

MIDDLETON SELECT BOARD
MEETING AGENDA
FULLER MEADOW ELEMENTARY SCHOOL
143 SOUTH MAIN STREET, MIDDLETON, MA 01949
TUESDAY, MARCH 18TH, 2025
5:00 PM

This meeting is being recorded

- 5:00 pm 1. Business
- Warrant: 2519 and FP 57
 - Minutes: Open Session, March 4, 2025, Executive Session, March 4, 2025
 - Town Administrator Updates and Reports
 - Middleton Municipal Campus Update
- 5:15 pm 2. Public Comment
- 5:20 pm 3. Appointment: Historical Commission: Richard Andreucci
- 5:25 pm 4. Class II 2025 License Renewal – Robert’s Motor Group LLC
- 5:35 pm 5. Seasonal Liquor License Renewals and change of manager
- Ferncroft Country Club DBA Halfway House and Snack Bar
 - Ferncroft Country Club DBA Members Lounge
- 5:45 pm 6. Middleton 300th Committee Charge Review
- 6:00 pm 7. FY 26 Budget Update and Discussion
- i. Municipal Budget
 - ii. Elementary Budget
 - iii. Masconomet Budget
- 6:45 pm 8. Review and Close the May 13th, 2025 Annual Town Meeting Warrant
- 7:05 pm 9. MBTA Communities – Middleton v. Commonwealth, et al – Public Update
- 7:20 pm 10. Surplus Town Property Regroup Discussion
- Public Input on 4 Lake Street (Fire Station)
 - Review updated schedule
- 7:40 pm 11. Updates & Announcements
- 7:45 pm 12. Executive Session pursuant to G.L. c. 30A, s. 21(a)(3) & (2) to discuss strategy with respect to collective bargaining negotiation and non-union personnel: Fire Department Staffing

Upcoming Meetings:

March 27
***5pm start → April 1 and 22**

Reading of the Warrant
Regular Select Board Meetings

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
March 4, 2025 at 5pm

With a quorum present the Chair called the meeting to order at 5pm and announced the meeting was being recorded.
Select Board present: Rick Kassiotis, Chair; Debbie Carbone, Clerk; Kosta Prentakis; Brian Cresta; Jeff Garber
Also attending: Justin Sultzbach, Town Administrator; Jackie Bresnahan, Assistant Town Administrator; 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.

Business

- **Warrant:** 2518 / March 6, 2025; Payroll: \$ 855,000; Bills Payable \$ 2MM : FP 56 \$ 396,000

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 2518 & FP56.*

- **Minutes:** Open Session – OS February 18, 2025; ES February 27, 2025

*On a motion by Prentakis, seconded by Garber, the Board voted unanimously to **accept** the meeting minutes.*

- **Town Administrator Updates & Reports-** J. Sultzbach

- The Town received news from the EOHLC that they are not accepting our Action Plan as submitted by their February 13, 2025 deadline. They have determined that Middleton is now out of compliance at this time.
- Town Administration will begin the collective bargaining process with the newly formed Library Union this week.
- TA's, Finance Committee Members and Select Board Members from Middleton, Topsfield and Boxford have been meeting to discuss potential impacts from the proposed Masco budget. The group will be attending Masco's meeting tomorrow, Wednesday March 5th to offer the Town-side perspective of the budget and associated financial challenges.
- Greenbelt will be in town tomorrow to walk the back portion of the golf course property with members of our team.
- J. Sultzbach refreshed his Fraud Awareness Training through the MCPPO program last week as part of the continuing ed component of my MCPPO certification.
- TTU Negotiations are ongoing with collaboration from educators in all three communities, the administration, and Town Administrators from each town.
- J. Sultzbach walked the Ginger Mill property with Mr. Garber, Commissioner Fitzpatrick, and Planner Burry-Carmer earlier this week. We continue to explore different opportunities for that site, with full recognition that it comes with many challenges and obstacles.
- Town Administration is collaborating with Finance Director Wood to identify opportunities for surgical cuts to our FY26 budget. At this time, we have identified up to \$100,000 in potential reductions, with more to follow as a good faith effort to our taxpayers to tighten the belt.
- It is anticipated the need for an FY26 override totaling in at \$975,000. This is in response to the ongoing Public Safety Staffing Crisis we are experiencing in Middleton and would cover 4 additional Firefighter Paramedics and 3 additional Police officers to our ranks.

- **Middleton Municipal Campus Update** - J. Sultzbach reported the project continued to move along. Outside temperatures are monitored specifically during masonry work that heat is appropriate for curing properly and Coordination with MassDOT for curb cuts and traffic signals has started.

2. Public Comment – *There was none.*

3. Department Head Update: Review of Floodplain Overlay Bylaw with Conservation Agent & Planner

Anna Bury Carmer, Planning Director and Kristin Kent, Conservation Agent, were present and spoke on the update of the Floodplain Overlay Bylaw, which is mandated by FEMA; new maps will go into effect in July. The maps are update for residents to continue to be eligible for flood insurance. K. Kent gave a brief and general overview of the updates. Permit review includes if the property is in the Floodplain based on the GIS maps. The Board questioned informing residents who are in/out of the floodplain with the updates; a notice on the town's website linking to the updated maps. The Planning Board's public hearing is March 28 – 7PM at the Fuller Meadow School.

On a motion by Cresta, seconded by Prentakis, the Board voted unanimously the Floodplain overlay Bylaw be referred to the Planning Board.

4. Comprehensive Zoning Consultant- Review Team Discussion; Select Board liaison – J. Sultzbach noted a working group was previously proposed to include the Town Planner, Assistant Town Administrator, Town Administrator, and Planning Board Chair to review the RFQs for a consultant. It was since was agreed a liaison from the Zoning Board, Select Board, and Building Commissioner be included. *D. Carbone will be the Select Board liaison.*

5. Recap of Capital Budget Saturday - J. Sultzbach gave an overview of the March 1 Capital Budget meeting, He referred to the Operating Budget and the potential Masco (Masconomet) override and asked for questions/comments from the Board. K. Prentakis initiated a discussion regarding the 9.6 percent increase in the Masco budget that creates a need for an override in all three communities (Middleton, Boxford, Topsfield) and questioned how much of the increase should Middleton put on an override, considering the elementary school was instructed that everything over 2 ½ percent increase goes on an override; he observed a “quirk” in the assessment formula keeps the Masco assessment flat this year, which equates to a 4 percent Masco budget increase. A lengthy discussion followed on the process for the Tri-Town voting on the Masco budget. If two towns approve an override for Masco, the third town must accept that vote. The FY27 budget was mentioned as having a significant increase due to a \$ 700,000 decrease of Excess & Deficiency revenue to offset the budget plus a shift in enrollment assessment may result in another override. The Board agreed budget increases over 2 ½ percent be presented as an override.

The Town operating override includes funding of additional firefighters and police officers. The budget presentations of the Police and Fire Chiefs regarding the staffing shortage will be highlighted on the town's website and be on an upcoming meeting agenda.

6. Review updated list of Articles for the May 13, 2025 Annual Town Meeting (ATM) Warrant – At this time there were no updates to the warrant. The Town Administrator continues to work with the Town Moderator on the order of Articles.

7. Update from Charter Review Committee on their recommendation to Town Meeting. -Committee members present: Natalie Lovett, Trevor Currier, George Dow. N. Lovett spoke on the recommendation of the Committee to make changes to the 1970 Town Charter. The Committee met with Department heads, boards/committees and Town Counsel; many proposed changes are language clarification and bring the Charter update to date with current practices. The redlined changed version will be included with the warrant. The Committee decided to present all amendments as one article; proposed amendments to the article may be submitted to the Moderator prior to the Town Meeting. G. Dow cautioned amendments to the proposed article may impact another section (s) of the Charter. The Committee was recognized for their review on the Charter the past three years.

8. Surplus Town Property Regroup - *J. Garber recused himself from this agenda item as an abutter to 65 N. Main Street.*

- Public input on 65 N. Main Street (Police Station)
- Review of proposal for appraisal
- Review updated schedule: March 18 -Fire Station, 4 Lake Street ; April 1 – Council on Aging, 38 Maple Street. Future agenda topics: Memorial Hall; Locust Street parcel; 40 School Street (glue factory)

B. Cresta began this discussion opining it does not make sense for the Town to hold on to this property citing it needs significant updating and there is no town land abutting the property. The Town Administrator office is tracking social media comments. An appraisal estimate (for highest & best use) was received by Minco Corporation for \$2,800, to be available to the town no later than mid-April, in time for an article to sell the property to be on the ATM. Associated costs (engineering, heat, fencing, etc) and funding options will be considered at a future meeting.

*On a motion by Cresta, seconded by Carbone, the Board voted unanimously **to approve** the expenditure of \$2,800 to perform the required appraisal of the police station property, 65 N. Main Street for its fullest and greatest use.*

J. Garber returned to the meeting.

9. Review correspondence regarding additional Cell Tower needs in Town – J. Sultzbach presented the Board with a proposal from Airosmith on a cell tower in town. J. Bresnahan will follow up on potential parcels, pending the Board's support. This is a third party soliciting sites to sell to i.e. Verizon; this would be a revenue source for the town and provide service to the town. The Board was initially supportive of continuing discussions on this matter.

10. Review of updated vehicle use policy – This was last updated/adopted in 2002. Sharon Banbridge was recognized for providing a comprehensive updated version for consideration. Many of the forms in the policy are required by MIIA (Massachusetts Interlocal Insurance Association); by making this a town policy, the Town will receive reward credits from MIIA. Sara Wood was recognized for her work handling claims.

*On a motion by Cresta, seconded by Prentakis, the Board voted unanimously **to approve** the updated Vehicle Use Policy as proposed.*

11. Masco Budget – Town Update: *this was addressed earlier in the meeting under budget review and passed over.*

12. Updates & Announcements

A list of board & committee openings were announced: these are listed on the town's website.

