

MIDDLETON SELECT BOARD
MEETING AGENDA
FULLER MEADOW ELEMENTARY SCHOOL
NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, APRIL 4, 2023
6:00 PM
This meeting is being recorded

This meeting will be a hybrid of in-person and remote via Zoom. To join the meeting remotely, go to:
<https://us02web.zoom.us/j/88446830179?pwd=WHBJbjY0Z01rYmNiREVHRDE5dXRVdz09>

6:00 pm 1. Business
a. Warrant: 2320
b. Minutes: ES and OS March 4, 2023 (Joint with FC); March 7, 2023; OS and ES March 14, 2023; March 20, 2023
c. Town Administrator Updates and Reports

6:10 pm 2. Update on Town Administrator Search Process; votes may be taken

6:20 pm 3. Review and discussion on renewal of North Eastern Massachusetts Law Enforcement Council (NEMLAC) Mutual Aid/Assistance Agreement; votes may be taken

6:30 pm 4. Review recommendation from the Building Committee on Construction Manager at Risk firm; discussion and authorize Owner's Project Manager PCA360 to enter negotiations with firm; votes may be taken

6:40 pm 5. Updates & Announcements

Upcoming Meetings: April 18
May 9
May 16
May 2, 16, 30

Regular Select Board meeting
Annual Town Meeting – Howe-Manning
Annual Town Election – Fuller Meadow
Regular Select Board meeting

**SELECT BOARD & FINANCE COMMITTEE
FY2024 OPERATING BUDGET SUMMIT
MEETING AGENDA**

**FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER, 143 SOUTH MAIN STREET, MI
SATURDAY March 4, 2023 8:30 AM**

Select Board Present: *Chair Kosta Prentakis, Debbie Carbone, Jeff Garber, Rick Kassiotis*

Not Present: Brian Cresta,

Finance Committee Present: Richard Gregorio, Co-Chair, Peter Moon; Jason Vining; George Dow

Not Present: Toni Mertz, John Erickson Co-Chair, Michelle Cresta

Others Attending: Interim Town Administrator (ITA)/Human Resource (HR) Director Jackie Bresnahan; Finance Director / Town Accountant Sarah Wood, Catherine Tinsley, Recording Secretary, and other attendees as noted.

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.

8:33AM Call to Order – With quorums present the meeting was called to order.
With permission the agenda was taken out of order.

Executive Session

The Select Board & Finance Committee **VOTED** unanimously by roll call to enter into Executive Session, pursuant to Open Meeting Law (Chapter 30A, § 21(a) (3) to discuss strategy with respect to collective bargaining negotiations and to return to open session.

9:15 AM The Select Board and Finance Committee returned to open session.

Introductory comments

FY2024 Operating Budget overview: J. Bresnahan, S. Wood

The capital budget includes the standalone item for the Masconomet Turf Field capital project, of which \$210,990 of Free Cash is proposed to be presented to Town Meeting as a separate Warrant Article.

All three communities in the district plan to fund this project with the use of Free Cash.

Free Cash available for the FY24 capital budget is \$ 1,662,795. The proposed Free Cash expenditure is \$ 1,063,069. This would allow a transfer of \$250,000 to the Facilities Complex Stabilization Fund and \$ 100,000 to the OPEB Trust Fund, in line with financial policies, at the spring Annual Town Meeting.

Other CIP funding sources include:

- \$ 75,000 from Community Preservation Fund
- \$ 60,000 from PEG
- \$ 150,000 from Overlay
- \$ 150,000 from Ambulance Fund
- \$ 370,000 for Capital Stabilization Fund
- \$ 1,300,000 from ARPA - ARPA funding is at the discretion of the Select Board

Discussion and Review of ARPA projects: *Votes may be taken*

To date, approximately \$180,000 in ARPA funds has been utilized. If the recommended projects are funded, a balance of approximately \$ 1.3 million would still available in ARPA funds.

The following was recommended to be paid for with ARPA (American Rescue Plan Act) funds:

- \$ 125,000 for the Peabody Street Bridge repairs (the initial \$ 300,000 is through an in-progress earmark with the state legislature)
- \$ 650,000 for the water main extension on Essex Street to just past Debush Avenue AND \$650,000 for the water main extension on Liberty Street. (the balance of the \$ 1,150,000 to be funded from the Water Retained Earnings).

Capital Planning - Five Year Capital Budget Plan for Town Funded Projects only

The five-year outlay provides a better sense of expectations while discussing current FY budgets for all departments. The five year CIP plan was referenced as provided in a spreadsheet; this included FY24 CIP.

Middleton Elementary School District budget: Superintendent Scott Morrison Asst. Superintendent Steve Greenberg, & School Committee Chair Michelle Aitken

The presentation included details on the proposed CIP at the elementary schools e.g. replacement of floors, windows, bathrooms, boilers, pumps, and the cost of engineering services and feasibility studies when needed.

The Board/ Committees were reminded ADA, current codes, and prevailing wages are all considered in estimated work and available grants would be taken advantage of when possible.

Operating budget – update: There is a School Committee meeting on the FY24 budget on Monday March 6. The Town Administration guidance to the School District on the FY24 budget was not to exceed 4 percent increase. After reductions were made to the budget, the total increase in the school district budget is 8.23 percent or \$ 1,135,000. The meeting was open for questions.

As an additional funding source the stabilization fund would be used, but this does not reduce the percentage increase. The School District reiterated although State Chapter 70 funding increased, it was inequitably distributed throughout the state (per the “outdated” formula). Middleton received \$ 21,000 or \$ 30 per student.

Council on Aging (COA); Jillian Smith, Ken Gibbons (Deputy Superintendent)

To reduce maintenance costs, inmates from Middleton will be painting the COA building, leaving repairs to the retaining wall as the priority. The wall located on the property line has decayed to the point it must be repaired; estimated cost is \$250,000. Overlay funds are proposed to be used to mitigate the cost of the project. During this discussion it was question if renting space for the COA until the new facility was ready, would make financial sense.

Department of Public Works (DPW)-Transfer Station & Water: Paul Goodwin, Superintendent

A summary of the Capital Improvement requests was presented. A detailed discussion followed on the \$ 425,000 cost to repair the Peabody Street bridge. The DPW is working with the state and has \$ 300,000 earmarked for the project. The balance of \$ 125,000 was proposed to be paid by ARPA funds. It was noted about \$ 100,000 was for engineering and traffic control. Photos were referenced of the decay and damage on the bridge.

On a MOTION by Carbone, seconded by Garber, the Select Board VOTED unanimously to use \$ 125,000 of ARPA funds to begin the process to repair the Peabody Street bridge.

The water main extension from Essex Street to Debush Avenue was proposed to improve the distribution of water; the estimated cost is \$ 1,150,000 to be paid in part from ARPA funding of \$ 650,00 and the balance from the Water Retained Earnings; flood repairs are not a part of this project.

