

**BOARD OF SELECTMEN
MEETING AGENDA**

**Fuller Meadow School
Nathan Media Room
143 South Main Street, Middleton, MA 01949
January 3, 2017
7:00 PM**

This meeting is being recorded

1. 7:00 PM Minutes
Warrant
Town Administrator
2. 7:10 PM Continuation of Public Hearing from the December 20, 2016 Board of Selectman's meeting:
Retail package goods store license revocation hearing for Rusty's Bottle Shop (21 South
Main Street, licensee Alan Karahalis)
3. 7:20 PM Review timeline for May 15, 2017 Annual Election
4. 7:25 PM Update on plans for Natsue Way recreational area, presented by Bruce Haskell of Langdon
Environmental LLC.
5. 7:45 PM Open Meeting Law: Update on new provisions effective January 1, 2017
6. 7:50 PM Review of the February 28, 2017 Special Town Meeting warrant; vote to close and sign the
warrant
7. 8:00 PM Acceptance of \$1,000 donation from Middleton Family Medicine to the Middleton Council
on Aging
8. 8:05 PM Acceptance of \$1,000 donation from the Jeff and Carol Curvey Foundation via Fidelity
Charitable to the Middleton Food Pantry
9. 8:10 PM Acceptance of \$500 donation from Susan and John Sieczkowski to the Middleton Food
Pantry
10. 8:15 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be
discussed

2017 MIDDLETON SPRING ELECTION SCHEDULE

2017 Middleton Annual Town Election Schedule

*****NOMINATION PAPERS WILL BE AVAILABLE
BEGINNING ON TUESDAY, JANUARY 3, 2017 IN THE TOWN
CLERK'S OFFICE*****

Last day to submit Nomination Papers	Monday, March 27 until 5:00PM
Last day to object or withdraw	Wednesday, April 12
Last day to register to vote	Wednesday, April 19 until 8:00 PM
Annual Town Meeting	Tuesday, May 9
Annual Town Election	Monday, May 15

2017 Town Offices Open

Moderator for one year
 Town Clerk for three years
 Board of Selectmen Member for three years
 Assessor for three years
 2 Elementary School Committee members for three years
 2 Regional School Committee members for three years
 1 Planning Board member for five years
 1 Planning Board member for three years
 2 Electric Light Commissioners for three years
 2 Library Trustees for three years
 Housing Authority member for five years
 Housing Authority member for four years
 Housing Authority member for three years



OFFICE OF THE TOWN ADMINISTRATOR

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

MEMORANDUM

TO: Department Heads
 FROM: Andrew J. Sheehan, Town Administrator
 SUBJ.: Public Records Law
 DATE: December 27, 2016

As many of you know, the Legislature approved and Governor Baker signed an update to the Public Records Law. The law can be found at <http://www.sec.state.ma.us/pre/prenotice.htm> and regulations at <http://www.sec.state.ma.us/pre/prepdf/950-CMR-32-00-2017-Edition-final.pdf>. The updated law goes into effect on January 1, 2017 and makes significant changes to the manner in which public records requests are managed. There remains a fair amount of uncertainty about the law and I suspect our approach will evolve over time.

There are a number of significant changes to the law that I want to bring to your attention. More detail is available in the attached documents:

- The law establishes a position of Records Access Officer (RAO). By statute, this is the Town Clerk unless someone else is appointed. For now, Ilene Twiss will serve as RAO;
- The law provides potentially significant penalties for noncompliance and allows requesters to initiate a court action against public entities that do not comply:
 - Requested records must be provided within 10 business days. Additional time may be granted, but it is limited. If we fail to satisfy the request within 10 days or extended time we forfeit the right to charge for research time or reproduction costs. For large requests this could be a substantial cost;
 - In the past there would have been little more than a slap on the wrist for not responding within the allotted time. Under the new law a requester can take us to court and the judge can award attorney fees. Attorney fees can add up quickly and should be avoided at all costs.

Our primary goal is delivering exceptional service to residents, businesses, visitors, and others. Sometimes the unintended consequence of a law is the opposite of what was intended. I hear colleagues concerned about the bureaucracies that will develop around the Public Records Law. We should strive to satisfy the request as expeditiously as possible without creating more work for us as an organization. So I am asking for your help in ensuring that the new law will result in an improvement in service delivery. To that end, I offer the following:

- Not every request needs to be processed through the RAO and there is little benefit to bureaucratizing requests for records. Simple requests should be filled as they come in.