13. Executive Session 6:42pm: *On a motion by Cresta, seconded by Prentakis, the Board voted unanimously by roll call to enter into Executive Session, pursuant to G.L. .c 30A, .s 21(a)(3) &(2) to discuss strategy with respect to collective bargaining negotiation and non-union personnel: Fire Department Staffing and not return to open session but adjourn directly from executive session.*

Upcoming Select Board Meetings:

- Regular Select Board meetings at 5pm : March 18; April 1 & 22
- Reading of the Warrant – March 27

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

- Warrant 2515 & Facility Project 52
- Minutes: OS February 18, 2025; ES January 27, 2025
- Floodplain Overlay District Proposed Changes 2 .25.25; Section 8.0 – Special District Regulations
- Email: RFQ- Middleton Zoning Bylaw Review Project 2.27.25
- ATM Preliminary List
- Proposed Changes to Town Charter 2.20.25
- Surplus Property Public Forum Series; overview 2.28.25
- Airosmith Development Certified Mail: Re Proposed Cell Tower Lease on Town Property Locations 2.13.25
- Vehicle Use Policy (Draft); Town of Middleton Vehicle Use Handbook 5.28.2002
- Tri Town 10 Year Analysis; N. S Essex Tech 10 Year Analysis; Masconomet 10 Year Analysis

Adjournment: *The Board voted unanimously by roll call **to adjourn** at 7:23 pm.*

Respectfully submitted by

Catherine E. Tinsley

Catherine Tinsley, Recording Secretary

Debbie Carbone, Clerk

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Town of Middleton
Memorial Hall
48 South Main Street
Middleton, Massachusetts
01949-2253
978-777-3617
www.middletonma.gov

TOWN OF MIDDLETON TALENT BANK APPLICATION

The Select Board maintains a Talent Bank of names of citizens of Middleton willing to serve on boards, commissions and committees. Names in this file are available for use by all Town Departments.

Name: Richard ANDREUCCI Telephone: _____
Address: 77 ROWELL LANE Cell phone: 81-697-5751
Email Address: RENDRE1947@YAHOO.COM
Occupation: RETIRED

Background Experience: School TEACHER, Computer technology,
VOLUNTEERED: CHILDREN'S HOSPITAL, FREDERICK LAW OLSON HISTORICAL SITE
BOARD MEMBER, AUDUBON CIRCLE NEIGHBORHOOD ASSOCIATION

I am interested in serving on Town Boards and Committees involved in the following areas:

(Please check all that apply. The Board encourages you to attach a recent resume if available.)

<input type="checkbox"/> Board of Health	<input type="checkbox"/> Recreation Commission
<input type="checkbox"/> Council on Aging	<input checked="" type="checkbox"/> Historical Commission
<input type="checkbox"/> Finance Committee	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Industrial Commercial Development Review Committee
<input type="checkbox"/> Conservation Commission	<input type="checkbox"/> Zoning Bylaw Review Committee
<input type="checkbox"/> Cultural Council	Other: _____
<input type="checkbox"/> Other: _____	Other: _____

Amount of Time Available: SEVERAL HOURS WEEK

Are you available year round for committee meetings? Yes ☒ No ☐
If not, when are you available?

_____ Winter _____ Spring _____ Summer _____ Autumn

Are there any Boards or Committees in which you are particularly interested?

HISTORICAL COMMISSION

Richard F Andreucci 3/5/2025
Signature Date

Please submit all responses to the Town Administrator's Office via the mailing address above or via email at:
deb.mahoney@middletonma.gov

4

**TOWN OF MIDDLETON LICENSE 2024 RENEWAL FORM FOR
AUCTIONEER, CLASS I, CLASS II, CLASS III, GASOLINE PUMPS,
GOLF, LIVERY AND PRECIOUS METALS**

Please use this form to obtain your license renewal. Please pay all license fees no later than **Saturday, November 30, 2024**. License fees shall be paid by cashier's check or bank check or online.

<https://unipaygold.unibank.com/transactioninfo.aspx?TID=29080> (Town of Middleton - Select Board)

All license fees must be received no later than November 30, 2024 in order to have your license renewed for January 1, 2025.

Please select the appropriate licenses below and total your amount due:

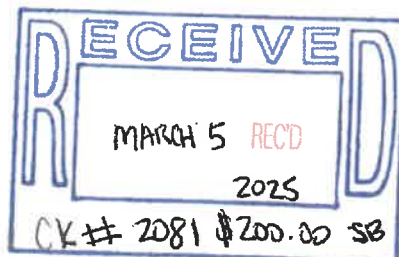
TYPE OF LICENSE	QUANTITY	LICENSE FEE	AMOUNT DUE
Amusement Machines (per machine)	_____	X \$35.00	= _____
Auctioneer	_____	\$45.00	_____
Class I	_____	\$200.00	_____
Class II	X _____	\$200.00	200.00
Class III	_____	\$200.00	_____
Gas License (per nozzle)	_____	X \$45.00	= _____
Golf Course/Driving Range	_____	\$100.00	_____
Livery License	_____	\$100.00	_____
# Vehicles	_____	\$50.00 1 st vehicle; \$25.00 each additional vehicle	_____
Precious Metals	_____	\$50.00	_____
Total Amount Due by November 30, 2024			200.00

Business Name: Roberts Motor Group

Manager Name: Robert D. Matheis Jr. Signature: [Signature]

Phone Number: 978-641-6000 Email Address: _____

Jr_trucking6686@icloud.com



Town of Middleton, Massachusetts
Revenue Enforcement and Protection Certification (REAP)

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, I hereby certify under the penalties of perjury that I to my best knowledge and belief, have filed all State tax returns and paid all state taxes required by law.

Name of Company: Roberts Motor Group

Address: 5 Farm's WAY unit #2

Title of Person Signing: MEMBER, owner Robert D. MALEIBA Jr.

Signature of Individual or Corporate Name: Robert's Motor Group LLC

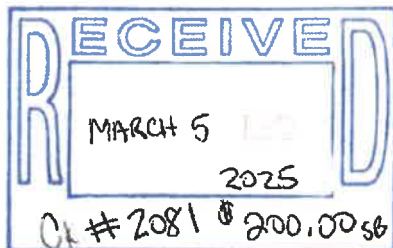
Printed Name of Above: Robert D. MALEIBA Jr.

Contact Telephone Number: 978-641-6000

Date: 3/5/2025

Social Security Number or Federal Identification Number: 026-60-0865

Email Address: Jr_trucking6686@icloud.com



Seasonal Ferncroft

Halfway House and Snack Bar at Ferncroft Country Club



**Town of Middleton
Select Board
48 South Main Street
Middleton, MA 01949**

Please use this form to obtain your license renewal. Please remit a properly signed State Tax Form and pay all license fees no later than **Friday, March 31, 2025**. License fees shall be paid by either cashier's check or bank check.

All license fees must be received in this office no later than March 31, 2025 in order to have your license renewed for the season.

SEASONAL ALCOHOLIC BEVERAGE LICENSE RENEWAL FORM FOR 2025

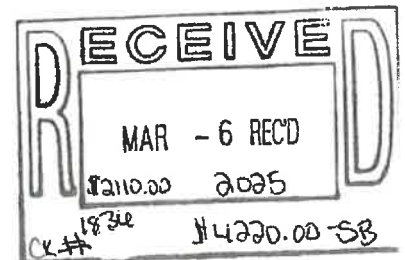
TYPE OF LICENSE		LICENSE FEE	AMOUNT DUE
Club License		\$500.00	
Seasonal All Alcohol Restaurant	<u>1</u>	\$2,000.00	<u>\$2,000.00</u>
All Alcohol Inn Holder		\$2,500.00	
All Alcohol Package Store		\$2,000.00	
Beer & Wine Restaurant		\$2,000.00	
Beer & Wine Package Store		\$1,500.00	
Amusement Machines		\$100.00	
Common Victualler	<u>1</u>	\$100.00	<u>\$100.00</u>
Juke Box		\$35.00	
Entertainment	<u>1</u>	\$10.00	<u>\$10.00</u>
Golf License		\$100.00	
Total Amount Due By March 31, 2025			<u>\$2,110.00</u>

Business Name: Halfway House Snack Bar at Ferncroft Country Club

Business Manager Name: Philip Alexander Leiss

Phone Number: 978-836-8267

Email: P.Leiss@ferncroftcc.com



72,110



Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission

2025
Retail License Renewal

License Number: 00034-RS-0704

Municipality: MIDDLETON

License Name : SD Management Group LLC

License Class: Seasonal

DBA : Halfway House Snack Bar

License Type: Restaurant

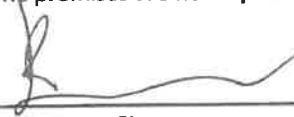
Premise Address: 8-10 Village Road Middleton, MA 01949

License Category: All Alcoholic Beverages

Manager: ~~John George Crooks~~ PHILIP ALEXANDER LEISS

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).



Signature

D. R. Swales

Printed Name

3/6/25

Date

Its Manager

Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.





FERNHOL-01

DTEDESCHI

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/6/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Acrisure Insurance Partners Services of NY, LLC
90 S. Ridge Street
Rye Brook, NY 10573

CONTACT NAME: Paulajeon Porter

PHONE
(A/C, No, Ext):FAX
(A/C, No):

E-MAIL ADDRESS: paporter@acrisure.com

INSURED

Ferncroft Holdings LLC
10 Village Road
Middleton, MA 01949

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : Selective Insurance Company of America 12572

INSURER B : Selective Insurance Company of South Carolina 19259

INSURER C : Hartford Fire Insurance Company 19682

INSURER D :

INSURER E :

INSURER F :

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			S 2574246	1/30/2025	1/30/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:						
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			A 9109745	1/30/2025	1/30/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE			S 2574246	1/30/2025	1/30/2026	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
	DED <input checked="" type="checkbox"/> RETENTIONS 10,000						
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below			16WBCAW0NN0	1/30/2025	1/30/2026	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Liquor Liability			S 2574246	1/30/2025	1/30/2026	Each Occurrence 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Renewal of MA Liquor License.;

CERTIFICATE HOLDER

Town of Middletown
48 South Main Street
Middletown, MA 01949

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

IB

**TOWN OF MIDDLETON
ANNUAL LICENSE AFFIDAVIT STATUS
OF EMPLOYEE TRAINING FOR SERVING OR SELLING ALCOHOL**

Name of Licensee: FERNCROFT COUNTRY CLUB
Address: 8-10 VILLAGE RD

1. Number of employees serving alcohol _____
2. Name of all employees who have TIPS/ServSafe training and training expiration date of certificate.
(Please submit copies of training certificates for all employees).