The higher than expected estimate was in part due to the location of the water main under the culvert on Lake Street; the culvert is not owned by the Town.

The water main would also be looped from Liberty Street to Liberty Street; estimated cost is \$ 1.3 million. There was a brief discussion to bid the projects at the same time to be done one after the other for additional cost savings. After funding these projects the Water Retained Earning balance would be \$ 350,000- \$ 400,000 and the ARPA balance would be \$ 1.3 million.

On a **MOTION** made by *Carbone*, seconded by *Garber*, the Select Board **VOTED unanimously by roll call** to use of \$ 650,000 of ARPA funds to extend the water main for Essex to Debush and \$ 650,000 to extend the water main to loop Liberty to Liberty Street.

On a **MOTION** made by *Garber*, seconded by *Kassiotis*, the Select Board **VOTED unanimously by roll call** to rescind \$ 3,373.50, allocated for Covid tests, from COVID-19 test account, to be reallocated.

Fire Department: Chief Doug LeColst; Captain Deschene

Chief LeColst reviewed each of the CIP requests and answered questions. Grants would be used when available to offset costs. Chief spoke on the Assistance to Firefighter Grant funds to help with updating gear/equipment and Regional Grant funds with other communities used to purchase radios.

A lengthy discussion followed on the ambulance replacement in the CIP in the amount of \$ 520,000 (includes some new equipment). Since delivery is about two years out, the funding strategy for the down payment (30-40 percent) was included in FY24 to place the order. The trade in value of the current ambulance has yet to be determined, but was estimated at \$ 96,000. A lease to own was considered, but not recommended. Funding sources included \$ 150,000 from the ambulance fund (\$ 650,000 of the ambulance fund is designated to be transferred to the operating budget) and \$ 370,000 from stabilization fund.

Discussion followed on the larger budget item to refurbish Engine 3 in 2026 - (\$600,000) and if putting money into a 25 year old truck was advisable. It was also noted Ladder One was scheduled to be replaced in 2027 at an estimated cost of \$ 1.9 million. On a side note, once the new fire station facility is built, fire trucks would not need to be modified to fit, therefore reducing the price.

Chief spoke in detail about the SAFER Federal Grant, meant to assist municipalities in building departments by subsidizing salaries for up to three years to give municipalities time to build the cost into their budgets. Towns must agree to commit to continuing the funding when the grant expires. The Chief requested a minimum of two firefighters. It was questioned if there was any strategy or benefit in asking for one or two firefighters. There will be an update at the March 7 Select Board meeting.

Other Requests: J. Bresnahan

ITA Bresnahan presented the CIP for the remaining departments:

Board of Health/Conservation- Digitalization of records over multiple fiscal years

Police – gear/equipment

IT/PEG- updates to move away from servers.

She spoke on the reduction in the funding request for the turf field project due to the realization the original request included funding not yet needed, and the library AV equipment update is now being done in two phases, in separate fiscal years.

Non-capital article for Free Cash uses included:

- Funding \$ 50,000 for studies of municipal property assessments to liquidate, revitalize, sell, repair or keep.
- Prior years bills

- OPEB- Other Post-Employment Benefits -\$ 100,000
- Facilities Complex Stabilization fund - \$ 250,000

Wrap up discussion on capital budget: J. Bresnahan & S. Wood

The recommended CIP and funding sources were outlined and referenced in the FY 24 binders.

Any of the supplemental requests from the previous meeting could only be funded by a 2 ½ override and not included. The School District budget is to be voted by the School Committee March 6. The Town of Topsfield maintained an increase for the regional school budget of 2.25 percent; expenses over this would be an override. Boxford is following Middleton with an increase over 4 percent would be considered a deficit and presented as an override question. The Masconomet Regional School assessment is 4.8% over last year, using maximum levy capacity. The towns have no jurisdiction over a regional school budget.

A discussion ensued to have an override question for the elementary school budget over the 4% increase or if cuts could be made on the town's budget to absorb the additional increase. ITA Bresnahan reported the town would see major cuts in programs/staffing and stressed there were costs associate with this approach.

The School Committee would be asked to provide itemize cuts to their budget, in the event an override does not pass.

It was the consensus of the meeting an override question be limited to the elementary schools and the municipal budget not be subject to budget cuts.

Discussion if the FY25 forecast guidance be reduced for the school to allow municipal priorities to go forward.

On a **MOTION** made by **Carbone**, seconded by **Garber**, the Select Board **VOTED** unanimously by roll call, if necessary the Select Board would be willing to have an override for the elementary school only.

On a **MOTION** made by **Kassiotis**, seconded by **Carbone**, the Select Board **VOTED** unanimously by roll call that in the event of an elementary school override, there be no cuts made to municipal services.

The Finance Committee did not vote but expressed agreement with the motions as voted.

Items not anticipated

Masco School Committee recently held discussions on capital needs. Dominic Casamassima, School Committee was present to answer questions and provide updates on recent discussions. He reviewed the FY24 proposed budget was a level service budget with increases due to rising costs of existing services and e.g. transportation contract salaries, health insurance and further explained the reduction of FY24 Capital regarding the turf fields to align expenses appropriate for the current status of the field. The article for turf field expenses would be presented to each town as a separate question and not tied to the operating budget; in the event the field funding does not pass, the School's FY24 budget would not be in jeopardy.

There was a lengthy discussion regarding replacement of the 50 year old boiler at the middle school and concern from the Select Board and Finance Committee on this "eleventh hour request" of substantial funding (\$ 4.5 million). Mr. Casamassima referred to this as a long process and lead time on equipment of 6 months to a year, and timing of the project to not disrupt classes. The School Committee anticipated this would be an override question. ITA Bresnahan noted concern with the lateness of this critical decision for town meeting and reminded everyone that department heads turned in their budgets in January and CIP the first week in February.

Mr. Casamassima observed there was the possibility for an emergency repair this year and discussions followed to replace the unit considering the age of the boiler as original to the building. He added the boiler was "part one" of a \$46 million plan over the next several years.

The School Committee is the borrowing authority on this and the three communities have 60 days to say no or to fund it. It was noted the Town of Middleton had no way to fund this without debt exclusion. Again the tight timeline was referenced to get this on the 2023 Town Meeting Warrant.

Select Board Chair Prentakis informed the Board members two of the four top Town Administrator candidates have a conflict with the interview dates. ITA Bresnahan will work with the Board and MRI to reschedule meetings.

Outstanding items

Liquor license vote- On February 21, 2023 the Select Board voted to add late fees to the liquor license process. (\$ 100 after November 30 deadline; \$ 200 after December 15; \$ 300 after January 1)

ITA Bresnahan noted the intent of the Select Board was to include late fees for Common Victualler Licenses and Liquor licenses and requested the Board vote to amend the language to include Common Victualler licenses.

On a **MOTION** made by **Carbone**, second by **Garber**, the Select Board **VOTED** unanimously by roll call to add late fees to all licenses including Liquor & Common Victualler Licenses.

