

**TOWN OF MIDDLETON
SPECIAL TOWN MEETING
THE COMMONWEALTH OF MASSACHUSETTS
November 29th, 2011**

RECEIVED

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TOWN CLERK'S OFFICE
MIDDLETON, MA

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, 26 Central Street in said Middleton on Tuesday, November 29th 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.

Special Town Meeting Warrant Articles

1. To hear and act on Committee Reports:

School Building Committee

2. On petition of the Board of Selectmen and Treasurer/Collector to see if the Town will vote to amend the fee charged for each written demand issued by the Tax Collector from five dollars (\$5.00) to fifteen dollars (\$15.00) to be added and collected as part of the tax authorized by Massachusetts General Laws, Chapter 60, Section 15, or take any action related thereto.

Purpose of Article:

As of July 8, 2008, the Massachusetts General Court adopted legislation to allow cities and towns the right to charge a fee up to \$30 for each written demand made for unpaid taxes. The five dollar fee authorized by the legislation had not been amended in twenty-five years to account for the current expense of collecting unpaid taxes. Collection expenses include postage, software support, court fees, attorney and registry of deeds fees. The Town incurs expenses of up to \$24,000 per year in these costs and only receives less than \$9,000 in demand fees at the current rate of five dollars.

While the Town may increase fees to \$30 for each demand under the statute, the \$15 rate will offset the annual expenses in collection costs which the Town incurs after the due date. With the new demand rate of \$15, taxpayers who have not paid their taxes by the time of the due date will

incur all of the additional costs of collection, which will not have to be paid for or subsidized by those taxpayers who pay by the due date.

3. On petition of the Board of Selectmen and Superintendent of Public Works to see if the Town will vote to approve the use of \$170,000 in existing funds previously approved for the construction of the Howe-Manning School and "for costs incidental and related thereto" through debt service in Article 15 at the May 12, 2010 Annual Town Meeting to be used to re-surface and re-pave Park, Central, the Central Street parking lot, and Washington Streets, and construct inlay crosswalks and to take any action related thereto.

Purpose of Article:

The purpose of this article is to authorize funds to be used to repave and resurface area streets affected by the construction of the Howe-Manning School during the past two years. Abnormal wear and tear has occurred to the paved surfaces as a result of heavy truck traffic to and from the area and multiple cuts in the pavement during the construction of the new school. While the school project provided for construction of a new access road to the school and a new drop off and pick up looped driveway off of Central Street, the adjoining streets leading to this area have not been repaved in more than 20 years and are now in need of resurfacing. These costs are considered to be "incidental and related to the construction project" and as such do not need to be raised and appropriated, but only authorized by the Town Meeting.

The re-paving of the three streets will also provide an opportunity to slightly widen (by three to five feet) a few sections of Park Street to provide two way paved access along that portion of the roadway which serves as an emergency access and egress to the new school and playing field and playground Boy Scout's Cabin. No new funds need to be raised or appropriated because there are sufficient funds within the school's construction budget to pay for this related expense.

4. On petition of the Fire Chief and the Board of Selectmen to see if the Town will vote to raise and appropriate the sum of \$35,000 to re-insulate the roof and attic areas of Fire Headquarters and make associated roof, wall, and miscellaneous repairs to the building, and to see if such funds will be raised by transfer from available funds.

5. On petition of the Fire Chief and the Board of Selectmen to see if the Town will vote to adopt the following new Bylaw to be added to the Town's General Code which reads as follows and is entitled:

Middleton Town Code

Chapter 148

Storage of Flammable, Combustible, or Hazardous Materials Used in Manufacturing and Processing Facilities

1. **PURPOSE:** The purpose of Bylaw is to ensure manufacturers and processing facilities using flammable, combustible or hazardous materials are using safe business practices and operating in accordance with industry standards and all applicable federal, state and local laws.
2. **DEFINITIONS:** For the purpose of Chapter 150 of the Town of Middleton General Code, all terms shall be as defined in the current version of the Commonwealth of Massachusetts Fire Prevention Regulations 527 CMR 14.00.