Employee Name:	Date of Certification:	Certificate Expiration Date:
<u>ANNA MOSSLER</u>	<u>11.7.23</u>	<u>11.6.26</u>
<u>SARAH GONYEA</u>	<u>3.8.23</u>	<u>3.7.26</u>
<u>BROOKE CALLAHAN</u>	<u>5.22.23</u>	<u>5.21.26</u>
<u>COLLEEN ROBITALLIS</u>	<u>10.15.23</u>	<u>10.14.26</u>
<u>CHRIS DESTEFANO</u>	<u>9.5.23</u>	<u>9.4.26</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Please use an additional sheet if necessary to list all names)



eTIPS On Premise 3.1

CERTIFIED

Issued: 10/16/2022

Expires: 10/16/2026

ID#: 6842368

Colleen Roubaille

Ferncroft Country Club, Middleton

10 Village Rd

Middleton, MA 01948-1213 USA



CERTIFICATE OF COMPLETION

This certifies that

Brooke Callahan

is awarded this certificate for

TIPS On-Premise Alcohol Server Training

Hours
3.00

Completion Date
05/22/2023

Expiration Date
05/21/2026

Certificate #
ON-000028861993

Scott Rogers
Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

5000 Plaza on the Lake, Suite 305 | Austin, TX 78746 | 877.881.2235 | www.360training.com

CUT HERE

CUT HERE

360
TRAINING
CERTIFIED
Issued 05/22/2023
Certificate # ON-000028861993

TIPS
360
TRAINING

Serving Alcohol

is proud to present this certificate to

Sarah Gonyea

for successful completion of the online course



Massachusetts Alcohol Seller-Server Course

Pursuant to Massachusetts General Law Chapter 138

PERSONS COMPLETING THIS COURSE HAVE AGREED TO EXECUTE THE FOLLOWING POLICIES TO THE BEST OF THEIR ABILITIES.

- CARD ANY PERSON 35 YEARS OF AGE OR YOUNGER
- OBSERVE AND REPORT ANY CUSTOMER SHOWING SIGNS OF POSSIBLE IMPAIRED BEHAVIOR TO MANAGEMENT
- RESPOND IMMEDIATELY TO ANY POSSIBLE PROBLEM SITUATION
- DETERMINE THE PEOPLE ENTERING THE PREMISES TO CONSUME ALCOHOL ARE OF LEGAL ALCOHOL DRINKING AGE AND RECORD THEM IF THERE IS ANY QUESTION ABOUT THEIR AGE
- ENSURE A PERSON MATCHES THEIR VALID LEGAL IDENTIFICATION

Verify online at
servingalcohol.com

Verification Code
bu3OB191EH

Date Issued
Mar 8th, 2023

VALID FOR 3 YEARS



CERTIFICATE OF COMPLETION

This certifies that

Anna Mossler

is awarded this certificate for

TIPS On-Premise Alcohol Server Training



Hours
3.00



Completion Date
11/07/2023



Expiration Date
11/06/2026



Certificate #
ON-000030251792

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

6504 Bridge Point Parkway, Suite 100 | Austin, TX 78730 | www.360training.com

(CUT HERE)

(CUT HERE)

TIPS On-Premise

11/07/2023

Certificate # ON-000030251792

CERTIFIED

Expires 11/06/2026



Phone: 800-438-8477

Seasonal Ferncroft Members Lounge at Ferncroft Country Club



**Town of Middleton
Select Board
48 South Main Street
Middleton, MA 01949**

Please use this form to obtain your license renewal. Please remit a properly signed State Tax Form and pay all license fees no later than Friday, March 31, 2025. License fees shall be paid by either cashier's check or bank check.

All license fees must be received in this office no later than March 31, 2025 in order to have your license renewed for the season.

SEASONAL ALCOHOLIC BEVERAGE LICENSE RENEWAL FORM FOR 2025

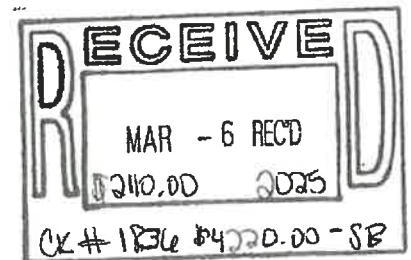
TYPE OF LICENSE		LICENSE FEE	AMOUNT DUE
Club License		\$500.00	
Seasonal All Alcohol Restaurant	<u>1</u>	\$2,000.00	<u>\$2,000.00</u>
All Alcohol Inn Holder		\$2,500.00	
All Alcohol Package Store		\$2,000.00	
Beer & Wine Restaurant		\$2,000.00	
Beer & Wine Package Store		\$1,500.00	
Amusement Machines		\$100.00	
Common Victualler	<u>1</u>	\$100.00	<u>\$100.00</u>
Juke Box		\$35.00	
Entertainment	<u>1</u>	\$10.00	<u>\$10.00</u>
Golf License		\$100.00	
Total Amount Due By March 31, 2025			<u>\$2,110.00</u>

Business Name: Members Lounge at Ferncroft Country Club

Business Manager Name: Philip Alexander Leiss

Phone Number: 978-836-8267

Email: P.Leiss@ferncroftcc.com





Jean M. Lorizio, Esq.
Commission Chairman

**Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission**

**2025
Retail License Renewal**

License Number: 00033-RS-0704

Municipality: MIDDLETON

License Name : SD Management Group LLC

License Class: Seasonal

DBA : Members Lounge

License Type: Restaurant

Premise Address: 8-10 Village Road Middleton, MA 01949

License Category: All Alcoholic Beverages


Manager:

~~Mr. George Cooks~~

PHILIP ALEXANDER LEISS.

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).



Signature

D. R. SWALES

Printed Name

3/6/25

Date

Its Manager.

Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.





FERNHOL-01

DTEDESCHI

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/6/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Acrisure Insurance Partners Services of NY, LLC
90 S. Ridge Street
Rye Brook, NY 10573

CONTACT NAME: Paulajeon Porter

PHONE (A/C, No, Ext):

FAX (A/C, No):

E-MAIL ADDRESS: paporter@acrisure.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Selective Insurance Company of America 12572

INSURER B: Selective Insurance Company of South Carolina 19259

INSURER C: Hartford Fire Insurance Company 19682

INSURER D:

INSURER E:

INSURER F:

INSURED
Ferncroft Holdings LLC
10 Village Road
Middleton, MA 01949

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			\$ 2574246	1/30/2025	1/30/2026	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
							MED EXP (Any one person) \$ 15,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 3,000,000
							PRODUCTS - COMP/OP AGG \$ 3,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						
	OTHER:						
B	AUTOMOBILE LIABILITY			A 9109745	1/30/2025	1/30/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY						BODILY INJURY (Per person) \$
	<input type="checkbox"/> HIRED AUTOS ONLY						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB			\$ 2574246	1/30/2025	1/30/2026	EACH OCCURRENCE \$ 10,000,000
	EXCESS LIAB						AGGREGATE \$ 10,000,000
	DED <input checked="" type="checkbox"/> RETENTIONS \$ 10,000						
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			16WBCAW0NN0	1/30/2025	1/30/2026	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER \$ 1,000,000
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
A	Liquor Liability			\$ 2574246	1/30/2025	1/30/2026	E.L. DISEASE - POLICY LIMIT \$ 1,000,000
							Each Occurrence

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Renewal of MA Liquor License;

CERTIFICATE HOLDER

Town of Middletown
48 South Main Street
Middletown, MA 01949

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

**TOWN OF MIDDLETON
ANNUAL LICENSE AFFIDAVIT STATUS
OF EMPLOYEE TRAINING FOR SERVING OR SELLING ALCOHOL**

Name of Licensee: FERNCROFT COUNTRY CLUB
Address: 8-10 VILLAGE RD

1. Number of employees serving alcohol _____
2. Name of all employees who have TIPS/ServSafe training and training expiration date of certificate.
(Please submit copies of training certificates for all employees).

Employee Name:	Date of Certification:	Certificate Expiration Date:
<u>ANNA MOSSLER</u>	<u>11.7.23</u>	<u>11.6.26</u>
<u>SARAH GONYEA</u>	<u>3.8.23</u>	<u>3.7.26</u>
<u>BROOKE CALLAHAN</u>	<u>5.22.23</u>	<u>5.21.26</u>
<u>COLLEEN ROBITALLE</u>	<u>10.15.23</u>	<u>10.14.26</u>
<u>CHRIS DESTEFANO</u>	<u>9.5.23</u>	<u>9.4.26</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Please use an additional sheet if necessary to list all names)



eTIPS On Premise 3.1

CERTIFIED

Issued: 10/16/2022

Expires: 10/16/2026

ID#: 5842368

Colleen Routhille

Ferncroft Country Club, Middleton

10 Village Rd

Middleton, MA 01948-1213 USA

*Not Valid for Online Use Only
Valid if Printed*



CERTIFICATE OF COMPLETION

This certifies that

Brooke Callahan

is awarded this certificate for

TIPS On-Premise Alcohol Server Training

Hours
3.00



Completion Date
05/22/2023



Expiration Date
05/21/2025



Certificate #
ON-000028861993

Scott Rogers
Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

5000 Plaza on the Lake, Suite 305 | Austin, TX 78746 | 877.881.2235 | www.360training.com

CUT HERE

CUT HERE

CERTIFIED



360 On-Premise
Issued 05/22/2023
Certificate # ON-000028861993

Expires 05/21/2025

Serving Alcohol

is proud to present this certificate to

Sarah Gonyea

for successful completion of the online course



Massachusetts Alcohol Seller-Server Course

Pursuant to Massachusetts General Law Chapter 138

Verify online at
servingalcohol.com

PERSONS COMPLETING THIS COURSE HAVE AGREED TO EXECUTE THE FOLLOWING POLICIES TO THE BEST OF THEIR ABILITIES.

