

**TOWN OF MIDDLETON
SPECIAL TOWN MEETING
THE COMMONWEALTH OF MASSACHUSETTS
Fiscal Year 2010**

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 North Shore Technical High School Auditorium, 30 Logbridge Road in said Middleton on Tuesday, December 1, 2009 next, 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.

1. To hear and act on Committee Reports
2. On Petition of the Board of Selectmen to see if the Town will vote to amend and reduce the FY 2010 Omnibus Budget by a total of \$193,094 in order to balance the budget as a result of local aid reductions made by the Governor and General Court in accordance with General Laws Chapter 29, Section 9C and the adoption of the FY 2010 State Budget.

<u>Department Number</u>	<u>FY 2010 Approved</u>	<u>FY 2010 Amended</u>	<u>Decrease</u>
Middleton Schools #301	\$8,548,878	\$ 8,457,678	\$ 91,200
Public Works #420	\$ 957,034	\$ 932,434	\$ 24,600
Selectmen/Misc. # 122/195	\$ 234,453	\$ 230,453	\$ 4,000
Assessors #141	\$ 130,898	\$ 125,304	\$ 5,594
Library #610	\$ 410,781	\$ 407,781	\$ 3,000
Master Plan C. # 181	\$ 3,162	\$ 962	\$ 2,200
Finance Committee #131	\$ 102,103	\$ 72,103	\$ 30,000
Fire #220	\$1,459,870	\$1,449,870	\$ 10,000
Police #210	\$1,334,609	\$1,324,609	\$ 10,000
Recreation #630	\$ 46,537	\$ 41,537	\$ 5,000
Chief Will's Day #550	\$ 7,500	\$ 5,000	\$ 2,500
Tri-Town Council #545	\$ 30,920	\$ 25,920	\$ 5,000
Total Omnibus Budget Reduction:			\$193,094

3. On petition of the Selectmen, the Council on Aging, and the Board of Assessors to see if the Town will vote to increase the real estate abatements from \$750 to \$1,000 authorized under Massachusetts General Laws Chapter 59, Section 5K for certain qualified persons to provide volunteer services in the **Senior Property Tax Work Off Program**, effective in Fiscal Year 2010, and to authorize that abatements shall be limited to (30) thirty participants at a cost not to exceed \$30,000 or take any action related thereto.

4. On petition of the Board of Selectmen to see if the Town will vote to accept Massachusetts General Laws, Chapter 64G, Section 3A to amend its local room occupancy excise of 4% by increasing it to the rate of 6%, to take effect on January 1, 2010.

Purpose of Article:

This action will make the rooms tax the same in Middleton and Danvers. The Town of Danvers adopted the increase in the hotel/motel rooms excise tax in August, and is now effective at the Sheraton Ferncroft Hotel on the Danvers side of the hotel.

Since 1/3 of the rooms are in Middleton and 2/3 in Danvers, hotel management has informed the Town it is not practical or cost effective to maintain separate tax records for the various numbers of rooms located within the respective town boundaries, and would like to see the tax the same for both communities.

If adopted in Middleton, the State Department of Revenue estimates this will raise approximately \$10-12,000 in new local excise receipts per year.

5. On petition of the Council on Aging to see if the Town will vote to raise and appropriate the sum of \$17,000 to be used to pay for the Town's approximate 20% share of the cost of the purchase of a new 18 passenger van for the Council on Aging through a grant with North Shore Elder Services, and the Massachusetts Executive Office of Transportation, and to see if such sums will be raised by transfer from available funds, or to take any action related thereto.

6. On petition of the Fire Chief and Board of Selectmen to see if the Town will vote to raise and appropriate the sum of \$12,000 for the purchase of tires for Ladder 1, (\$4,500), equipment repairs to Ladder 1 and Engine 2 and 3, (\$6,000), and to pay for the Town's 50% share of a grant from the Massachusetts Department of Conservation for firefighter personal protective equipment, (\$1,500), and to see if such sums will be raised by transfer from available funds or to take any action related thereto.

7. On petition of the Town Clerk to see if the Town will vote to raise and appropriate the sum of \$8,500 to be used for the costs of the upcoming Special State Primary on December 8, 2009, and Special State Election on January 19, 2010 to fill the vacancy in the United States Senate seat in Massachusetts, said funds to be reimbursed in whole or in part by the Commonwealth of Massachusetts as an unfunded mandate under the State's 1980 Anti-Mandate Law, and to see if such sums will be raised by transfer from available funds, or to take any action related thereto.

8. On petition of the Recreation Commission and the Superintendent of Public Works to see if the Town will vote to raise and appropriate the sum of \$20,000 to enlarge and rebuild baseball fields in various locations to provide field spaces that will be lost during construction of the new elementary school, and to see if such sums will be raised by transfer from available funds, or to take any action related thereto.