Upcoming meetings:

Tuesday March 7 @ 7:00PM - Final Date to close Warrant

Thursday March 30 @ 7:00PM - Joint BOS/FinCom: Budget hearing and warrant review

Thursday April 6 @ 7:00PM - Joint BOS/FinCom: Finalize budget, if needed

Tuesday May 9 @ 7:00PM- Annual Town Meeting

Adjournment – The meeting was adjourned at 2:19pm.

Respectfully submitted,

Catherine Tinsley

Catherine Tinsley, Recording Secretary

Jeff Garber, Select Board Clerk

Finance Committee Co-Chair

Finance Committee Co-Chair

Documents either distributed to the Select Board & Finance Committee before the meeting in a packet or at the meeting:

- Agenda
- Memorandum to Select Board & Finance Committee from J. Bresnahan, March 4, 2023
- Town of Middleton FY24 Budget
- FY24 Proposed Capital
- FY24 CIP Summary
- FY24-28 Five Year Capital Budget Plan (Town Funded Projects Only)
- FY24-28 CIP Master File
- Adjustments Made to FY24 Operating Budget Since 2.4.23 Meeting

MEETING MINUTES

SELECT BOARD

FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER

143 SOUTH MAIN STREET, MIDDLETON, MA 01949

TUESDAY, March 7, 2023

7:00 PM

This meeting was recorded.

Present: Chair Kosta Prentakis, Debbie Carbone, Brian Cresta, Jeff Garber, Rick Kassiotis

Others Attending: Interim Town Administrator (ITA)/HR Director Jackie Bresnahan; and others as noted.

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.

7:00 PM With a quorum present, Chair Prentakis called the meeting to order.

BUSINESS

Warrant Approval: ITA Bresnahan provided a brief overview of Warrant #2318.

The Town Accountant/Finance Director has reviewed the warrant and requested the Board's approval.

On a **MOTION** made by **Cresta** second by **Carbone**, the Select Board **VOTED** unanimously by roll call to approve warrant # 2318 as presented.

Minutes Approval: The Board was provided with the draft minutes from **February 21, 2023** meetings and took the following action:

On a **MOTION** made by **Cresta** second by **Kassiotis**, the Select Board **VOTED** unanimously by roll call to approve the February 21, 2023 minutes as provided.

Interim Town Administrator update/reports

- ITA Bresnahan recognized all those that participated in the Capital Budget Summit on March 4.
- Lars Unhjem will be on the March 14 agenda to provide an informal presentation regarding his proposed project for the former Angelica property; materials will be posted in advance on the town website.
- Middleton's State Aid was reduced by \$796 from FY23 in the preliminary governor's budget proposal due to significant increases in off sets.
- On March 1, four Call Firefighters graduated from Class 102, at the Fire Academy: one full-time Firefighter is due to graduate from the Fire Academy later in March.
- Middleton Police department co-sponsored an event with Sheriff Kevin Coppinger for residents at the Essex County Sheriff's Department headquarters and etched serial numbers on vehicle's catalytic converters in an effort to deter theft.
- Turtle & wildlife crossings are sponsored by the Stream Team at nine different sites around town.
- Public Health – Traci Mello, Public Health Director, was present and spoke on the Opioid Stabilization Spending Plan from the settlement funds. A round table was started in January and have met twice to discuss how to spend the (\$40,000 received to date) to provide prevention, harm reduction, treatment, recovery and training. Settlement funds will be distributed over a number of years.

Town Administrator Recruitment Update: votes may be taken

Chair Prentakis & ITA Bresnahan met with Municipal Resources, Inc. (MRI) on the Town Administrator recruiting process. MRI will provide a list of sample questions to the Select Board for the candidate interviews on March 21 & 22; interviews are scheduled for an hour. Each Board member should prepare three questions for the candidates. Materials on the four finalists will be provided to the Board at their March 14 meeting and posted on the Town's website. March 18 is the public meet and greet event with the finalists for about 30 minutes each. Chair Prentakis recommended if the Board members attended, they attend for all the candidates. The Board will deliberate on March 22 after the interviews and include an executive session for negotiations. If the Board does not come to a consensus, another meeting will be scheduled on Thursday March 23 at 5:30pm. The Board's negotiating team, Cresta and Garber, will negotiate the contract with the candidate. It was the consensus of the Board to schedule an executive session for March 14 to further discuss the Town Administrator's general contract terms.

Public Comment – There was none.

Troop 19 Eagle Scout Presentation by Rohan Plant on his project King Pines Trail

Rohan Plant was present and referenced a slide presentation on this Eagle Scout project, King Pines Trail, (located near Peabody Street Landing) which he dedicated to the Town of Middleton. Rohan's project was approved by the Conservation Commission and the Scout Council, and included two miles of surveying, clearing, and trail marking. Rohan also built a 40 foot long elevated walkway, from locally sourced wood to keep the trail on conservation land, and provided educational materials i.e. signs, QR codes, & short map of trail. Rohan recognized the Stream Team, the Scout Master, fellow scouts, friends, and family for their assistance. The Board complimented Rohan on his project.

Follow up discussion on FY24 Operating & Capital Budgets from Capital Budget Summit; votes may be taken.

ITA Bresnahan summarized recent changes to revenue and expenses in the budget including changes voted at the Middleton Elementary School Committee last night, and gave a brief overview of the Finance Director's updates to the budgets made since February 4, 2023.

The Treasurer Collector, as the Trustee of investment accounts, met with investment Advisors Bartholomew & Company on investment strategies. The town's financial advisory, Hilltop Securities is also contributing to financial planning.

The elementary school budget was approved by the School Committee with an 8.18 percent increase. School Committee member Michelle Aiken was present and participated in this discussion. The Board previously gave guidance that the school budget increase be capped at 4 percent to present a balanced budget to Town Meeting. Any balance over that amount would be presented to Town Meeting as an override and on the ballot. ITA Bresnahan noted, as of today, the operating override is \$496,000 and spoke on applying (\$132,000) of Special Education Stabilization (under the jurisdiction of the Select Board/Finance Committee) to reduce the override to \$361,000; this applies all excess levy limit available to close this deficit and changes the town meeting vote from simple majority to 2/3 vote. ITA Bresnahan reviewed the pros and cons to this approach. A lengthy discussion followed on future structural budget predictions/deficits, various scenarios, and the override approach.

The Select Board meets jointly with the Finance Committee March 30.

Fire Chief Douglas LeColst was present and spoke on the Fire Department's supplemental request to add (4) Firefighters to the department roster and apply for the Federal Safer Grant to fund the first 36 months of this expense at 100 percent. Chief LeColst answered questions raised at the budget meetings related to this

grant. The Board previously supported two additional firefighters this year, and the other two firefighters in three years when the town will be eligible for another grant.

On a motion by **Kassiotis**, seconded by **Carbone**, the Select Board **voted** unanimously by roll call to authorize the Fire Chief to apply for the Safer Grant for two firefighters.

ITA Bresnahan updated the Board regarding the Masco Regional School budget and her meeting with the Tri Town Administration regarding the potential \$7 million Capital Improvement request for HVAC (\$4.4) and other critical, timely needs from their \$46 million Capital Plan. Masco School Committee will be meeting over the next few weeks; the towns will have 60 days to accept or reject this funding request. If the School Committee's vote is made by March 29, it would include all three Town's Annual Town Meetings & elections. The Board recalled previous budget discussions, within the past 30 days and these capital items were not initially in the budget as presented and expressed their concern. Mr. Cresta stated he would not support further increasing the taxes and would not support this override. Chair Prentakis reviewed the School Committee talked about potential cuts to the operating budget (.25-1%). The School Administration maintains the operating budget and capital assessment are one budget and only two of the three Tri-Town communities to approve it; the Board noted historically all three communities unanimously had to approve the regional budget. A lengthy discussion ensued regarding the Board's concern with the methodology, timing, and lack of transparency around this (possible) request.

It was the desire of the Board to have a joint meeting with Finance Committee, and Masco School Committee to further discuss the budget matters. Ms. Bresnahan will schedule a meeting.

Review all Articles & potentially vote to close the May 9, 2023 ATM votes may be taken

ITA Bresnahan spoke on the preliminary draft Warrant Articles (1-29) and noted it was reviewed by Town Counsel. She gave an overview of each article and answered questions.

Due to a recent interpretation of MGL, Towns no longer need an article to accept Chapter 90 funds. It was the consensus the Board to remove Article (17) from the Warrant.

It was the recommendation of the Finance Director and ITA, to transfer \$100,000 of Free Cash to OPEB & \$250,000 to the Facilities Stabilization Fund.

Article 20 – The Capital Plan for use of Free Cash included \$50,000 for municipal studies i.e. engineering and appraisals for the disposition of town properties. ITA Bresnahan spoke on a possible grant from Mass Works, if the Town shows commercial or affordable housing projects and that this article could be worded to be used to apply for such a grant. The Board stressed there have not been any discussions on the use of Town property, but if wording of this article gives the town a chance at the grant in the future, it be considered.

Article 22 - ITA Bresnahan will work with the Chief Assessor on the language of the article; funding is within the projected FY24 Overlay.

Article 24- Conveyance of the Conservation Restriction on 22.85 acres at 105 South Main Street. ITA Bresnahan is mitigating with US Wildlife on the eagle nesting area within this property and requested to hold discussion on this article until a future meeting.

Regarding the proposal to create an Opioid Settlements Stabilization Fund under MGL Chapter 40 § 5B, member Cresta recommended tabling this Article or wait until the legislature takes action to allow municipalities to put this funding in a special revenue fund for access. Ms. Bresnahan will follow up on this article at a future meeting.

The draft warrant will be updated for the next meeting.

Updates & Announcements – There were none.

Upcoming Meetings:

| | |
|--------------------|--------------------------------------|
| March 14 | Regular Select Board meeting |
| March 18 at 9 am | Community Forum for TA Finalists |
| March 20, 21, & 22 | Placeholders for TA Interviews |
| March 30 | Joint Meeting with Finance Committee |
| April 4 & 18 | Regular Select Board meetings |

10:15 PM Executive Session

On a **motion** by Cresta, seconded by Garber, the Select Board **voted** unanimously by roll call to enter into Executive Session pursuant to Open Meeting Law (Chapter 30A Section 21 (a)(3) To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Town, and the chair so declares, regarding Anticipated, Threatened Litigation Marino v. Town, and not return to open session but adjourn directly from executive session.

Adjourn – *The Select Board adjourn Executive Session at 10:32 pm.*

Respectfully submitted,
Catherine E.Tinsley

Catherine Tinsley, Recording Secretary

Jeff Garber, Select Board Clerk

Documents either distributed to the Select Board before the meeting in a packet or at the meeting:

Agenda: March 7, 2023

Warrant #2318: Payroll: \$ 754,165; Bills Payable: \$993,274; Facilities project: \$ 139,663

Minutes: February 21, 2023

Eagle Scout presentation

DRAFT May 9, 2023 ATM Warrant Articles

MEETING MINUTES

SELECT BOARD
MIDDLETON, MA 01949
TUESDAY, March 14, 2023
7:00 PM

This meeting was held remotely via ZOOM and was recorded.

Present: Chair Kosta Prentakis, Debbie Carbone, Brian Cresta, Rick Kassiotis, Jeff Garber

Others Attending: Jackie Bresnahan, Interim Town Administrator / Assistant Town Administrator (ATA)/HR Director; Catherine Tinsley, Recording Secretary

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.

7: 04 PM With a quorum present, Prentakis called the meeting to order.

Presentation of Town Administrator candidates by Municipal Resources Inc. (MRI)

Buzz Stappczynski & Bob Mercier were present for MRI and summarized the Town Administrator search process. MRI received 26 quality responses for the Town Administrator position, placed nine candidates in the final pool from which the final four candidates were chosen to be recommended for interviews. MRI provided an overview of each of the four finalist's current and past experience, strengths, and qualities MRI surmised was a good fit with Middleton.

Each candidate's cover letter, resume and essay questions are posted on the Town's website.

1. Mike McGovern, Town Administrator, Shirley
2. David Marciello, Town Administrator, Rehoboth
3. Justin Sultzbach, Town Manager, Winchendon
4. Andrew Shapiro, Assistant Town Manager /Economic Development, North Andover

MRI briefly outlined the process for Saturday's "meet and greet" with the candidates. This is an informal opportunity for residents, board/committee members to meet the candidates. The Select Board welcomed feedback from the residents.

The Town Administrator interviews are March 21 & 22, with the Select Board deliberating Wednesday with the intention of making a tentative offer of employment, pending successful negotiations for a contract, background check, & physical. Discussions regarding the final process followed.

Business

Town Administrator Updates & Reports - ATA Bresnahan

- The DPW, contractors, & Fire/Police were recognized for their work during the storm today.
- The Design Review Group met regarding 209 S. Main Street which will be before the Zoning Board of Appeals for special permit for restaurant use, and also discussed the continued implantation on the Central Street Traffic Study; the Board will receive follow up information at their April meeting.
- Several board/ committee openings were noted. Additional information is available on the town website.

- The Treasurer Collector will attend the Select Board's meeting in April to provide an update on the Middleton Complex fund.
- No banks used for Middleton municipal funds were subject to the current bank failure crisis; the Town's assets are spread across a number of institutions; the situation is being closely monitored.

Public Comment

- Fred Feldmon, 27 Rowell Lane, said he represented at least four other residents and their concern with the placement of the trash/recycling on the former Angelica site. In the site plan, the recycling and trash is located in two separate locations along their street. The request was for the trash and recycling be relocated and asked for reassurance from the developer.
- Nancy Stratemeyer complimented those working on the resolution to have the old cars, trailers, junk removed in her neighborhood, specifically mentioning Jeff Garber.

Review and discuss exercising the option to have Early Voting for local elections; votes may be taken
 Ilene Twiss, Town Clerk, was present and spoke on the changes in the law that made permanent some procedures established in 2020, including in-person early voting for local elections. The Middleton Board of Registrars is required to make a recommendation to the Select Board for consideration. The Board of Registrars voted in the affirmative to recommend the Board approve in person early voting. The schedule for early voting has not been set to date. The Town Clerk's office received about 800 mail in ballot requests so far; this may impact early voting attendance.

On a **MOTION** made by **Kassiotis** second by **Carbone**, the Select Board **VOTED** unanimously by roll call Middleton opts in for early (in person) voting for (local elections) for this (2023) year.

- The last day to submit nomination papers to Town Clerk's office is March 28; the last day to withdraw is April 13. Nomination papers must have 44 registered voter signatures.
- The last day to register to vote in the town election is April 28
- Town elections are May 16

Information Session/Presentation by Lars Unhjem, Villebridge Acquisitions, LLC, re: 49 S. Main St/10-18 Boston Street; *votes may be taken*

Lars Unhjem, Principal, was present with Attorney John Smolak to give an informal information session regarding his plans for the former Angelica site at 49 S. Main Street/ 10-18 Boston Street.

Lars Unhjem referenced a conceptual drawing shown on screen, for 60 rental units under Chapter 40B and 13,000 sq ft of retail space. Lars Unhjem fielded questions from the Select Board.

In summary, the major concern was of the traffic flow, parking, and impact to abutters and local residents. It was noted the updated traffic study was not completed to date. The estimated start of construction, pending the approval process, was two years out.

Lars Unhjem committed to giving the town a "heads up" when he files with Mass Housing and being available to answer questions from residents.

Review and discussion on Building Permit Fees; votes may be taken

Scott Fitzpatrick, Building Commissioner, was present to discuss the proposed late fees with the Board. An analysis of fees compared to local communities was recently completed and minimal changes were recommended.

- Increase minimal commercial permit fee from \$75 to \$100
- Commercial temporary trailer – 6 month permit from \$50 to \$75

ITA Bresnahan introduced to the Board for consideration, implementing a \$100 late fees for those applicants significantly out of compliance for their annual inspection, being 30 days past the inspection due date. This is not a common fee in other communities. Discussion followed on the current practice for issuing fines. The Board concurred the \$100 late fee was a good starting point to encourage applicants to follow the timeline.

Member Cresta recalled receiving reports of permits, revenue, inspections, etc. and requested these be provided again to help the Board better understand the department.

On a **MOTION** made by **Cresta** second by **Garber**, the Select Board **VOTED** unanimously by roll call to approve fee changes for Building, Plumbing, and Electrical fees as described in the material provided and highlighted in yellow, and also to implement a \$100 late fee for (overdue) inspections.

Review and name road at 56 N. Liberty subdivision; votes may be taken

Anne Cote was present and noted she received one suggestion for the subdivision street name to be Tragert Way after her father. She noted her father was a Korean War Veteran following the practice to name streets after veterans. This was whole-heartedly supported by the Board.

On a **MOTION** made by **Cresta** second by **Carbone**, the Select Board **VOTED** unanimously by roll call to name the proposed road at 56 N. Liberty subdivision, Tragert Way.

Follow up discussion on FY 24 Operating and Capital Budgets from Capital Budget Summit; This agenda item was deferred to the March 20 meeting.

Review the May 9, 2023 Annual Town Meeting warrant; This agenda item was deferred to the March 20 meeting.*

*ITA Bresnahan was asked by the Charter Review Committee to provide a brief update to the board regarding their meeting earlier in the day. The Committee is working with Town Counsel on proposed "housekeeping" changes to the Charter. Proposed changes would be tracked and provided to the Board prior to the next meeting. Discussions continued on the preferred way to extend the Charter Review Committee. Town Counsel opined an article to extend the Committee may not be required.

Member Cresta supported there be two articles, one for the new proposed change to extend the committee and a separate article for the Charter updates.

Barbara Piselli, Town Moderator, participated in this discussion and also supported there be two articles. There will be an update at the next Select Board meeting.

Overnight parking ban for Memorial Hall and other municipal lots as necessary; votes may be taken

ITA Bresnahan noted parking in municipal lots is permitted, but overnight parking at Memorial Hall, specifically in veterans and handicap parking, is problematic for the clearing of snow.

An overnight ban would give the Town the ability to enforce parking limits and have cars moved. It was noted some people are using Memorial Hall parking lot year round for extended parking.

Police Captain, Matt Armitage was present for this discussion and confirmed the police department has reached out to people using the lot regularly, without response. The Board discussed and agreed residents be permitted to park in municipal parking lots on a limited basis, especially during snow parking bans, but be informed and asked, not to park long term, not to park in Handicapped/Veteran spaces without appropriate placards or impeded the DPW from plowing. The Board agreed time restrictions be in place for Memorial Hall and maintain an area for residential parking during a storm. ITA Bresnahan will draft a policy based on the Board's comments for review.

Review & vote to accept the following donations; votes may be taken:

\$500 from Gregory and Pod Regis Fanaras for the Middleton Council on Aging
\$500 from Woolbright Development Inc. for the Middleton Council on Aging

On a **MOTION** made by **Cresta** second by **Kassiotis**, the Select Board **VOTED** unanimously by roll call to accept the donations for the Middleton Council on Aging with thanks.

Updates & Announcements

- Upcoming Meetings:
 - March 18 at 9 am Community Forum for TA Finalists
 - March 20 Joint Meeting with Finance Committee
 - March 21 & 22 TA Interviews
 - March 30 Joint Meeting with Finance Committee
 - April 4 & 18 Regular Select Board meetings
- Mr. Prentis reported the School Committee was meeting to certify the Masco Budget and was contemplating reducing the town's assessments, achieved by increasing circuit breaker offset funding and reducing expenses. If this occurs, Middleton's assessment would fall just under 4 percent increase.
- Masco will not be moving forward with critical needs capital project request of \$7 million this year.

9:30 PM Executive Session G.L. c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining negotiations; and pursuant to c. 30A, s. 21(a)(2) relative to the Town Administrator

On a **MOTION** made by **Cresta**, second by **Carbone**, the Select Board **VOTED** unanimously by roll to enter into Executive Session pursuant to Open Meeting Law (Chapter 30A Section 21 (a) (3) – To discuss strategy with respect to collective bargaining negotiations and not return to open session but adjourn directly from Executive Session.

Adjourn – The Select Board adjourn Executive Session at 10:22 pm.

Respectfully submitted,
Catherine E. Tinsley
Catherine Tinsley, Recording Secretary

Jeff Garber, Select Board Clerk

Documents either distributed to the Select Board before the meeting in a packet or at the meeting:

Agenda

Copy of Final Building Fees

Calendar – FY24 Operating/ Capital Budgets revised 2.4.22

Letter/Renderings from Villebridge Real Estate Development, March 9, 2023 Re Redevelopment of Angelica's Restaurant & Adjacent Property

Acceptance of donations from Council on Aging – J. Smith, March 7, 2023

MEETING MINUTES

SELECT BOARD
FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
MONDAY, March 20, 2023
6:00 PM

This meeting was recorded.

Present: Chair Kosta Prentakis, Debbie Carbone, Brian Cresta, Jeff Garber, Rick Kassiotis

Others Attending: Interim Town Administrator (ITA)/HR Director Jackie Bresnahan; Sarah Wood, Finance Director/Accountant; Catherine Tinsley, Recording Secretary, and others as noted.

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.

6:00 PM With a quorum present, Chair Prentakis called the meeting to order.

BUSINESS

Warrant Approval: ITA Bresnahan provided a brief overview of Warrant #2319.

The Town Accountant/Finance Director has reviewed the warrant and requested the Board's approval.

On a **MOTION** made by **Cresta** second by **Garber**, the Select Board **VOTED** unanimously by roll call to approve warrant # 2319 as presented.

Interim Town Administrator update/reports

- ITA Bresnahan thanked those who attended the Town Administrator meet & greet Saturday; all four candidates participated. Town Administrator candidate Interviews are March 21 & 22.
- Memorial Hall ramp will be closed for replacement April 10-14.
- Warrant Hearing is March 30 at the Fuller Meadow School.
- Board & Committee openings – additional information is on the Town website.
- Call Firefighter Bill Donavon's retirement party is March 28 from 3 to 6 pm at the fire station.

Public Comment – There was none.

Update on Septic System Replacement at Scouting Barn/Cabin

Tim Houten participated remotely, via Zoom, and spoke on the septic replacement at the Scout Barn, due to the addition of a second bathroom. Because the barn is on Town owned land, the Board must authorize the test pits to be done.

On a **MOTION** made by **Garber** second by **Kassiotis**, the Select Board **VOTED** unanimously by roll call to approve permission for test pits for septic be done on (town) land for the scout cabin.

Recommendation for Warrant Article(s) by Charter Review Committee

George Dow, Charter Review Committee was present and spoke on the proposed amendments as recommended by the Charter Review Committee. The Board reviewed the amendments and draft warrant

article. Sections recommended to be deleted: Section 2-3-4; Section 6-5-5; Section 6-8-4; and Section 7-5-2; *Section 8-2-1; Section 10-6-2; Sections 11-2-1; 11-2-2; 11-2-3; 11-2-4.

*Under discussion, on Condemnation in Section 8-2-1, Garber suggested this section remain in the Charter until there is a review of the Town Bylaws and condemnation authority is addressed in the Bylaws.

The Charter Review Committee has requested to extend the terms of the current membership through 2025 May Town Meeting. Town Counsel provided a single article to remove sections of the Charter as recommended and extend the Charter Review Committee. It was the consensus of the Select Board the Charter amendments and the Committee extension be separate articles.

Meet jointly with Finance & Advisory Committee & Masconomet Regional School Committee

Finance Committee Present: Richard Gregorio, Co-Chair, Jason Vining; George Dow; John Erickson, Co-Chair; Michelle Cresta. *Masco School Committee members present:* Tasha Cooper, Chair; Trevor Currier

Mr. Cresta spoke against the short notice from the School Committee regarding the \$7 million immediate capital needs for Masconomet to be presented in an override to Town Meeting. Chair Cooper explained the capital plan was due the beginning of February but was delayed and a place holder used. The School Committee has decided to not bring any capital requests to the 2023 Town Meeting to allow for continued discussions on the approach to the \$46 million Capital Plan. ITA Bresnahan observed some items on the capital list may be appropriate for funding in the budget vs bonding.

The Select Board supported the requests be held for the 2024 Town Meeting to allow time to educate the public and new board/committee members to "get up to speed".

A lengthy discussion ensued and included the potential need for an emergency repair of the failing HVAC system and the scenarios if Topsfield and Boxford fail the school overrides at their Town Meetings.

FY24 Operating & Capital Budget Updates; votes may be taken

Other than Merit Pay, the Select Board and Finance Committee agreed the FY24 supplemental requests not be included in the FY24 budget due to budget constraints. ITA Bresnahan provided an update to the operating budget including a reduction in the total increase of the elementary school budget from 8.17 percent to 6.73 percent over FY23. With the use of \$132,000 of Stabilization Funds and the School Committee's use of (one-time) revolving funds, the Town would have a balanced budget. It was noted the FY25 budget assumptions indicate a levy limit capacity and a potential \$1.4 million deficit resulting in a challenging budget next year. ITA Bresnahan spoke in detail on the FY25 forecast and reiterated the use of the Stabilization Funds for FY24 was a one-time solution.

If approved, the remaining Stabilization Fund account balance would be \$238,000.

On a **MOTION** made by **Cresta** second by **Carbone**, the Select Board **VOTED** unanimously by roll call to use up to, not to exceed, \$132,000 of the Special Education Stabilization Funds, to be utilized for the elementary school (FY24) budget.

The Finance Committee deferred action to their next meeting.

Review & vote to close the May 9, 2023 Annual Town Meeting Warrant; votes may be taken

ITA Bresnahan reviewed the updated warrant articles and noted the article numbers may change as place holders are removed. ITA Bresnahan and Finance Director Wood fielded questions from the Board during this discussion. It was agreed Article 22, To Convey Conservation Restriction, be removed from the Warrant.

On a **MOTION** made by *Cresta* second by *Kassiotis*, the Select Board **VOTED** unanimously by roll call to close warrant as described and presented with everything in capital letters deleted from actions taken by the Board tonight.

Vote on Seasonal Wine & Malt Liquor License Fees; votes may be taken

Licenses approved by the Home Rule petition are ready to be advertised. Currently the Town does not have a fee for seasonal wine/malt liquor licenses. ITA Bresnahan recommended the license fee be \$1500.00 based on the other liquor license fees and the time required to process the licenses.

On a **MOTION** made by *Kassiotis*, second by *Cresta*, the Select Board **VOTED** unanimously by roll call to set the Seasonal Wine & Malt Liquor License at \$1,500.00.

Contract Amendment No. 3 for Context Architecture; votes may be taken

The contract amendment is for additional tree survey work on the site at the Golf Course/facilities project, beyond the initial scope.

On a **MOTION** made by *Cresta*, second by *Kassiotis*, the Select Board **VOTED** unanimously by roll call to approve up to \$10,000.

Updates & Announcements

The regular Select Board meeting start time was changed to 6 pm starting April 4.

Upcoming Meetings:

| | |
|--------------------|--------------------------------------|
| March 20, 21, & 22 | Placeholders for TA Interviews |
| March 30 | Joint Meeting with Finance Committee |
| April 4 & 18 | Regular Select Board meetings |

On a **MOTION** made by *Cresta*, second by *Kassiotis*, the Select Board **VOTED** unanimously by roll call to adjourn at 8:47 pm.

Respectfully submitted,
Catherine E.Tinsley

Catherine Tinsley, Recording Secretary

Jeff Garber, Select Board Clerk

Documents either distributed to the Select Board before the meeting in a packet or at the meeting:

Agenda: March 20, 2023

Warrant #2319: Payroll: \$ 776,238; Bills Payable: \$1,600,083; Facilities project: \$ 67,337

Town Charter proposed amendments

DRAFT May 9, 2023 ATM Warrant Articles

FY 24 Supplemental Budget Requests and Adjustments

Summary of Spending by Warrant Article

Context Architecture Amendment No. 3, March 15, 2023

Bohler Engineering Change Order Agreement #5, March 14, 2023

Office of the Attorney General: Advisory Concerning Enforcement of MBTA Communities Zoning Law



NORTH EASTERN MASSACHUSETTS LAW ENFORCEMENT COUNCIL INTERAGENCY MUTUAL AID/ASSISTANCE AGREEMENT

3.

This document is a mutual law enforcement agreement among the municipal communities who are members of the North Eastern Massachusetts Law Enforcement Council (hereinafter referred to as "NEMLEC" or "the Council") that have executed this Agreement and have bound their departments in accordance herewith so as to increase and improve the capability to provide protection of life and property, thereby preserving the safety and welfare within the geographical area or region of these communities. This Agreement is adopted in accord with Chapter 40, Section 8G and other relevant provisions of the Massachusetts General Laws. The implementation of this Agreement will be under the direction of the NEMLEC whose membership consists of the chief executive officers from the member municipal communities.

PURPOSE:

- To provide mutual aid programs for the member police departments because of terrorist or enemy action, natural disaster, unusual occurrence including but not limited to fire, flood, storm, earthquake, landslide, aircraft accident, search or rescue operations, other natural or man-caused incidents requiring exceptional police action, school or workplace violence, riot, mob action, civil disturbance, demonstration, urban insurgency or any situation threatening the peace and tranquility of the requesting party's jurisdiction.
- To provide for the preparation and implementation of a comprehensive, coordinated mutual assistance plan for the police departments in NEMLEC which will enhance the law enforcement capability of the region.
- To provide for a system for the receipt of, and dissemination of, information, data and directives within the Council and to coordinate services between the Council and other law enforcement officials at the local, state, and federal levels.

- To provide close and effective cooperation and assistance in combating criminal activity within the region as covered by this agreement and the operational procedures that are promulgated by the Council.

AGREEMENT:

The signers of this agreement agree to the following:

1. To abide by the by-laws adopted and which may be amended or revised from time to time by the North Eastern Massachusetts Law Enforcement Council.
2. To abide by the rules, regulations, policies and procedures, and any other protocols outlining the perimeters and guidelines under which member agencies will operate with respect to their involvement and participation as a Member Agency of the North Eastern Massachusetts Law Enforcement Council.
3. To adopt and endorse the standards of conduct for which the members of their agency will be bound while performing duties and activities that fall within the scope of the Northeastern Massachusetts Law Enforcement Council.

DEFINITIONS:

When used in this agreement, various words and phrases shall be defined as follows:

Sender or Sending Department : a member Department sending aid and assistance.

Receiver or Receiving Department : a member Department receiving aid and assistance.

Executive Board: is comprised of those Police Chiefs who have been chosen by the Council members to serve as officers for the Council in accordance with the By-Laws promulgated by the Council.

Control Chief: Police Chief chosen by the Executive Board of the Council to manage and direct the activities of a particular operational component. Each and

every operational component of the Council shall have at least one Control Chief designated to manage and direct the component.

Assistant Control Chief: Police Chief chosen by the Executive Board of the Council to provide administrative assistance to the Control Chief of an operational component of the Council for which he was selected. In the absence of the Control Chief, it shall be the Assistant Control Chief who acts as Control Chief's designee in managing and directing the operational component for which he has been selected.

Mutual Aid: In accord with M.G.L. c. 41, § 99, officers activated under this mutual aid agreement shall have the same immunities and privileges as when acting within their respective cities and towns.

Council Members: the Chief of Police of a member Department, or in his absence, his designee. Each Chief of Police shall designate an alternate member of his Department who shall have full authority to act in the absence of the Chief.

Police Officer or Officer: For purposes of this Agreement, the term "Police Officer or Officer" is used to refer to those individuals who are considered full-time police officers, who have satisfied the provisions of M.G.L. c. 41, § 96B.

REQUESTS FOR ASSISTANCE AND CHAIN OF COMMAND:

A. The parties hereto agree to furnish to a requesting Department mutual assistance and logistical support only with the approval of each Sender's Chief of Police or designated representative and provided such law enforcement assistance and logistical support is within the capability of the Sending Department at the time the specific request is made.

B. Except as hereinafter provided, a request for assistance shall be made only to a Member Chief or his designee. No assistance shall be given without the authorization of the Sender's Member Chief or his designee. The Member Chief or his designee shall have sole and final say as to whether and to what extent personnel and equipment shall be sent to assist Requesting Department.

C. It shall be the duty of the Sender's Chief of Police to issue necessary orders and direct all assisting police personnel to place themselves under the operational control of the Chief of Police of the department requesting mutual assistance.

D. The Receiving Department shall file a complete written report with the Control Chief within 72 hours after making and receiving requests, indicating the time and nature of the request and giving complete details as to the response made. In addition to including said reports in the Control Chief's quarterly filing with the Executive Board pursuant to the By-Laws promulgated by the Council, upon request, the Control Chief shall also provide a copy of the report to the Sending Departments and shall review all actions taken.

E. The Chief of Police, or his designated representative, of the Receiver shall have and exercise overall command control of any Sender's police officers participating in mutual assistance.

F. The nature of the emergency, or unusual occurrence as determined by the Receiver's Chief of Police, shall be a consideration in determining where the Sender's personnel shall be deployed. In the event of natural disaster the Sender's personnel shall be generally deployed on the scene of the disaster. In the event of a civil disturbance, the Sender's personnel generally shall be deployed as supporting units.

G. All parties to this agreement shall be alerted by the most expeditious communications system of the possible need for mutual assistance and, if necessary, the need to have the various departments placed on a Standby Alert status. A "Tactical Alert Notice" in accordance with existing operational readiness plans, shall be used as a means of alerting all parties that an unusual occurrence is either anticipated or already in progress. The decision to call a "Tactical Alert" is that of the Receiver's Chief of Police or his designated representative.

H. The request for assistance shall state, as a minimum:

- a. The nature of the emergency, its specific location, and estimate duration.
- b. The type and number of personnel requested.
- c. The type of logistical support needed.
- d. The name, and location of the senior police officer to whom the Sender's personnel shall report.

I. All personnel acting pursuant to a request for assistance under the scope of this agreement, or who are performing law enforcement duties outside of their territorial jurisdiction and as part of an operational unit under the auspices of the Council, shall operate in adherence to the Chain of Command established by the Council and in adherence to its rules, regulations, policies and procedures.

J. Police officers from a Sending Department shall have the full authority of police officers in all other jurisdictions while responding to a request for aid or assistance under this Agreement.

PERSONAL, LIABILITY, AND INDEMNIFICATION (OR WAIVERS):

- A. Police officers of a Sender are considered as being on duty from the time said officer responds to a mutual aid call until he returns to his origination point; he is considered on duty for his own town or city and if injured or killed during that period, his employer (Sender) shall be liable for all benefits due to him or his widow or dependents under applicable laws and collective bargaining agreements.
- B. Sender agrees to cover all salary and overtime expenses incurred by its officers, unless the Receiver receives reimbursement for the costs associated with the operation, in which case the Receiver agrees to distribute that reimbursement to the sending agencies in an equal proportional amount to defray the costs incurred by the sending agencies. As set forth above, in case of disability or death caused in the performance of his duty or sickness resulting from said performance, the officer or his widow or dependents shall be entitled to benefits to which he or they are entitled in his own department or agency under applicable laws and collective bargaining agreements, and such benefits shall be paid by the Sender.
- C. Unless otherwise specifically provided in this Agreement, all expenses incurred by the Sender in rendering assistance shall be paid by the Sender provided they were reasonably necessary in carrying out the purposes of this agreement, unless the Receiver receives reimbursement for such expenses, in which case the Receiver agrees to reimburse the sending agencies in an equal proportional amount to defray the costs incurred by the sending agencies. In case of any dispute between the Sender and the Receiver, the Council shall determine the reasonableness of the expense incurred.
- D. Nothing herein shall prevent any Sender from assuming the cost of any loss, damage, salary, overtime, or expense incurred in responding to a request for assistance under this Agreement. A determination by a Sender to not seek reimbursement for loss, damage, salary, overtime,

or other expense following one or more responses to requests for assistance shall not operate to waive the right of the Sender to seek such reimbursement at any future time.

- E. Except as otherwise provided herein, during the course of rendering mutual aid assistance as providing for by this Agreement, the Sender department shall be responsible for the operation of its equipment and for any damage caused or received thereto, and for any personal injury caused by a member of the Sender to a third party. This section is subject to, and does not waive, any and all applicable limitations or immunities on governmental liability under state and federal law.
- F. Each Member party shall waive any and all claims and causes of action against all other parties hereto which may arise out of their activities while rendering and/or receiving aid under this Agreement, to the extent that each party may legally waive such claims. Each member agrees to indemnify, defend, and hold harmless each other member department and/or city or town from any and all liability, loss or damage, which such other party becomes legally obligated to pay, including reasonable counsel fees as a result of claims, demands, costs, or judgments against such other party arising out of the negligent or intentional conduct of the indemnitor in connection with activities under this Agreement. This indemnification is subject to, and does not waive, any and all applicable limitations or immunities on governmental liability under state and federal law.
- G. Each member municipal community agrees to provide police liability insurance. In the event that a participating municipal community desires to self-insure these exposures, upon request, the Council shall be provided with a letter so indicating. All deductibles are responsibility of the named insured.

COMMUNICATIONS AND EQUIPMENT:

- A. In rendering mutual assistance, Receiver and Sender shall use and be responsible for furnishing their own equipment, except where emergencies or unusual occurrences dictate the sharing of equipment between parties. Special emphasis by all parties will be placed on the mutual sharing of police communications equipment.
- B. Each Receiver department shall be responsible and liable for damages suffered by or caused to Sender's property during the course of

rendering mutual assistance, to the extent that the Sender's insurance does not cover the loss.

C. Nothing herein shall prevent any Sender from assuming such loss, damage, expense or other cost.

TERMINATION OF ASSISTANCE:

Terminating emergency mutual assistance: At the conclusion of any emergency, the supervisor or commanding officer on the scene (as designated by the Receiver's Chief of Police) shall have the responsibility for relieving the Sender's personnel to return to their origination point.

TERMS OF THE AGREEMENT:

This Interagency Mutual Aid / Assistance Agreement (hereinafter referred to as the "Agreement") shall remain in effect until terminated by all parties hereto. Should any party to this agreement wish to withdraw from the Agreement, it may do so by notifying all other parties in writing.

Should any signatory Chief of Police retire or otherwise leave office, the President of the Council will request of his successor a written statement that he accepts all the terms and conditions of this Agreement. All such statements shall become an attachment hereto.

Any law enforcement agency that is not originally a party to this Agreement may become a party by sending a written request to the President of the Council. Such request shall be executed in accordance with the By-Laws that have been promulgated the Council.

This Agreement may be amended only with the written approval of each Council Member who is then a party to it.

SIGNATURE

This agreement is to be signed on behalf of each member by the Mayor, City or Town Manager or Administrator, or Chairman of the Board of Selectmen having authority to enter into such an agreement and the Chief of Police.

The original of this document will be retained in the files of the President. Copies of this document will be maintained in the files of each member department.

Date

Date

Patrick Keefe
President
North Eastern Massachusetts Law Enforcement Council

Date

Correspondence and informational materials

Healey-Driscoll Administration Announces End of COVID-19 Public Health Emergency in Massachusetts

Administration also files legislation to extend certain staffing flexibilities for health care providers; Will rescind vaccine mandate for Executive Branch employees on May 11

BOSTON – Today the Healey-Driscoll Administration announced that the state's COVID-19 public health emergency will end on May 11, 2023, to align with the end of the federal public health emergency. The announcement this week, ahead of the 45-day notice required by state law, allows additional time for impacted organizations to prepare for the end of the public health emergency.

Governor Healey will also file legislation that would extend key flexibilities provided by the public health emergency, particularly around staffing for the health care industry and emergency medical services (EMS). The Governor also announced that on May 11 she plans to rescind Executive Order 595 that required all Executive Branch state employees to have received their primary series COVID-19 vaccines.

“Thanks to the hard work of our health care providers and communities, we’ve made important progress in the fight against COVID-19,” said **Governor Healey**. “We know that we have the tools to manage this virus – vaccines, masking, testing, getting treatments and staying home when sick – and we’ve reached the point where we can update our guidance to reflect where we are now. I’d also like to acknowledge the leadership of Governor Baker and his administration, who saved countless lives by putting these important measures in place in a time of immense crisis.”

“Executive Order No. 595 has been a successful tool for boosting vaccination rates and reducing the spread and severity of COVID-19 in Massachusetts. We’re grateful to the state employees who did their part to keep themselves, their coworkers and their communities safe,” said **Lieutenant Governor Driscoll**. “We encourage Massachusetts residents to continue taking important prevention measures to keep our communities healthy, like getting boosted, masking and staying home when you’re feeling sick.”

“We are fortunate that in Massachusetts, the wide availability of vaccines, tests, effective treatments, and PPE changed the course of a pandemic that brought loss and hardship to so