Verification Code
bu3OB191EH

- * CARD ANY PERSON 35 YEARS OF AGE OR YOUNGER
- * OBSERVE AND REPORT ANY CUSTOMER SHOWING SIGNS OF POSSIBLE IMPAIRED BEHAVIOR TO MANAGEMENT
- * RESPOND IMMEDIATELY TO ANY POSSIBLE PROBLEM SITUATION
- * DETERMINE THE PEOPLE ENTERING THE PREMISES TO CONSUME ALCOHOL ARE OF LEGAL ALCOHOL DRINKING AGE AND RECORD THEM IF THERE IS ANY QUESTION ABOUT THEIR AGE
- * ENSURE A PERSON MATCHES THEIR VALID LEGAL IDENTIFICATION

Date Issued
Mar 8th, 2023

VALID FOR 3 YEARS



CERTIFICATE OF COMPLETION

This certifies that

Anna Mossler

is awarded this certificate for

TIPS On-Premise Alcohol Server Training

Hours
3.00



Completion Date
11/07/2023



Expiration Date
11/06/2026



Certificate #
ON-000030251792

[Signature]
Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

6504 Bridge Point Parkway, Suite 100 | Austin, TX 78730 | www.360training.com

(CUT HERE)

(CUT HERE)

360
TRAINING
CERTIFIED
TIPS
Phone: 800-438-8477

Expires 11/06/2026



OFFICE OF THE TOWN ADMINISTRATOR

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

6

TO: Select Board
FROM: Town Administration
RE: 300th Anniversary Committee Charge
DATE: 3/13/2025

As you know, 2028 marks the Town's 300th Anniversary since our original incorporation in 1728. The Board has expressed interest in beginning to prepare for this important celebration. A key element of those initial preparations involves creating a committee to undertake the work associated with planning for these events, appointing residents to serve on the committee, and then supporting their efforts. To that end, here is a proposed charge for the committee:

The 300th Anniversary Committee shall be comprised of up to nine members, serving three-year terms, and subject to reappointment by the Select Board. The Committee will focus on the following functions:

- Conduct outreach to the community to ask for suggested events that residents would be interested in attending.
- Partner with local businesses, community organizations, non-profits, and Town departments to develop events that appeal to all ages and encourage the greatest participation of all Middleton residents and friends.
- Plan and coordinate a series of events for the recreational, educational, and cultural benefit of the community that will serve to commemorate Middleton's heritage and will lead to greater knowledge and appreciation of our history and our future.
- Develop a strategy to fundraise for the Anniversary events.
- Create a master calendar of events and develop marketing materials to disseminate information about the events hosted by the 300th Anniversary Committee, its partners, and friends of Middleton.
- Encourage and support other community organizations to host events that highlight their group's mission and their connections to the history of Middleton.

TOWN OF MIDDLETON

OFFICE OF THE TOWN ADMINISTRATOR

48 South Main Street, Middleton, MA 01949



Telephone (978) 777-3617
justin.sultzbach@middletonma.gov

TO: Select Board and Finance Committee
FROM: Town Finance and Administration
DATE: March 17, 2025
RE: Fiscal Year 2026 Operating and Capital Budget Updates

Thank you to the Select Board and Finance Committee for their active participation and collaboration thus far in the budget process, particularly on Operating and Capital Budget Saturdays. This memo serves as an update on changes since March 1st. Our next joint meeting will be the Reading of the Warrant/Budget Hearing on Thursday, March 27th at 6:00 pm at the Fuller Meadow Library.

Status of outstanding items:

- Town expenditures - **\$150,000** in cuts to Town Departmental salary and expense budgets based on a surgical analysis by the Finance Director and Town Administration. All cuts have been reviewed with and supported by department heads.
- Town revenue – increases identified on Capital Budget Saturday have been updated. We continue to monitor trends including current year actuals, although are not expecting changes.
- Masconomet Regional School District – The Committee continues to consider different funding scenarios, with a vote scheduled for 3/19.
- Middleton Elementary – updated as of School Committee on 3/3; reflective of changes reviewed on Capital Budget Saturday; next meeting 4/7.
- Essex North Shore – no anticipated changes.
- Reductions made to operating budget based on increase to CPC budget.
- We are expecting a request to authorize to borrow in FY26 for the Fire Truck and Fuller Meadow roof, with a Debt Exclusion ballot questions expected for those two items in FY27. This would allow us to get answers on 3 factors, 1. If we receive the grant for the truck, 2. The true cost of the Fuller Meadow roof, 3. The true savings from municipal campus to offset any increases from the two proposed debt exclusions. (~\$4.2 Million would net 0, current at \$3.5).

Next Steps:

The FY 26 Operating Budget remains at a deficit of \$27,000, based on the following conditions:

- Guidance for Middleton Elementary Schools of 2.5% plus health insurance in the levy limit budget, all other increases funded through Operating Override
- Recommendation of the Administration and Finance team for funding Middleton's share of the Masconomet Regional Budget – level funded in the levy limit budget (which represents a 4.1%



TOWN OF MIDDLETON

OFFICE OF THE TOWN ADMINISTRATOR

48 South Main Street, Middleton, MA 01949

Telephone (978) 777-3617
justin.sultzbach@middletonma.gov

overall budget increase for the district over last year). Any additional balance of the increase being funded by an Operating Override in Middleton

- Assumes use of half of the existing levy capacity.
- **Projecting a ~\$1,000,000 Deficit for FY27 (carrying 20% increase for Health Insurance)**



MAY 13, 2025 ANNUAL TOWN MEETING PRELIMINARY LIST

[illegible]



MIDDLETON SELECT BOARD

Town of Middleton
48 South Main Street
Middleton, Massachusetts
01949-2253
978-777-3617
www.middletonma.gov

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-FOR IMMEDIATE RELEASE-

March 14, 2025

Dear Middleton Resident,

Since signed into law, the MBTA Communities Act has created a lot of division in our small community. The local discourse on this topic has generated some thoughtful conversations. We don't only hear the anger and frustration about this state overreach, we share it.

In Middleton, we are putting our collective efforts into leading on this issue. The Select Board has resisted the urge to use our community's time, effort - and your taxpayer dollars - on throwing legal punches that look good but have no shot at landing. We are all angry at the position the Commonwealth has put us in, and are committed to using our resources not on short term gains, but rather pushing for a change in circumstances that gives us a real chance at succeeding in the long term.

That change has arrived. February 21, 2025 correspondence from the Auditor of the Commonwealth (attached) has determined that, "the provisions of the MBTA Communities Act *impose an unfunded mandate* within the meaning of the Local Mandate Law." The Middleton Select Board met in response to this news in Executive Session on Thursday, February 27, 2025 and voted unanimously to file *Middleton v. Commonwealth, et al* to challenge the following points:

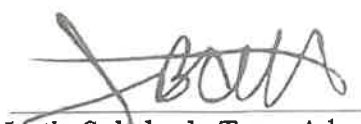
1. Middleton cannot be held to this law because it is an unfunded mandate.
2. Middleton is not an adjacent community as we do not border any town that has MBTA service.
3. The Town has been awarded a sizeable grant that was conditioned on compliance with the MBTA law. If the statute cannot be applied to the Town, we request an injunction that frees up those and other grant funds.

Timing is an important element. We appreciate the collective patience of the people of this great town. Middleton has felt many emotions relative to this short-sighted law. Rather than allowing emotions to dictate our approach, we have positioned Middleton in a way to legitimately challenge this law. This situation has been evolving and we have been diligently monitoring the facts. We are one town united. We love this town and we would do anything to defend it. We know you feel the same.

In service,

ON BEHALF OF THE MIDDLETON SELECT BOARD


Rick Kassiotis, Select Board Chair


Justin Sultzbach, Town Administrator

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

SUPERIOR COURT

No. _____

TOWN OF MIDDLETON, by and through its
Select Board, RICHARD KASSIOTIS,
DEBBIE CARBONE, KOSTA E.
PRENTAKIS, BRIAN M. CRESTA, and
JEFFREY P. GARBER

Plaintiffs

v.

COMMONWEALTH OF
MASSACHUSETTS; EXECUTIVE OFFICE
OF HOUSING AND LIVABLE
COMMUNITIES; MASSACHUSETTS
EXECUTIVE OFFICE OF ECONOMIC
DEVELOPMENT;

and

MASSACHUSETTS OFFICE OF THE
STATE AUDITOR, by and through its
DIVISION OF LOCAL MANDATES

Defendants

**VERIFIED COMPLAINT FOR DECLARATORY and INJUNCTIVE RELIEF and
MANDAMUS**

Introduction, Parties And Jurisdiction

- 1.) The Town of Middleton ("Middleton" or "the Town"), by and through its Select Board and its constituent members (collectively "Plaintiffs"), pursuant to G.L. c. 29, § 27C(e), G.L. c. 231A, § 1, *et seq.* and G.L. c. 249, § 5, hereby petition this Honorable Court for a Declaration that Plaintiffs are exempt from the provisions of G.L. c. 40A, § 3A, for an injunction restraining and enjoining the Defendants from enforcement of the provisions of G.L. c. 40A, § 3A, a writ of mandamus requiring Defendants to provide financial impacts and determination of deficiencies, and for an accounting of the amounts of such deficiencies.