These include routine requests for meeting minutes, agendas, permit applications, and similar documents that are often at hand. These can be handled by printing the requested documents or emailing them to the requester. If someone is making a voluminous request they should be directed to the RAO;

- Charging for copies is allowed, but you can charge only 5 cents per page. For simple requests like the ones above it is probably more work to collect the payment, make change, provide a receipt, and make a turnover to the Collector. There is no benefit in charging for modest requests and we will not balance our budget on these nickels;
- When information is available on the website we can simply direct requesters to the website. Make use of the website to post documents that are of wide or frequent interest;
- Provide records electronically if requested;
- Track records requests. The law provides protection against harassing requests so a record of requests will be beneficial if such a case develops;
- Often requesters are unclear what they are looking for. This is usually because they do not operate in our environment and may not understand the jargon. Help requesters identify the information they need. As noted above, if it is a simple request, provide it to them. Otherwise, refer them to the RAO;
- Often people wish only to look at records. Such requests should be accommodated on the spot if the records are within reach;

For larger requests that go through the RAO:

- A form will be developed for these larger, more formal requests. If a large request comes in please direct requesters to the Town Clerk;
- Alert the RAO to requests that you know will be time consuming. These could include a request for archived material, many years' worth of meeting minutes that are not readily available electronically, payroll records, or thousands of emails that need to be reviewed and redacted for confidential information. The timelines are so tight that any requests for additional time need to be made within a few days of receiving the request. As noted above, failure to respond in time can lead to monetary penalties against the Town.

Many of us are concerned that the updated Public Records Law will increase workloads and become another unfunded mandate. It may turn out that way. But it also gives us an opportunity to build good will with taxpayers and others. By delivering excellent service we can build their confidence in us and they will be more likely to stand behind us.

The updated law is also a good opportunity to examine how we manage our records. We may find that we need a better way to organize our records and that we need to move more records to electronic format.

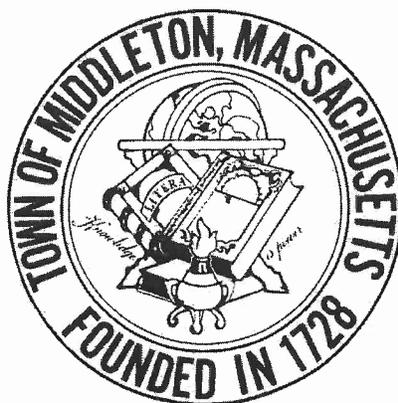
We will discuss this in more depth at our next department head meeting. Please peruse the law and the implementing regulations so you are familiar with them. The following links provide some additional guidance that you may find beneficial.

<http://d2c0vuqv4z6ko2.cloudfront.net/wp-content/uploads/2016/12/The-New-Public-Records-Law-Technical-Requirements-and-Practical-Implications.pdf>

<http://www.mma.org/secretary-state-releases-new-public-records-regulations>

Thank you for your help in complying with this new law and accompanying regulations.

Town of Middleton Massachusetts



Special Town Meeting

Tuesday, February 28, 2017, 7:30 P.M.

Meeting to be held at Howe Manning School Gymnasium
26 Central Street, Middleton, MA

**TOWN OF MIDDLETON
SPECIAL TOWN MEETING
THE COMMONWEALTH OF MASSACHUSETTS
FEBRUARY 28, 2017**

ESSEX s.s.

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs, to meet at the Howe Manning School Gymnasium at 26 Central Street in said Middleton on Tuesday, **February 28, 2017, at 7:30 p.m.**, then and there to act on the following articles:

To transact any other business that may lawfully come before this meeting.

SPECIAL TOWN MEETING WARRANT ARTICLES

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.

Purpose: A recent inspection of Memorial Hall has revealed damage to joists and beams supporting the second floor. The Town retained an architect who advised making immediate repairs to stabilize and secure the building. The architect advised acting as quickly as possible.

2. 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.

Purpose: Adoption of Section 8J of Chapter 40 will allow the Board of Selectmen to establish a Commission on Disability consisting of five members that will (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability; (4) review and make

recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes.