Annual Inspection by Licensed Professional Chemical or Mechanical Engineer

3. All product manufacturing and processing facilities holding a license for the storage of flammable and combustible materials shall have their facility inspected annually by a licensed professional chemical or mechanical engineer, or other licensed professional experienced in chemical process equipment and operations similar to the licensees' processes. It will be the responsibility of the licensee to notify the Fire Chief of the date(s) and time(s) of the inspection, and allow the Fire Chief or his designee to accompany the individuals involved with the inspection. All product manufacturing facilities holding a license for the storage of flammable and combustible materials shall certify in writing annually that the facility complies with, at a minimum, all applicable state and local fire codes and hazardous materials regulations. The licensee shall maintain a copy of the inspection reports on file and provide a copy of the reports to the Middleton Fire Department.

Five Year Inspection by a Third Party Independent Licensed Professional Chemical or Mechanical Engineer

4. All product manufacturing and processing facilities holding a license for the storage of flammable and combustible materials shall have their facility inspected by a third party, licensed professional chemical or mechanical engineer, or other licensed professional experienced in chemical process equipment and operations similar to the licensees' processes at least once every five years. It will be the responsibility of the licensee to notify the Fire Chief of the date(s) and time(s) of the inspection, and allow the Fire Chief or his designee to accompany the individuals involved with the inspection. Independent third party professional shall certify in writing to the Middleton Fire Department that the inspection has been done and that the facility complies with, at a minimum, all applicable state and local fire codes and hazardous chemical regulations. The licensee shall maintain a copy of the inspection reports on file and provide a copy of the reports to the Middleton Fire Department. Prior to the conduct of each five year inspection by a third

party, the Fire Chief shall approve and certify the independence of the third party inspector(s).

5. All manufacturing and processing facilities using flammable, combustible, or hazardous materials shall have a permit issued by the Middleton Fire Department, specifying the quantities for each of the eight categories of flammable and/or combustible materials in 527 CMR 14.03 (2) and shall list each hazardous material type and quantity. A copy of this permit shall be conspicuously posted on the premises for review.
6. **ENFORCEMENT:** The Middleton Fire Department will inspect licensed manufacturing and processing facilities annually for compliance with M.G.L., Chapter 148, Commonwealth of Massachusetts Fire Prevention Regulations 527 CMR 1.00 – 50.00, and the Town of Middleton Fire Prevention Code.
7. **PENALTIES:** Whoever violates the provisions of this Chapter may be punished by a fine of up to the amount authorized by Massachusetts General Laws under Chapter 148 as amended; the terms hereof may be enforced by the Chief of the Middleton Fire Department or his designee, and are subject to non-criminal citation pursuant to M.G.L., Chapter 40, Section 21D and M.G.L., Chapter 148A. Violations may also require notification to abutters and may lead to suspension or revocation of the permit or license.

[End of Bylaw Language]

Article 5 (continued from above)

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Middleton.

6. On petition of Anthony Pacillo and more than 100 registered voters of the Town of Middleton to see if the Town will vote to amend the "Table of Use regulation in the Middleton Zoning By-law by deleting "N" from the "B" and "M-1" districts under Use "C. 15 restaurant drive through" and replacing same with "BA"

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Middleton.

Purpose of Article:

To allow drive-in retail establishments- a business or retail establishment dispensing food, beverages, or goods from inside a building to persons standing outside or seated in their automobiles in the B-Business or M-a Manufacturing Zones by Special Permit through the Zoning Board of Appeals.

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 seven 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 8th day of November in the year of our Lord Two Thousand and Eleven.

MIDDLETON BOARD OF SELECTMEN

s. [Signature]

s. Nancy M. [Signature]
s. [Signature]

s. [Signature]

s. [Signature]

A true copy Attest:
s. [Signature]
Constable of the Town of Middleton

11/11/2011
Date Posted