- 2.) Plaintiff, Town of Middleton, is a duly incorporated municipal corporation, situated in Essex County, Commonwealth of Massachusetts, with a usual place of business at 48 South Main Street, Middleton, Massachusetts.
- 3.) Plaintiffs, Richard Kassiotis, Debbie Carbone, Kosta E. Prentakis, Brian M. Cresta, and Jeffrey P. Garber, are the duly-elected members of the Select Board of the Town of Middleton, with a usual place of business at 48 South Main Street, Middleton, Massachusetts, and bring this claim in their official capacities.
- 4.) Defendant, Commonwealth of Massachusetts is a state organized and existing under the Laws of the United States of America and pursuant to the Constitution of the Commonwealth of Massachusetts, with a usual place of business c/o Secretary of the Commonwealth, One Ashburton Place, Boston, Massachusetts.
- 5.) Defendants, Executive Office of Housing and Livable Communities (“EOHLC”) is a cabinet-level Office of the Commonwealth, established pursuant to G.L. c. 6A, § 16G½, with a usual place of business at 100 Cambridge Street, Boston, Massachusetts.
- 6.) EOHLC is the instrumentality of the Commonwealth tasked with promulgating guidelines to determine if an MBTA community is in compliance with the provisions of G.L. c. 40A, § 3A.
- 7.) Defendant Massachusetts Executive Office of Economic Development (“EOED”) is a cabinet-level Office of the Commonwealth, established pursuant to G.L. c. 6A, § 16G, with its usual place of business at One Ashburton Place, Room 2101, Boston, Massachusetts, and which provides grant funding and resources through the “MassWorks Infrastructure Program” to municipalities in Massachusetts for economic development.
- 8.) The Division of Local Mandates (DLM) is an agency of the Office of the State Auditor and is authorized under G.L. c. 29, §27C to conduct inquiries and issue determinations in accordance with such statute. DLM is named as a defendant solely to ensure a full and just adjudication of this matter and the Plaintiffs do not assert any allegation of noncompliance against such defendant.
- 9.) This Court has jurisdiction over the parties and the subject matter of this Petition pursuant to G.L. c. 29, § 27C, G.L. c. 241, § 1, and G.L. c. 231A, § 1, and G.L. c. 249, § 5.
- 10.) Venue is appropriate in this Court as the subject matter of the Petition is concerned with, and is situated in, the Town of Middleton, Essex County.

FACTS

- 11.) Plaintiffs incorporate and reassert the allegations set forth in paragraphs 1-10 above, as if set forth in full herein.
- 12.) G.L. c. 29, § 27C(a) provides that no “law taking effect on or after January 1, 1981 imposing any direct service or cost obligation upon any city or town shall be effective in any city or town ... unless the general court, at the same session in which such law is enacted, provides, by general law and by appropriation, for the assumption by the commonwealth of such cost”.
- 13.) G.L. c. 29, § 27C(c) provides that no “administrative rule or regulation taking effect on or after January 1, 1981 which shall result in the imposition of additional costs upon any city or town shall [...] be effective until the general court has provided by general law and by appropriation for the assumption by the commonwealth of such cost”.
- 14.) G.L. c. 40A, § 3A was added by § 18 of Chapter 358 of the Acts of 2020, and was thereafter amended by § 10 of Chapter 29 of the Acts of 2021, effective July 29, 2021.
- 15.) G.L. c. 40A, § 3A was further amended by §§ 152-153 of Chapter 7 of the Acts of 2023, effective May 30, 2023.
- 16.) G.L. c. 40A, § 3A was further amended by § 9 of Chapter 150 of the Acts of 2024, effective August 6, 2024.
- 17.) G.L. c. 40A, § 3A was further amended by §§ 2, 2A, 2B, and 20-26 of Chapter 234 of the Acts of 2024, effective November 20, 2024.
- 18.) The General Court at no time, whether contemporaneously with enactment of G.L. c. 40A, § 3A, or subsequent thereto has provided by general law or by appropriation funds for the assumption by the Commonwealth of the direct costs to the Town imposed by G.L. c. 40A, § 3A, or the corresponding regulations promulgated by EOHLIC.
- 19.) The Town is defined as one of the “51 cities and towns” pursuant to G.L. c. 161A, § 1 and G.L. c. 40A, § 1A.
- 20.) As one of the “51 cities and towns”, the Town is considered an “MBTA Community” subject to the provisions of G.L. c. 40A, § 3A.
- 21.) Pursuant to G.L. c. 40A, § 3A, the Town as an “MBTA Community” is required to adopt a zoning by-law providing for at least one (1) district of “reasonable size” in which multi-family housing is permitted by right. Under these requirements, the Town is required to enact zoning bylaws that allow, as a matter of right, 750 multi-family

housing units in approved districts. That is over a 20% increase in the total number of housing units in the Town.

- 22.) Pursuant to emergency regulations promulgated by EOHLC in 760 CMR 72.00, the Town has a deadline of July 14, 2025, to submit a “District Compliance Application” to EOHLC, setting forth information about current zoning, past planning for Multi-family housing, if any, potential locations for a Multi-family zoning district and establishing a timeline for various actions needed to create a Multi-family zoning district in compliance with Ch. 40A, § 3A, and EOHLC regulations.
- 23.) Under the EOHLC regulations, there are four (4) categories of MBTA communities that must submit a “District Compliance Application”: Rapid Transit Communities; Commuter Rail Communities; Adjacent Communities; and Adjacent Small Towns.
- 24.) Middleton does not meet the definition of any one of the four (4) categories of MBTA communities identified in the EOHLC regulations. Specifically, Middleton contains no MBTA facilities and is not immediately adjacent to any communities with mass transit services.
- 25.) As an MBTA Community, the Town’s compliance with the provisions of G.L. c. 40A, § 3A and the corresponding EOHLC regulations is purportedly mandatory.
- 26.) Pursuant to G.L. c. 40A, §3A(b), failure by the Town to submit a “District Compliance Application” to EOHLC by July 14, 2025, will result in the Town’s ineligibility for funding from, *inter alia*, Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program.
- 27.) The Town has not submitted a renewed “District Compliance Application” to EOHLC, and is at risk of losing eligibility for funding from those programs identified in G.L. c. 40A, § 3A(b) and 760 CMR 72.09.
- 28.) On January 8, 2025, the Massachusetts Supreme Judicial Court, in an action entitled Attorney General v. Town of Milton, et al., (495 Mass. 183 (2025)) concluded, *inter alia*, that, in addition to the potential loss of grant funds due to noncompliance, G.L. c. 40A, §3A establishes an affirmative mandate on all applicable communities to adopt complying zoning bylaws.
- 29.) The construction of 750 housing units will result in substantial infrastructure impacts to the Town, including, without limitation, impacts to the Town’s water system, public safety services, educational services and buildings, roads, and other general governmental services. Mitigating such impacts will require a substantial appropriation of funds for the expenses and improvements necessary to service 750 new units of housing.

- 30.) The Town has submitted, and received approval of, an application for grant funding to the EOED, MassWorks Infrastructure Program, in the amount of two-million dollars (\$2,000,000.00) to support improvements to the intersection of Routes 62 and 114, in the Town of Middleton. **Exhibit 1**, *Correspondence of October 11, 2024*. Such grant is related to infrastructure to support a multi-family affordable housing development. However, with respect to the grant, and despite the housing benefits of the underlying project, EOED has stated that “a contract will not be executed if the [Town] is noncompliant with Section 3A of M.G.L. c. 40A as determined by EOHLC”.
- 31.) The Towns of Wrentham and Middleborough, and the City of Methuen filed written requests with the Office of the State Auditor, Division of Local Mandates (“DLM”), seeking a determination that G.L. c. 40A, § 3A imposed an unfunded mandate on municipalities within the meaning of G.L. c. 29, § 27C.
- 32.) In response, DLM has issued a Determination dated February 21, 2025, that G.L. c. 40A, § 3A constitutes an unfunded mandate. **Exhibit 2**, *DLM Determination—Wrentham*.
- 33.) As stated in such DLM determinations, the mandate established under the statute and as affirmed by the SJC, will result in material impacts to the Town’s infrastructure, necessitating new investment therein. As noted in the DLM Determinations, the Commonwealth has acknowledged, in the adoption of G.L. c. 40A, §3A and the regulations promulgated thereunder, that such impacts will occur and are the obligation of the host community.
- 34.) However, the DLM was unable to determine the amount of such deficiency, in part because EOHLC has filed to provide a fiscal impact analysis as required under G.L. c. 30A, §5. DLM concluded that it will complete such analysis when EOHLC completes its statutorily required fiscal impact analysis.
- 35.) In the interim and as acknowledged by DLM, pursuant to G.L. c. 29, § 27C(e), a municipality saddled with a statutory and/or regulatory unfunded mandate may be exempted from compliance pending funding for and/or reimbursement of direct costs imposed by a statute or regulation.
- 36.) Because G.L. c. 40A, § 3A and 760 CMR 72.00 impose direct financial obligations on the Town, for which no contemporaneous appropriation has been made by the General Court at the time of the adoption of such statute, the Town should be excused from compliance, unless and until the Town is reimbursed for any direct costs that may be imposed on the Town by G.L. c. 40A, § 3A, and 760 CMR 72.00, and there is legislative appropriation for those costs going forward.
- 37.) Pursuant to current EOHLC regulations, the Town’s deadline to adopt a complying zoning bylaw in accordance with the unfunded mandates of G.L. c. 40A, §3A is July 14, 2025. In order to do so, the Town would be compelled to hold extensive hearings

by its Planning Board and present such bylaw to its annual Town Meeting, which is presently scheduled for May 13, 2025.

- 38.) Notwithstanding the directives in the DLM determinations, the Commonwealth and EOHLC have publicly asserted, through the office of the Attorney General, that DLM's conclusions are incorrect and that compliance with G.L. c. 40A, §3A will be enforced, notwithstanding the Commonwealth's failure to fund the statute or produce a required fiscal impact statement.

COUNT I

(Declaratory Relief—G.L. c. 29, § 27C(e); G.L. c. 231A)

- 39.) Plaintiffs incorporate and reassert the allegations set forth in paragraphs 1-38 above, as if set forth in full herein.
- 40.) G.L. c. 40A, § 3A, and the emergency regulations promulgated pursuant thereto constitute an unfunded mandate.
- 41.) G.L. c. 40A, § 3A, and the emergency regulations promulgated thereto fail to identify any applicable criteria to render the EOHLC regulations applicable to the Town.
- 42.) Because no contemporaneous appropriation was made by the Legislature to fund the provisions of G.L. c. 40A, § 3A, or the corresponding regulations promulgated by EOHLC, the Town should be excused from compliance with the requirements of G.L. c. 40A, § 3A and those regulations.
- 43.) Because the Town does not meet the EOHLC's definition of either a "Rapid Transit Community", a "Commuter Rail Community", an "Adjacent Community", or an "Adjacent Small Town", the Town should be excused from compliance with the requirements of G.L. c. 40A, § 3A and those regulations.
- 44.) An actual case and controversy exists as to the applicability and enforceability of the provisions of G.L. c. 40A, § 3A, and the corresponding regulations promulgated by EOHLC as against the Town.
- 45.) Absent a declaration from this Court, there will be continued uncertainty as to the applicability and enforceability of the provisions of G.L. c. 40A, § 3A, and the corresponding regulations promulgated by EOHLC as against the Town.