9. On petition of the Board of Selectmen to see if the Town will vote to become a member of the Essex North Shore Agricultural and North Shore Technical High School District (the "District") in accordance with Chapter 463 of the Acts of 2004 (as amended); and to further authorize the Town of Middleton to appropriate, borrow, or transfer from available funds, its proportioned share of \$133,000,000 dollars, based on the Town of Middleton's projected percentage of enrollment for the proposed Essex North Shore Agricultural and Technical High School, to be expended under the direction of the District for construction of the Essex North Shore Agricultural and Technical High School, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement discretionary program based on need as determined by the MSBA, and any project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District. Any grant that the District may receive from the MSBA for the Project shall be based on a total project budget of \$125,000,000 and shall not exceed the lesser of (1) sixty-two percent (62.00%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount as determined by the MSBA. The MSBA's grant is conditioned upon the election by cities and towns representing at least 75 percent of the October 1, 2004 foundation enrollment of the North Shore Vocational Regional School District to become a member municipality of the District.

Background Information on Proposed Merger between North Shore Technical High School, Peabody Vocational High School and Essex Agricultural High School

For the past ten years, the Town has participated in a process of investigating a proposal to merge the existing North Shore Technical, Essex Agricultural and Peabody Vocational High Schools. The potential for a merger was raised as a more cost effective means of addressing existing, major facility modernization requirements at each high school. Most important, a merger was seen as having the potential to create a truly state-of-the-art vocation high school which would meet the vocational and educational requirements for students in the North Shore area. Currently, hundreds of students are turned away each year from the North Shore Technical and Essex Agricultural programs due to a lack of adequate classrooms and facility space.

After several State-funded studies demonstrated the cost effectiveness of a merger, special legislation was enacted in 2004 to authorize a formal process to establish a merged district. This established a temporary Oversight Board which has included Aggie, North Shore and local town and city representatives. The plans call for a new 370,000 square foot building to be built in Danvers on the grounds of the State-owned Essex Agricultural which would serve a student population of 1,400. A football field and multiple use athletic fields are also planned for construction on the Middleton side of the State owned land off Manning Road. This enrollment figure of 1400 provides the additional capacity needed to insure that all eligible students will be able to attend. The North Shore Chamber of Commerce has designated this as their highest priority program for the past several years.

The new school was originally estimated to cost \$180 million. A comprehensive effort to reduce the cost through design and other changes has led to the current cost estimate of \$133,000,000. Of this amount, the State has pledged to finance \$98.4 million or 74%. The State's contribution is in two parts: \$77.5 million from the Massachusetts Department of Capital Asset Management [DCAM], as part of the State's Capital Bond Program. The North Shore's legislation delegation and the Governor have been strong advocates for the State making such a substantial financial commitment to this unique project.

The local share of \$35,168,750 will be reduced to \$31,168,750 by the anticipated sale of the current North Shore Tech property in Middleton, which has been appraised at \$4 million. The costs to the anticipated 17-district member communities would be allocated using a formula based on student enrollment]. Communities would begin to see the cost impact as part of their annual assessment, beginning modestly in FY 2012 and 2013, with the highest year impact (full year peak bond payment) in FY 2014, which is the year the new school is scheduled to open.

Middleton's share of the debt service will be proportional to the number of students it sends to the new district and is now at 2.56% of the total combined enrollment. It is estimated that the debt service to Middleton will be \$66,000 in Fiscal Year 2014 gradually declining to an annual cost of \$28,000 per year by the end of the bond repayment period. Middleton's annual assessment for the 19 students it sends to the Aggie and North Shore Tech for Fiscal Year 2010 is \$315,300, a portion of which is existing debt service for the North Shore Technical School.

Under the special legislation (Chapter 463 of the Acts of 2004), the communities must first obtain votes from their legislation bodies to legally form the District. The required threshold is that communities representing at least 75% of the October, 2004 enrollment of the North Shore Technical High School enrollment must vote to join before the District becomes official. Cities and towns will be voting during the next several months; timing is key not only from a construction scheduling perspective but, more importantly, because the MSBA has set a 120-day deadline for communities to vote to establish the District or run the risk that they will rescind their \$77.5 million pledge.

Membership in the new District and authority for it to issue debt service for the school's construction requires a vote of a community's legislative body—in our case, a Town Meeting vote.

10. On petition of the Board of Selectmen to see if the Town will vote to accept Pollock Drive as a town street as laid out by the Board of Selectmen under Massachusetts General Laws, Chapter 82, Section 21 and 22, and in compliance with the Planning Board's Subdivision Rules and Regulations for new streets.

11. On petition of the Board of Selectmen to see if the Town will vote to accept Shipley Court as a town street as laid out by the Board of Selectmen under Massachusetts General Laws, Chapter 82, Section 21 and 22, and in compliance with the Planning Board's Subdivision Rules and Regulations for new streets.

12. On petition of the Board of Selectmen to see if the Town will vote to accept Mill Street Extension as a town street as laid out by the Board of Selectmen under Massachusetts General Laws, Chapter 82, Section 21 and 22, and in compliance with the Planning Board's Subdivision Rules and Regulations for new streets.

13. On Petition of the Board of Selectmen to see if the Town will vote to transfer the sum of \$100,000 from Free Cash to apply to and reduce the Fiscal Year 2010 Tax Rate.

