

Todd Moreschi

Andrew J. Sheehan, Town Administrator

TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS, MARIJUANA RETAILERS AND OTHER SALE OR DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS WHICH ARE NOT INLCUDED IN THE DEFINTIOIN OF MEDICAL MARIJUANA TREATMENT

ARTICLE _____

5

On petition of the Board of Selectmen, to see if the Town will vote to amend the Middleton Zoning Bylaw by adding a new Section 6.8 to read as follows:

6.8 Marijuana Establishment Temporary Moratorium

6.8.1 Definition

"Marijuana", "Marijuana Establishment", "Marijuana Product", "Marijuana Retailer" shall have the meaning as set forth in the "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed Act of 2016."

6.8.2 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control and production and distribution of marijuana under a system of licenses, regulations. This Act was revised by Chapter 351 of the Acts of 2016, which added 6 months to the timeline for implementation of legalized retail marijuana. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The deadline for the Cannabis Control Commission to adopt initial regulations is March 15, 2018, according to the new deadlines contained in Chapter 351 of the Acts of 2016. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

6.8.3 Temporary Moratorium

1. For the reasons set forth above and notwithstanding any other provision of the Zoning

Bylaw to the contrary, the Town of Middleton hereby adopts a temporary moratorium on the use of land or structures for "Marijuana", Marijuana Establishment", "Marijuana Product", and" Marijuana Retailer". The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana", Marijuana Establishment", "Marijuana Product", and" Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

2. In the event that the Cannabis Control commission has not issued initial regulations by January 1, 2018, the moratorium period shall be extended to June 30, 2019 to ensure the careful review of the issues outlined above.

or take any other action relative thereto.

Explanation: The Board of Selectmen is requesting that the Zoning Bylaw be amended to allow for a temporary moratorium on sellers of recreational marijuana. As laid out in the initiative passed on November 8, 2016, and revised by Chapter 351 of the Acts of 2016, the Cannabis Control Commission must set forth regulations on the sale and use of recreational marijuana by March 15, 2018 and licenses for selling marijuana will not be issued until July 1, 2018. However, the use of recreational marijuana became legal December 15, 2016. Due to this lag time, the Town is seeking a temporary moratorium on the sale of recreational marijuana so that appropriate officials can await guidance from the state on the various rules and regulations that will eventually be determined by the Cannabis Advisory Board. This moratorium will expire on June 30, 2018, but will be extended to June 30, 2019 if the Cannabis Control Commission does not issue initial regulations by January 1, 2018. It is anticipated that the Town will repeal the temporary moratorium and replace it with an applicable zoning bylaw that reflects the future regulations once they are issued.

IMPORTANT PUBLIC RECORDS CHANGES

Governor Baker has signed into law the "Act to Improve Public Records" Bill H.4333, which becomes effective on January 1, 2017. As a result the Middleton Police Department has issued the following changes to all public requests for police records:

Sergeant Matthew Armitage has been named the Records Access Officer for the Middleton Police Department.

He can be contacted in person, by U.S. Mail or Email at the following:

1. In Person- at 65 North Main Street, Middleton, Massachusetts 01949
2. By Email- at marmitage@middeltonpolice.com
3. By U.S. Mail- Middleton Police Department, 65 North Main Street, Middleton, MA 01949

-
- I. All record requests will be responded to within 10 business days;
 - II. Specific Exceptions may apply for some records that cannot be released, therefore should any exemptions apply; the requestor will be advised in writing;
 - III. Although the new public records laws allow for fees to be charged for public records, the Middleton Police Department will not be charging these nominal fees for standard records requests;
 - IV. Should a records request require that fees be charged pursuant to the law, the following differentiation will be used to determine the fees:
 - a. Records Fees
 - b. Search and Segregation Fees
 - V. If additional questions need to be answered the public is invited to visit the Commonwealth of Massachusetts website at www.mass.gov and reference the Public Records Division or the Secretary of the Commonwealth of Massachusetts.

James A. DiGianvittorio

James A. DiGianvittorio

Chief of Police,

Middleton Police Department