COUNT II

(Injunctive Relief—EOHLC)

- 46.) Plaintiffs incorporate and reassert the allegations set forth in paragraphs 1-45 above, as if set forth in full herein.
- 47.) Plaintiffs will be irreparably harmed by enforcement of the provisions of G.L. c. 40A, § 3A, and the corresponding regulations promulgated by EOHLC, in the form of loss of funding for the Route 62 and Route 114 project through the MassWorks Infrastructure Program, which is an important public works and capital improvement project, imposition of unfunded direct costs, and potential adverse judgments arising from enforcement actions initiated by the Attorney General's Office on behalf of the Commonwealth and EOHLC.
- 48.) The irreparable harm to the Plaintiffs substantially outweighs any hardship that may be claimed by the Defendants in the imposition of an unfunded mandate or the erroneous application of EOHLC's regulations to the Town.
- 49.) The public interest and the interests of the Plaintiffs substantially outweigh the interests of the Defendants in the imposition of an unfunded mandate and the erroneous application of EOHLC's regulations to the Town.
- 50.) Injunctive Relief excusing the Town from compliance with the Commonwealth's unfunded mandate is expressly contemplated under G.L. c. 29, §27C.
- 51.) The Plaintiffs have no other adequate remedy at law.

COUNT III
(Injunctive Relief—EOED)

- 52.) Plaintiffs incorporate and reassert the allegations set forth in paragraphs 1-51 above, as if set forth in full herein.
- 53.) Plaintiffs will be irreparably harmed by the refusal of EOED to execute grant agreements or contracts or to otherwise disburse grant funds on the basis of non-compliance with the provisions of G.L. c. 40A, § 3A or EOHLC's enforcement of the same, and the corresponding regulations promulgated by EOHLC, in the form of loss of funding for the MassWorks Infrastructure Program from EOED, which is an important public works and capital improvement project.
- 54.) Among the harms of failing to receive the grant is the inability to construct vital infrastructure that will support a multi-family affordable housing project.
- 55.) Given the inapplicability of G.L. c. 40A, §3A to the Town and the corresponding regulations, as discussed above, there is no legal or just reason to fail to honor the terms of the grant issued to the Town.

- 56.) The irreparable harm to the Plaintiffs substantially outweighs any hardship that may be claimed by EOED or EOHLC in the imposition of an unfunded mandate or the erroneous application of EOHLC's regulations to the Town.
- 57.) The public interest and the interests of the Plaintiffs substantially outweigh the interests of said defendants in the imposition of an unfunded mandate and the erroneous application of EOHLC's regulations to the Town.
- 58.) The Plaintiffs have no other adequate remedy at law.

COUNT IV
(Mandamus-EOHLC)

- 59.) Plaintiffs incorporate and reassert the allegations set forth in paragraphs 1-58 above, as if set forth in full herein.
- 60.) Pursuant to G.L. c. 30A, § 5, EOHLC has a clear-cut, non-discretionary duty to provide an estimate of the fiscal effect of any proposed regulation, including that on the public and private sectors, for the first and second year, as well as a projection over the first five-year period, or alternatively must file a statement of no fiscal effect with the Secretary of the Commonwealth.
- 61.) EOHLC has not provided the estimate required under G.L. c. 30A, § 5.
- 62.) As stated in the DLM Determination, DLM is unable to complete its full and complete assessment of the deficiency in funding until such time as EOHLC provides DLM with the statutorily required fiscal impact analysis.
- 63.) The Commonwealth's failure and ongoing refusal to provide such analysis disables DLM from completing its analysis and adversely impacts the Town which is entitled to ascertain the level of required funding prior to complying with the mandate established under G.L. c. 40A, §3A.
- 64.) Mandamus should issue requiring the Commonwealth to provide such analysis to DLM and for DLM to complete its determination as to the deficiency in funding is required as a matter of law and is a necessary prerequisite prior to the Town's compliance with G.L. c. 40A, §3A.
- 65.) The Town will be irreparably harmed if mandamus is not issued and, comparatively, the Defendants will suffer no harm in that such mandamus merely ensures compliance with the law.
- 66.) The public interest supports the issuance of a writ of mandamus.
- 67.) The Town has no other adequate remedy at law.

Count V
(Mandamus—DLM)

- 68.) Plaintiffs incorporate and reassert the allegations set forth in paragraphs 1-67 above, as if set forth in full herein.
- 69.) Pursuant to G.L. c. 29, § 27C(d) DLM has an obligation to issue a determination within sixty (60) days of a municipality's request as to whether the costs imposed by the Commonwealth by any law, rule or regulation subject to this section have been paid in full by the commonwealth in the preceding year and, if not, the amount of any deficiency in such payments.
- 70.) Pursuant to G.L. c. 29, § 27C(f), DLM has an obligation to issue a determination within sixty (60) days of a municipality's request as to the total annual financial effect for a period of not less than 3 years of any proposed law or rule or regulation of any administrative agency of the commonwealth.
- 71.) Due to the failures of the commonwealth to provide requisite information, DLM has not issued the determinations required under G.L. c. 29, § 27C(d) and (f) within the required sixty (60) days following the requests from the Towns of Wrentham and Middleborough, and the City of Methuen or within a reasonable time following receipt of the requested and required information from EOHLC.
- 72.) The Town will be irreparably harmed if mandamus is not issued and, comparatively, the Defendants will suffer no harm in that such mandamus merely ensures compliance with the law.
- 73.) The public interest supports the issuance of mandamus.
- 74.) The Town has no other adequate remedy at law.

COUNT VI
(Accounting and Reimbursement—G.L. c. 29, § 27C(e))

- 75.) Plaintiffs incorporate and reassert the allegations set forth in paragraphs 1-74 above, as if set forth in full herein.
- 76.) If forced to comply with the unfunded mandate, the Town will be forced to assume substantial costs directly incurred as a result of G.L. c. 40A, § 3A and the corresponding regulations promulgated by EOHLC.

- 77.) DLM has not yet issued its determination as to the amounts of deficiency resulting from the Commonwealth's failure to assume the direct costs of G.L. c. 40A, § 3A and the corresponding regulations promulgated by EOHLC.
- 78.) Pending DLM's determination, and pursuant to this Honorable Court's authority under G.L. c. 27, § 27C(e), Plaintiffs request this Honorable Court determine the amount of such deficiency, and order the Defendants to reimburse the Town any such direct costs as may be so determined.

WHEREFORE, Plaintiffs pray that this Honorable Court enter judgment as follows:

- 1.) Entering a declaration that G.L. c. 40A, §3A constitutes an unfunded mandate and that pursuant to G.L. c. 29, § 27C(e) that the Town of Middleton is excused from compliance with the provisions of G.L. c. 40A, § 3A, and the corresponding regulations promulgated by EOHLC.
- 2.) Entering a declaration that the regulations promulgated by EOHLC do not apply to the Town since the Town does not meet any of the definitions for a community required to demonstrate compliance with the provisions of G.L. c. 40A, § 3A, or those regulations.
- 3.) Enjoining and restraining EOHLC or the Commonwealth from both enforcing G.L. c. 40A, §3A until such time as the Commonwealth adequately funds the necessary infrastructure improvements for compliance with such statute and from withholding funding under those programs identified in G.L. c. 40A, § 3A(b) and the corresponding regulations promulgated by EOHLC based on any claimed non-compliance on the part of the Town with the requirements submit a District Compliance Application to EOHLC.
- 4.) Enjoining and restraining EOED from withholding execution of grant agreement or contracts, or dispensing grant funds, on the basis of non-compliance with the provisions of G.L.c. 40A, § 3A.
- 5.) Issuing a writ of mandamus to EOHLC compelling EOHLC to provide DLM with the required fiscal impact analysis of the impacts of G.L. c. 40A, §3A and excusing the Town from compliance with such statute until DLM completes such analysis and funding is provided.
- 6.) Issuing a writ of mandamus to DLM compelling DLM to provide the Town with the determinations required pursuant to G.L. c. 29, § 27C(d) and (f).
- 7.) Determining the amounts of deficiency resulting from the Commonwealth's failure to appropriate funds for and assume the direct costs of the unfunded mandate imposed by G.L. c. 40A, § 3A and the corresponding regulations promulgated by EOHLC.

- 8.) Ordering the Commonwealth to assume the costs of and reimburse the Town for its direct costs resulting from any compliance with G.L. c. 40A, § 3A and the corresponding regulations promulgated by EOHLC.
- 9.) Awarding the Plaintiffs their reasonable costs and attorneys' fees.
- 10.) All other relief this Court deems meet and just.

Plaintiffs,
TOWN OF MIDDLETON,

by and through its SELECT BOARD,
RICHARD KASSIOTIS, DEBBIE
CARBONE, KOSTA E. PRENTAKIS,
BRIAN M. CRESTA, and JEFFREY P.
GARBER
by their Attorneys,

/s/ Per C. Vaage

Jason R. Talerman, Esq. (BBO# 567927)
Per C. Vaage, Esq. (BBO# 664385)
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Dated: March 7, 2025

VERIFICATION

I, Justin Sultzbach, the Middleton Town Administrator, hereby verify and swear under the pains and penalties of perjury that the facts relating to the Town of Middleton, as asserted in the foregoing complaint are accurate to the best of my knowledge and belief. I hereby certify that I have been duly authorized by the Town of Middleton Select Board to verify and approve this Verified Complaint.


Justin Sultzbach, Town Administrator

EXHIBIT 1



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT
ONE ASHBURTON PLACE, ROOM 2101
BOSTON, MA 02108
<https://www.mass.gov/orgs/eoed>

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY

TELEPHONE
(617) 788-3610

FACSIMILE
(617) 788-3605

Justin Sultzbach, Town Administrator
Town of Middleton
49 South Main Street
Middleton, MA 01949

October 11, 2024

Dear Administrator Sultzbach: RE: **Middleton-Middleton-Route 62 & -00776**

Congratulations on Middleton's successful application to the FY25 Round of the Community One Stop for Growth. On behalf of the Healey-Driscoll Administration, I am pleased to inform you that a grant in the amount of **\$2,000,000** from the **MassWorks Infrastructure Program** has been approved to support the **Route 62 & Route 114 project**.