3. On petition of the Board of Selectmen to see if the Town will vote to adopt chapter 218 of the Acts of 2016 which modified 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.

Purpose: Adoption of section 17C of chapter 90 allows the Town to post speed limits of 25 miles per hour in thickly settled or business districts. The current speed limit is 30 miles per hour.

4. 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" by adding the words shown on **bold underline** and deleting the words in ~~strikethrough~~ below:

Amend Table of Dimensional Requirements under Section 4.1 as follows:

Table of Dimensional Requirements¹ [Amended 5-11-2010 ATM by Art. 30; S-14-2013 ATM by Art. 6]

Requirement	Districts						
	R-1a	R-1b	RA	R-2	B	M-1	IH
Minimum Area (square feet)	20,000 for a single-family, 40,000 for a two-family	40,000 for a single-family, 80,000 for a two-family	2 acres	See Section 7.0	40,000	60,000	160,000
Minimum Frontage (feet)	100	125	150	See Section 7.0	100	150	400
Minimum Lot Width (feet)	125	165	200	See Section 7.0	0.100	150	400
Minimum Front Setback (feet)	25 (or 50 from street center line if greater)	25 (or 50 from street center line if greater)	25 (or 50 from street center line if greater)	See Section 7.0	30 (100 if on N. Main Street)	30 (100 if on N. Main Street)	50
Minimum Side Yard (feet)	15	30	30	See Section 7.0	25 (35 100 if yard abuts R District)	25 (35 100 if yard abuts R District)	50
Minimum Rear Yard (feet)	15	30	30	See Section 7.0	25 (35 100 if yard abuts R District)	25 (35 100 if yard abuts R District)	50
Lot coverage by buildings (%)	25	25	\$2	See Section 7.0	35	30	25
Minimum Open Space (%)	-	-	-	-	25	25	-
Maximum Building Height (feet)	35	35	35	35	35	35	125
Maximum Building Height (stories)	3	3	3	3	3	3	-

¹ Editor's Note: See Section 4.1.2, Notes to Table of Dimensional Requirements.

5. 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 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.

End of Special Town Meeting Warrant.

And you are directed to service this Warrant by posting up attested copies thereof at Memorial Hall, Post Office, Store at Howe Station Market, Ferncroft Towers and Fuller Pond Village in said Town fourteen days, at least, before the time of holding said meeting.

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

Given under our hands this _____ day of _____ in the year of our Lord Two Thousand and Seventeen.

MIDDLETON BOARD OF SELECTMEN

S. _____

S. _____

S. _____

S. _____

S. _____

A true copy Attest:

S. _____

Constable of the Town of Middleton

Date Posted



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

December 19, 2016

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

Re: Council on Aging Donation/Middleton Family Medicine

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

Thank you,

Susan Gannon
COA Director

A donation has been made payable to the Middleton Council on Aging for the following:

Date: 12/19/16

Name: Middleton Family Medicine

Donation: \$1,000.00 Check Number: 1161

This donor would like to remain anonymous Yes X No

Donation is in memory of or to honor:



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

December 19, 2016

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

Re: Food Pantry/Curvey Foundation through Fidelity Charitable Grant/Gift Fund

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: 12/19/16

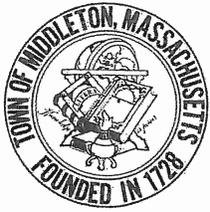
Name: Fidelity Charitable Gift Fund of Curvey Foundation

Donation: \$1,000.00 Check Number: 6039563

This donor would like to remain anonymous Yes X No

Donation is in memory of or to honor:

BOS



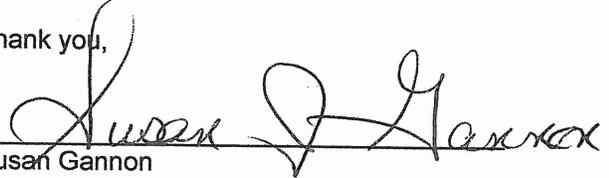
Council on Aging
Old Town Hall
38 Maple Street
Middleton, MA. 01949
978-777-4067
www.townofmiddleton.org

December 21, 2016

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

Re: Food Pantry/Sieczkowski, John and Susan

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: Sieczkowski, John and Susan

Donation: \$500.00 Check Number: 7294

This donor would like to remain anonymous Yes X No

Donation is in memory of or to honor: