

**MIDDLETON SELECT BOARD**  
**MEETING AGENDA**  
**FLINT PUBLIC LIBRARY**  
**1 SOUTH MAIN STREET, MIDDLETON, MA 01949**  
**TUESDAY, NOVEMBER 5<sup>TH</sup>, 2024**  
**5:00 PM**

*This meeting is being recorded*

- 5:00 pm      1.    Business
- Warrant:      2509 and FP 47
  - Minutes:      Open Session, October 22, 2024; Executive Session, October 22, 2024
  - Town Administrator Updates and Reports
- 5:05 pm      2.    Public Comment
- 5:10 pm      3.    Middleton Municipal Campus Updates
- Project Updates
- 5:15 pm      4.    Department Head Update: Town Administration
- Welcome Administrative Services Coordinator Shantel Bambury
- 5:20 pm      5.    Transfer of Manager –Vote on Transfer of Manager to Alexander Montalto for The Clubhouse at 216-220 S. Main St for an All Alcoholic Beverages License
- 5:25 pm      6.    Liberty Street Water Main Project Contract Award
- 5:30 pm      7.    Policy review – Patient Anti-Discrimination Policy of the Middleton Fire Department
- 5:40 pm      8.    Updates & Announcements
- 5:45 pm      9.    Executive Session pursuant to G.L. c. 30A, s. 21(a)(6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body: South Main Street, Parcel 0029-0000-0071.

Upcoming Meetings:	November 19	Regular Select Board Meeting
		Tax Classification Hearing
	December 3	Regular Select Board Meeting
	December 12	Special Town Meeting

*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.*

MEETING MINUTES  
MIDDLETON SELECT BOARD MEETING  
FULLER MEADOW SCHOOL, NATHAN MEDIA CENTER  
143 SOUTH MAIN STREET, MIDDLETON, MA 01949  
October 22, 2024 at 6pm



With a quorum present the Chair called the meeting to order at 6pm and announced the meeting was being recorded. Select Board present: Rick Kassiotis, Chair; Debbie Carbone, Clerk; Brian Cresta; Jeff Garber; Kosta Prentakis. Also attending: Justin Sultzbach, Town Administrator; Jackie Bresnahan, Assistant Town Administrator; others as noted.

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#### Business

- **Warrant 2508 /October 17, 2024:** Payroll: \$ 933,000; Bills Payable: \$ 1.2MM; FP46 \$ 150,000

The Town Accountant/Finance Director Sarah Wood has reviewed the warrant and requested the Board's approval. Town Administrator Sultzbach provided a brief overview of the warrant as presented.

*On a motion by Cresta, seconded by Carbone, the Board voted unanimously to approve Warrant 2508 & FP46.*

- **Minutes:** October 8, 2024 os /es

*On a motion by Prentakis seconded by Cresta, the Board voted unanimously to accept the open session minutes for October 8, 2024 & the executive session minutes for October 8, 2024 with R. Kassiotis abstaining, not present.*

- **Town Administrator Updates & Reports-** This report is posted on the Town website.

- The Tax Rate Certification Hearing will be held at the November 26 meeting, rather than November 12.
- Paul Goodwin & J. Sultzbach met with the Town of Danvers to discuss our Water Intermunicipal Agreement.
- We hosted Rep. Kerans & several members of MassDOT in the Town Administrator office a couple weeks ago. It was a productive conversation looking at a long term plan to address Rt 114 from border to border.
- J. Sultzbach worked with Deputy Superintendent Davies to submit a *Rapid Flashing Beacon* grant for Boston St.
- A thank you to our Fire Union / Police Unions, both of which have acted favorably on recent requests that will mutually benefit the Town and their membership.
- The Town Administrator met with Fire/Police Chiefs to discuss Public Safety Statistics; a report will be compiled in advance of the upcoming budget season that will be update quarterly.
- We are meeting with relevant partners to review the Town's draft Comprehensive Emergency Management Plan. Thank you to Chief LeColst for all the work he has put into that critical document.
- The Middleton Water Division will be conducting hydrant flushing October 28 - November 8, 2024 from: 7am-8pm.
- Per the Select Board, annually on October 31st from 4-7 pm there will be a parking ban on the EVEN numbered side of the street in the entire Brigadoon neighborhood for Halloween.
- The Patriotic Observances Committee will gather on Monday November 11<sup>th</sup> at 11am on the lawn of the Flint Public Library for Veterans Day.
- Household Hazardous Waste Day - Saturday, November 2 at Masconomet High School starting at 9am.

#### 2. Public Comment - There was none

**3. Middleton Municipal Campus Update** –J. Sultzbach & J. Bresnahan continue to attend Tuesday construction meetings on site. The project is still under budget, the Public Safety Building construction remains ahead of schedule, paving is being considered for the fall, weather pending, and some details of the underground utilities are being addressed. With the final trusses being laid on the public safety building early December, a small ceremony is being considered to recognize the occasion; details to follow.

**4. Department Head Update: Town Clerk, Ilene Twiss-** I. Twiss was present and update the Board on the Town Clerk's office. She spoke on the details of early voting, which has been well received, and identified important times / dates as

*Draft*

posted on the town's web site. In-person voting is November 5 at the Fuller Meadow gymnasium from 7am – 8pm. Historically 85 percent of registered voters vote; currently there are 7,434 registered voters in Middleton.

B. Cresta recommended the Town consider the cost of the acquisition of voting fobs for Town Meetings. I. Twiss noted fobs may be rented as well. I. Twiss was asked the cost of holding a STM and responded all inclusively, the average cost is \$2,000+, mostly due to staffing.

## **5. Review of \$2,000,000 MassWorks Grant to address traffic at intersection of Rt 114/Rt 62**

### **6. Discussion of MBTA Communities status, impacts, & potential proposed plan changes**

J. Sultzbach identified members of the ZBA, Planning Board, and Finance Committee were present.

He referenced a presentation and gave an overview of the (conditional) grant, traffic issues, data, & proposed solutions. Information was used in part directly from the Corridor Study and Peer Review including data and maps.

Topics included:

How did we get here – Corridor Study; Town Meeting Vote; Development Agreement for Angelica's site

Corridor Study – Vanasse & Associates, Inc; Peer Review – TEC: Assessment Result – Failed.

Solution: Two new turn lanes within easement onto Angelica property, as outlined in Development Agreement, and upgrading signalization at the intersections, specific to real time traffic conditions.

The Improvement – changing the volume to capacity ratios decreases

The "Middleton Forum on Traffic" will be held November 6 at the Flint Public Library.

J. Sultzbach fielded questions from the Board. The meeting was open for public comments/questions. In summary for the minutes: It was reiterated Route 114 is a state road and under the jurisdiction of the state, the state's bonding capacity, and competition for funding of projects. Other funding sources were mentioned, each with a lengthy timeline, most unrealistic for this situation; these will be reviewed at the forum.

Controversial questions followed regarding the grant funding in relation to the MBTA Multi Zoning Bylaw, which deprives those towns that do not comply by December 31, 2024 from receiving grant funding. Those who spoke stressed that the town voted against MBTA Zoning, knowing grant funding would be withheld. The Select Board supported tax payers have a second opportunity to vote citing the awarded funding is new information.

The Chair recognized Richard Benevento, Chair of the Zoning Board of Appeals, who identified a quorum of the ZBA was present and called the meeting to order at 7:38pm. ZBA members addressed the Board: Bill Renault mentioned other components to this discussion of excluding additional grant funding Middleton could benefit from, and the potential of the state withholding of DESE (Department of Elementary & Secondary Education) funding and encouraged the Town to think of the future as grants will add up over the decades to lessen the burden on the taxpayers. Carolyn Damato-MacPherson identified this grant has been in discussion/negotiations with the 40-B developer of Angelica property over the past year, noting this grant addresses concerns of residents of the impact of the 40B project to already congested intersections. She opined the stakes changed since the 3A Zoning vote and supported voters "are given the opportunity to weigh in."

R. Benevento identified himself as a traffic engineer and reiterated the concerns of the impact of the 40B project to the traffic/Rt 114 intersections, and this \$2MM grant will allow the Town to make improvements, with additional contributions from the developer. He opined this was a good thing for the Town and that the town does not wait another 10 years to do anything. He noted Chapter 90 funding may not be used on state roads, and costs are escalating upwards of 30 percent for projects annually. He also reviewed Middleton adopted the Complete Streets Policy to accommodate all users, ie. traffic, pedestrians, ADA Compliance so Middleton Square can be reclaimed as the town center. He supported another discussion with residents regarding this grant and ZBA 3A Zoning for residents to completely understand all their questions.

The Chair recognized John Erickson, Co-Chair Finance Committee, who opined the awarding of the grant was a substantial change in circumstances and should be brought to the voters.

The Chair recognized Anthony DeGregorio, Chair of the Planning Board, who identified a quorum of the Planning Board was present and called the meeting to order at 8pm. He noted a lot of effort was put into educating the community on the MBTA Zoning and identify different options for complying and limiting the amount of potential development.

*Draft*

He suggested the cleanest way would be for the Planning Board to bring it forth in a STM in December but if that was not supported by the Planning Board, this vote may be brought to the town via a citizen petition.

Additional public comments /questions was accepted by the Board, regarding 3A zoning.

In closing, the Chair stated the Board had no intention to disrespect the voters of the town. The Board felt it would be negligent to turn back a \$2MM grant without putting it before the Town.

**7. Update on Planning Board ADU (Accessory Dwelling Unit) Bylaw Discussion** – *The Planning Board, still in session, participated in this discussion.* - J. Sultzbach reviewed the ADU Bylaw will take affect February 2, 2025. The Select Board requested input from the Planning Board if additional regulations should be in place by February 2. ZBA Chair R. Benevento reported the Board discussed limiting the size, parking, and number per property as well as other aspects of ADUs with the intention to help affordable living in Middleton. J. Sultzbach reiterated these concerns were also noted by the Code enforcement officer/Building Commissioner who shared concerns to parking, dimensional setbacks, the number of units per lot, and architectural style/site plan approval. J. Garber questioned the benefit of holding a STM. Discussion ensued there would be a window of opportunity for inappropriate placed ADUs prior to the Annual Town Meeting. The Planning Board will hold a public hearing on this matter November 13 and meeting jointly with the ZBA October 24 with Legal Counsel in attendance. The Planning Board adjourned at 8:41pm.

**8. Open & review Warrant for December 12, 2024 Special Town Meeting (STM) – if needed**

J. Bresnahan noted the Warrant must be closed by November 19 to meet the printer deadline for the Warrant.

J. Garber did not support opening the Warrant at this time without an agenda/articles solidified.

*On a motion by Prentakis, seconded by Cresta, the Board **voted 4-1-0** to open the Warrant for the December 12, 2024 Special Town Meeting with J. Garber voting in the negative.*

**9. Donation Acceptance - \$25,000 – Middleton Food Pantry from Sylvania Employees Association**

*On a motion by Cresta, seconded by Garber, the Board voted unanimously **to accept** the \$25,000 donation to the Middleton Food Pantry from the Sylvania Employees Association with thanks and appreciation.*

**10. Second Review of One-Day Liquor License Policy** – *continued from the October 8 meeting.* J. Bresnahan continued the review of the policy and noted Police Chief Samson had no additional amendments. She noted highlighted sections of the policy were added since the last discussion on requirements for a one day liquor license. Limiting two (2) beverages per person, per transaction and all beverages must be opened by the TIP certified personnel at the time of purchase. J. Bresnahan noted the updated map requirements were included in the policy.

*On a motion by Carbone, seconded by Prentakis, the Board voted unanimously **to accept** the review and amendments for the One Day Liquor License Policy change.*

**11. Updates & Announcements**

Pumpkin Festival is Saturday October 26

**8:52pm - Executive Session Pursuant to G.L. c. 30A, s. 21 (a) (3)** *On a motion b Cresta, seconded by Prentakis, the Board voted unanimously by roll call to enter into Executive Session To conduct strategy in preparation for negotiations for collective bargaining sessions or contract negotiations with union personnel if an open meeting may have a detrimental effect on the bargaining position of the public oy and the chair so declares: AD|FSCME 93 Flint Public Library and not return to open session but adjourn directly from Executive Session.*

**Upcoming Select Board Meetings:**

November 12, 26

Draft

**Adjourn:** The Board unanimously adjourned from Executive Session at

Respectfully submitted by

Catherine E. Tinsley

Catherine Tinsley, Recording Secretary

Debbie Carbone, Clerk

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

- Warrant 2508 & Facility Project 46
- Minutes OS/ES – October 8, 2024
- Town Administrator Report
- Municipal Complex Project Monthly Project Update
- One Stop Full Application – Town of Middleton
  - Vanasse & Associates Corridor Improvement Study
  - TEC - Intersection Improvements Preliminary Project Cost Estimate – June 5, 2024
  - Letter of Support to HousingWorks Grant Application Lars Unhiem, Villebridge Acquisitions – May 29, 2024
  - Support Letter to Secretary Yvonne Hao from State Representatives/Senator - May 29, 2024
  - Award Letter: Executive Office of Economic Development – October 11, 2024
- Amendment ADU Bylaw – Amended
- One Day Liquor License Policy 8.9.23/Revised 10.22.24
- COA- Middleton Food Pantry Donation October 8, 2024

October 29, 2024

Paul Goodwin  
Superintendent  
Middleton Department of Public Works  
195 North Main Street  
Middleton, MA 01949

Re: Contract Amendment for Construction Phase Services for Liberty Street Water Main Project

Dear Mr. Goodwin:

We are pleased to provide you with a contract amendment for construction phase services for the Liberty Street Water Main project. As discussed, the additional services covered under this amendment include:

- Office construction administration services for the Liberty Street Water Main project
- Resident inspection services for the Liberty Street Water Main project


Please see the attached contract and let us know if you have any questions. A breakdown the additional fees as part of this proposed contract amendment are as follows:

Construction Administration Services	\$30,607
Full-Time Resident Inspection Services	<u>\$63,461</u>
TOTAL	\$94,068

If you wish to move forward, please execute and return one copy to me as authorization to proceed. We are very excited at the opportunity to work with you on this project.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



James I. Pearson, PE  
Technical Leader

Attachments/Enclosures

AMENDMENT NO. 1  
TO  
AGREEMENT FOR ENGINEERING SERVICES  
BY AND BETWEEN  
TOWN OF MIDDLETON  
AND  
WESTON & SAMPSON ENGINEERS, INC.  
FOR  
THE 2023 WATER DISTRIBUTION SYSTEM IMPROVEMENTS

The AGREEMENT for the 2023 Water Distribution System Improvements, made on the 1<sup>st</sup> Day of September, 2023 by and between the Town of Middleton acting through its Town Administrator, hereinafter called the OWNER, and Weston & Sampson Engineers, Inc., with offices at 55 Walkers Brook Drive, Suite 100, Reading, Massachusetts, hereinafter called the ENGINEER is hereby amended in accordance with the provisions of said AGREEMENT.

This amendment is issued to incorporate the following changes:

ARTICLE 2 - SERVICES OF THE ENGINEER is hereby amended as follows:

- A. Delete paragraph 2.4.1 and replace it with the following:

The ENGINEER agrees to perform the following tasks prior to and during the construction phase of the PROJECT. Construction Phase services shall be performed for Essex Street and Debush Avenue water mains as part of one construction contract, and shall be performed for Liberty Street as part of a second construction contract. Construction Phase services for both construction contracts are included within the scope of this agreement for engineering services.

- B. Delete the first two sentences of paragraph 2.5.1 and replace them with the following:

Resident Project Representative services shall be performed for Essex Street and Debush Avenue water mains as part of one construction contract, and shall be performed for Liberty Street as part of a second construction contract. Services for both construction contracts are included within the scope of this agreement for engineering services.

ATTACHMENT B – CONSULTING FEE is hereby amended as follows:

- A. Delete Attachment B and replace it with the revised version of Attachment B on the following page. Newly added tasks and fees are shown in bold text.

## **Attachment B**

### **CONSULTING FEE**

The project for each phase is as follows:

	Cost
1. Design of Water Main Improvements (Lump Sum)	\$165,075
2. Wetland Permitting Services (Time plus Expenses)	\$12,925
3. Project Bidding and Award Services (Lump Sum)*	\$5,633
4. Construction Administration Services (Time plus Expenses)*	\$29,875
5. Resident Representative Services (Time plus Expenses)*	<u>\$69,950</u>
Original Contract Total	\$283,458

6. Construction Administration Services – Liberty Street (Time plus Expenses)*	\$30,607
7. Resident Representative Services (Time plus Expenses)*	<u>\$63,461</u>
Total for this amendment	\$94,068

**New Contract Total (Original + Amendment) \$377,526**

\*Bidding, Construction Administration and Resident Representative charges are budgeted based upon bidding and construction of Essex Street and Debush Avenue for tasks 4 and 5, and Liberty Street for tasks 6 and 7.

Billing for services rendered on a Time plus Expense basis will not exceed the cost listed above without prior authorization from the Town. Level of effort for Task 7 assumes a construction schedule that will require no more than 400 hours of Representative Representative Services at a rate not exceeding \$142/hr.



IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT NO. 1 this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ACCEPTED FOR:

Town of Middleton  
(Name of Owner)

By its:

[Signature]  
INC.

Justin Sultzbach - TA  
(Typed name and Title)

WESTON & SAMPSON ENGINEERS,

[Signature]  
Leah E. Stanton, PE  
Vice President

#### CERTIFICATION OF AVAILABLE FUNDS

Certification is herewith given that funds are available for payments required by the terms  
of this AMENDMENT NO. 1.

By: [Signature]  
OWNER Accountant

Date: 10/30/24

APPROVED AS TO FORM:

By: \_\_\_\_\_  
OWNER Counsel

Date: \_\_\_\_\_

A TRUE COPY, ATTEST:

By: [Signature]  
OWNER Clerk



# POLICY AND NOTICE OF NONDISCRIMINATION



Town of Middleton, MA complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including **language**).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

It is against the law for the Town of Middleton to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

## To File a Complaint

If you think that the Town of Middleton has failed to provide these services or discriminated in another way based on race, color, national origin (including language), disability, sex, age, or religion, you can file a complaint in person or by mail or email with: Jackie Bresnahan, Assistant Town Administrator/HR Director. 978-777-3617. 48 S. Main Street, Middleton, MA 01949.

You can also file a civil rights complaint with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):

**E-mail:** [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov) (fastest method to submit your complaint)

**Fax:** 202-401-4708

**U.S. Mail:**

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch, Mail Stop #0190  
2707 Martin Luther King, Jr. Ave., SE  
Washington, D.C. 20528

For additional information: [www.dhs.gov/crcl](http://www.dhs.gov/crcl)  
Phone: 202-401-1474 Toll-Free: 1-866-644-8360

## Information and Services for Persons with Disabilities and

## Persons with Limited English Proficiency

Town of Middleton

- Provides free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), to communicate effectively with persons with disabilities.
- Provides free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.

### If you need these services, please contact:

Jackie Bresnahan  
Assistant Town Administrator/HR Director  
978-777-3617  
[Jackie.bresnahan@middletonma.gov](mailto:Jackie.bresnahan@middletonma.gov)