If this project is located in an MBTA Community, please note that a contract will not be executed if the community is noncompliant with Section 3A of M.G.L. Chapter 40A as determined by EOHLC.

As a condition of the award, you will be required to submit a completed Pre-Contract Form (to be provided by EOED) no later than January 31, 2024, to begin the contracting process. A MassWorks team member will reach out directly to discuss any additional conditions or requirements, as well as the next steps related to this grant award. If you have any immediate concerns, please contact Senior Director of Communities and Programs, Marc Horne, at marc.horne@mass.gov.

Please be advised that this letter does not constitute an agreement or contract with EOED or the Commonwealth of Massachusetts, and the grant award is not final until the organization has executed a contract with EOED. You should not proceed with any grant activities until a contract is in place.

Sincerely,

Yvonne Hao
Secretary of Economic Development

EXHIBIT 2



DIANA DIZOGLIO
AUDITOR

The Commonwealth of Massachusetts

AUDITOR OF THE COMMONWEALTH

DIVISION OF LOCAL MANDATES

ONE WINTER STREET, 9TH FLOOR
BOSTON, MASSACHUSETTS 02108

TEL (617) 727-0025
FAX (617) 727-0984

February 21, 2025

By First-Class Mail & Email <SBOffice@wrentham.gov>

Town of Wrentham Select Board
79 South Street
Wrentham, MA 02093

RE: Mandate Determination related to MBTA Communities Act (M.G.L. c. 40A, § 3A)

Dear Select Board Members:

On October 15, 2024, on behalf of the Town of Wrentham, you requested that the Office of the State Auditor (OSA), through the Division of Local Mandates (DLM), provide a determination of whether M.G.L. c. 40A, § 3A (the MBTA Communities Act, the Act, or § 3A), constitutes an unfunded mandate imposed on cities and towns by the Commonwealth within the meaning of M.G.L. c. 29, § 27C (the Local Mandate Law), and the total annual financial impact thereof for a period of no less than 3 years. In response to your request, this office sent correspondence dated November 27, 2024, requesting a waiver of the 60-day timeline under M.G.L. c. 29, § 27C. On December 5, 2024, Michael King, Interim Town Manager, indicated that the Wrentham Select Board voted unanimously to deny our waiver request. On December 12, 2024, further correspondence was sent stating that this office was unable to issue a determination due to litigation in connection with the MBTA Communities Act that was before the Supreme Judicial Court of Massachusetts at that time. The Court issued its decision in *Attorney General v. Town of Milton*, No. SJC-13580, on January 8, 2025.¹

¹ *Attorney General v. Town of Milton & another; Executive Office of Housing and Livable Communities*, third-party defendant, Mass., No. SJC-13580, slip op. (January 8, 2025), available at <https://www.mass.gov/doc/attorney-general-v-town-of-milton-executive-office-of-housing-and-livable-communities-sjc-13580/download> (accessed February 18, 2025).

DLM has conducted extensive legal and policy review regarding the requested matter, including review of the *Milton* decision and the emergency regulations filed thereafter by the Administration,² and determines that the MBTA Communities Act constitutes an unfunded mandate. DLM's analysis in arriving at said determination is set forth below. Regarding the fiscal impact, the Court in its decision noted the absence of the required statements under M.G.L. c. 30A, § 5, estimating the fiscal effect of proposed regulations on the public and private sector, and considering the impact of such regulations on small business, rendering the guidelines promulgated by the Executive Office of Housing and Livable Communities (EOHLC) ineffective.³ DLM requires additional time to perform a thorough analysis of the costs imposed as the impact of the MBTA Communities Act is still being determined. Such analysis will include review of the required fiscal impact statements by EOHLC and implementing other data collection measures as necessary.

M.G.L. c. 29, § 27C — the Local Mandate Law

In general terms, the Local Mandate Law provides that any post-1980 state law, rule, or regulation that imposes additional costs, excluding incidental local administration expenses, upon any city or town is conditional on local acceptance or being fully funded by the Commonwealth.⁴ A city or town may request that DLM determine whether a law, rule, or regulation imposes a mandate within the meaning of the Local Mandate Law and, if so, the costs of compliance and the amount of any deficiency in funding by the Commonwealth.⁵ Alternatively, or in addition to asking DLM for such a determination, a community alleging an unfunded mandate may petition the Superior Court for a determination of deficiency and an exemption from compliance until the Commonwealth provides sufficient funding.⁶

In order to determine that a state law imposes a mandate within the meaning of the Local Mandate Law, the law must take effect on or after January 1, 1981, must be a new law changing existing law, and must result in a direct service or cost obligation imposed on municipalities by the Commonwealth that amounts to more than an incidental local administration expense.⁷ Moreover, the challenged law must not be exempted from application of the Local Mandate Law, whether by express override of the Legislature, application of federal law or regulation, or other exemption.

² 760 CMR 72.00: Multi-Family Zoning Requirement for MBTA Communities (2025), available at <https://www.mass.gov/regulations/760-CMR-7200-multi-family-zoning-requirement-for-mbta-communities> (accessed February 18, 2025).

³ See *Milton* at 7, 22.

⁴ See M.G.L. c. 29, §§ 27C(a)–(c).

⁵ See M.G.L. c. 29, § 27C(d).

⁶ See M.G.L. c. 29, § 27C(e).

⁷ See *City of Worcester v. the Governor*, 416 Mass. 751 (1994).

Once DLM has determined that a law imposes a mandate within the meaning of the Local Mandate Law, the analysis turns to whether the Commonwealth has provided sufficient funding to assume the costs imposed by the law in question. The Local Mandate Law clearly states that “the general court, at the *same session* in which such law is enacted, [must provide], *by general law and by appropriation*, for the assumption by the commonwealth of such cost[s], . . . and . . . by appropriation in *each successive year* for such assumption” (emphasis added).⁸ The Supreme Judicial Court has recognized that “the ‘plain meaning’ of [M.G.L.] c. 29, Section 27C(a), is that funding be provided at the *same time* that [the] mandate is imposed on cities and towns,” and that the language of the statute “means that the Legislature envisioned a scheme wherein cities and towns would be reimbursed *in advance — or, at least, contemporaneously* — for costs incurred pursuant to the mandate” (emphasis added).⁹ Furthermore, funding must be provided by a specific allocation of funds and cannot be fulfilled merely by increasing unrestricted local aid, as “[s]uch an approach would render the [Local Mandate Law] meaningless, for it would always be possible to attribute undesignated increases in State aid to the local mandate being challenged.”¹⁰ In short, for funding to be sufficient, the imposed costs must be assumed by the Commonwealth and appropriation made contemporaneously with and specific to the mandate in question.

M.G.L. c. 40A, § 3A — the MBTA Communities Act

The MBTA Communities Act provides as follows:

“Section 3A: Multi-family zoning as-of-right in MBTA communities

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section

⁸ See M.G.L. c. 29, § 27C(a).

⁹ See *Town of Lexington v. Commissioner of Education*, 393 Mass. 693, 698–701 (1985).

¹⁰ See *id.* at 701.

2EEEE of chapter 29; (iii) the MassWorks infrastructure program established in section 63 of chapter 23A, or (iv) the HousingWorks infrastructure program established in section 27 ½ of chapter 23B.

(c) The executive office of housing and livable communities, in consultation with the executive office of economic development, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.”¹¹

An MBTA community is defined as “a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.”¹² The Town of Wrentham is specified as one of the other served communities in clause (iii).¹³

Application of the Local Mandate Law to the MBTA Communities Act

The MBTA Communities Act provisions contained in § 3A were added by § 18 of Chapter 358 of the Acts of 2020, effective January 14, 2021, amended by § 10 of Chapter 29 of the Acts of 2021, effective July 29, 2021, further amended by §§ 152-153 of Chapter 7 of the Acts of 2023, effective May 30, 2023, and further amended by § 9 of Chapter 150 of the Acts of 2024, effective August 6, 2024.¹⁴ Accordingly, the MBTA Communities Act is a law that took effect on or after January 1, 1981.

Furthermore, the MBTA Communities Act is a new law changing, not merely clarifying, existing law.¹⁵ The MBTA Communities Act creates a new zoning requirement, requiring that all MBTA communities zone at least 1 district in which multi-family housing is permitted as of right, subject to other requirements.¹⁶ Prior to enactment of the MBTA Communities Act, no such district was required. Emergency regulations filed by EOHLC on January 14, 2025, provide significant context regarding the breadth of considerations necessary for compliance with the Act – “[w]hat

¹¹ M.G.L. c. 40A, § 3A; St. 2020, c. 358, § 18; amended St. 2021, c. 29, § 10; amended St. 2023, c. 7, §§ 152-153; amended St. 2024, c. 150, § 9.

¹² M.G.L. c. 40A, § 1A; St. 2020, c. 358, § 16. See [Appendix A](#).

¹³ M.G.L. c. 161A, § 1.

¹⁴ St. 2020, c. 358, § 18; amended St. 2021, c. 29, § 10; amended St. 2023, c. 7, §§ 152-153; amended St. 2024, c. 150, § 9.

¹⁵ See *Worcester*, 416 Mass. at 756; see also *Lexington*, 393 Mass. at 697.

¹⁶ M.G.L. c. 40A, § 3A(a)(1).

it means to allow Multi-family housing ‘as of right’ ... [t]he metrics that determine if a Multi-family zoning district is ‘of reasonable size’ ... [h]ow to determine if a Multi-family zoning district has a minimum gross density of 15 units per acre ... [t]he meaning of M.G.L. c. 40A, § 3A’s mandate that ‘such multi-family housing shall be without age restrictions and suitable for families with children’ ... [t]he extent to which MBTA communities have flexibility to choose the location of a Multi-family zoning district” – as well as permissible steps toward compliance, all of which constitute a substantive change in municipal zoning authority.¹⁷

The analysis continues with an evaluation of whether the MBTA Communities Act *imposes* a direct service or cost obligation on municipalities by the Commonwealth that amounts to more than an incidental local administration expense. The MBTA Communities Act provides in relevant part that “[a]n MBTA community *shall* have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right” (emphasis added). M.G.L. c. 4, § 6 provides that “[w]ords and phrases shall be construed according to the common and approved usage of the language.” Given this, “[t]he word ‘shall’ is ordinarily interpreted as having a mandatory or imperative obligation.”¹⁸

Neither is the MBTA Communities Act conditional upon local acceptance. M.G.L. c. 4, § 4 provides that “[w]herever a statute is to take effect upon its acceptance by a municipality or district, or is to be effective in municipalities or districts accepting its provisions, this *acceptance shall be*, except as otherwise provided in that statute, in a municipality, *by vote of the legislative body*, subject to the charter of the municipality, or, in a district, by vote of the district at a district meeting” (emphasis added). The Commonwealth has specifically included language in various statutes conditioning effectiveness upon local acceptance (local option statutes).¹⁹ In contrast, the MBTA Communities Act applies to all municipalities meeting the definition of an “MBTA community.”²⁰

The Court in *Milton* confirmed this interpretation of the MBTA Communities Act as imposing an obligation on MBTA communities, concluding that the town’s proposed reading that the only consequence to an MBTA community for failing to comply would be the loss of certain funding opportunities would “thwart the Legislature’s purpose by converting a *legislative mandate* into a matter of fiscal choice” (emphasis added).²¹

¹⁷ See 760 CMR 72.03 et seq.

¹⁸ *Galenski v. Town of Erving*, 471 Mass. 305, 309 (2015), quoting *Hashimi v. Kalil*, 388 Mass. 607, 609 (1983).

¹⁹ See *Galenski*, 471 Mass. 305; see also *Adams v. City of Boston*, 461 Mass. 602 (2012).

²⁰ M.G.L. c. 40A, § 1A; St. 2020, c. 358, § 16. See [Appendix A](#).

²¹ *Milton* at 17.

As for costs of implementation, the MBTA Communities Act requires MBTA communities to have “a zoning ordinance or by-law” providing for a district that meets specific criteria. Although the total fiscal impact of implementation cannot be determined without further data collection, it is apparent that, at a minimum, direct costs exist in developing compliant zoning that amount to more than incidental local administration expenses. Incidental local administration expenses “are relatively minor expenses related to the management of municipal service and . . . are subordinate consequences of a municipality’s *fulfilment of primary obligations*” (emphasis added).²² The implication is that expenses incurred by a municipality in fulfilling its primary obligations are not incidental local administration expenses and, consequently, one must look to the purpose of the statute to determine the primary obligation imposed on the municipality. The purpose of the MBTA Communities Act as stated in the emergency regulations is “to encourage the production of Multi-family housing by requiring MBTA communities to adopt zoning districts where Multi-family housing is allowed As of right. . . .”²³ The Commonwealth through EOHLC, after review of submitted applications, awarded “technical assistance” grant funding to some MBTA communities for the very purpose of developing zoning compliant with the Act.²⁴ Accordingly, DLM determines that the MBTA Communities Act imposes direct service or cost obligations on municipalities by the Commonwealth that amount to more than incidental local administration expenses.

MBTA Communities Act Funding

The MBTA Communities Act does not provide a funding mechanism for compliance with its provisions.²⁵ The statutory language of § 3A and the original enacting legislation of Chapter 358 of the Acts of 2020 fail to provide for the assumption by the Commonwealth of the costs imposed by the MBTA Communities Act and did not contain an appropriation for § 3A.²⁶ The FY 2022 budget, passed during the same annual session as when the MBTA Communities Act became effective (the first annual session of the 2021–2022 biennial legislative session), and all other appropriations bills passed during the same annual session, likewise did not contain an

²² See *Worcester*, 416 Mass. at 758–759 (where the primary obligation imposed by a regulation was “to identify children in need of special education,” written parental notification was “a subordinate administrative task”; where the primary obligation of a law was “to provide school accessibility to students with limited mobility,” the requirement for the annual submission of school building access plan imposed “only administrative expenses incidental (subordinate) to the primary obligation”).

²³ 760 CMR 72.01.

²⁴ See Executive Office of Housing and Livable Communities, *3A Technical Assistance Awards & Resources*, available at <https://www.mass.gov/info-details/3a-technical-assistance-awards-resources> (accessed February 18, 2025).

²⁵ Cf. St. 1983, c. 503, *An Act Extending the Time of Voting in Certain Elections* (“SECTION 3. As hereinafter provided, the commonwealth shall pay to each city and town an amount sufficient to defray the additional costs imposed on the city or town under the provisions of this act.”).

²⁶ See M.G.L. c. 40A, § 3A; St. 2020, c. 358.

appropriation for § 3A.²⁷ Neither was the MBTA Communities Act specifically exempted from application of the Local Mandate Law by the Commonwealth.²⁸

As stated above, the Commonwealth has already provided grant funding to some MBTA communities for certain costs of drafting compliant zoning. In addition, the Commonwealth continues to anticipate that the MBTA Communities Act will impose costs on MBTA communities. Section 2A of Chapter 150 of the Acts of 2024 includes the following line item:

7004-0077.. For a local capital projects grant program to support and encourage implementation of the housing choice designation for communities that have demonstrated housing production and adoption of housing best practices, *including a grant program to assist MBTA communities in complying with the multi-family zoning requirement in section 3A of chapter 40A of the General Laws*.....
\$50,000,000 (emphasis added)

Further, Section 4 of said chapter 150 provides in part:

(a) There shall be in the executive office of housing and livable communities a HousingWorks infrastructure program to: (i) issue infrastructure grants that support housing to municipalities and other public entities ... ; or (ii) assist municipalities to advance projects that support housing development, preservation or rehabilitation. Preference for grants or assistance under this section shall be given to: ... (C) *multi-family zoning districts that comply with section 3A of said chapter 40A* (emphasis added)

However, establishment of the grant programs above did not occur contemporaneously with the enactment of § 3A, nor did they provide the required specific allocation of funds to municipalities for the costs of compliance with § 3A.²⁹ Moreover, there are questions as to whether a grant

²⁷ See St. 2021, c. 24; St. 2021, c. 23; St. 2021, c. 29; St. 2021, c. 76.

²⁸ Cf. St. 1993, c. 71, *An Act Establishing the Education Reform Act of 1993* (“SECTION 67. This act shall apply to all cities, towns, and regional school districts, notwithstanding section twenty-seven C of chapter twenty-nine of the General Laws and without regard to any acceptance or appropriation by a city, town, or regional school district or to any appropriation by the general court.”) See *Lexington*, 393 Mass. at 698 (“[the challenged law] does not indicate any express amendment or repeal of section 27C”); see also *School Committee of Lexington v. Commissioner of Education*, 397 Mass. 593, 595-596 (1986) (“One option was to provide specifically that [the challenged law] supersedes [the Local Mandate Law]. . . . [T]he Legislature could either have repealed or superseded an aspect of [the Local Mandate Law] directly.”).

²⁹ See *Lexington*, 393 Mass. at 699-700 (where the Supreme Judicial Court of Massachusetts recognized that a method by which reimbursement may be sought by cities and towns *after the costs have been incurred and without an appropriation of funds specifically targeted to the assumption of incurred costs* does not pass muster under M.G.L. c. 29, § 27C(a) (emphasis added)).

program requiring municipalities to compete for funding to support and encourage compliance with a law, even if created and funded contemporaneously with the law in question, would satisfy the Local Mandate Law because such a program is not intended to assume all costs imposed.³⁰

The emergency regulations also make reference to potentially necessary funding for compliance with § 3A: “For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, *the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed* for individual projects” (emphasis added).³¹ Whether a particular expense is imposed by the MBTA Communities Act within the meaning of the Local Mandate Law will require further data collection and analysis. DLM will implement data collection measures necessary to determine the estimated and actual financial effects on each MBTA community of the MBTA Communities Act. In the interim, because the Commonwealth did not assume the costs of the MBTA Communities Act by general law and by appropriation in the 2021 session contemporaneously with the effective date of the MBTA Communities Act, DLM determines that the current method of funding by the Commonwealth of the costs of compliance with § 3A incurred by MBTA communities does not satisfy the requirements of the Local Mandate Law.

Conclusion

It is the determination of DLM that the provisions of the MBTA Communities Act *impose an unfunded mandate* within the meaning of the Local Mandate Law as the current method of funding by the Commonwealth of § 3A compliance costs incurred by municipalities does not satisfy the requirements of the Local Mandate Law. DLM cautions that, as with all determinations, the conclusions herein are based on DLM’s interpretation and application of current law and judicial precedent and, accordingly, are subject to legislative or regulatory changes or judicial determination. As stated above, DLM will conduct data collection measures as necessary and will report on the financial effects of the MBTA Communities Act when the process concludes.

This opinion does not prejudice the right of any city or town to seek independent review of the matter in Superior Court in accordance with M.G.L. c. 29, § 27C(e). This determination does not guarantee that expenses will, in fact, be reimbursed, as the Supreme Judicial Court has opined that a municipality’s sole recourse for an unfunded mandate is to petition the Superior Court for an exemption from compliance.³²

³⁰ See *id.*

³¹ 760 CMR 72.05(1)(e)2.

³² See *Worcester*, 416 Mass. at 761–762.

Thank you for bringing this important matter to our attention. We look forward to continuing to work with you in service to the residents of Wrentham and our Commonwealth.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jana DiNatale', with a stylized, cursive script.

Jana DiNatale
Director of Division of Local Mandates
Office of State Auditor Diana DiZoglio

cc: Michael J. King, Interim Town Manager, Town of Wrentham
Kimberley Driscoll, Lieutenant Governor of the Commonwealth
Andrea Campbell, Attorney General of the Commonwealth
Karen E. Spilka, President of the Senate
Ronald Mariano, Speaker of the House
Edward M. Augustus Jr., Secretary, Executive Office of Housing and Livable Communities
Adam Chapdelaine, Massachusetts Municipal Association Executive Director and Chief Executive Officer
Elizabeth T. Greendale, President of the Massachusetts Town Clerks' Association

Appendix A: MBTA Communities³³

“51 cities and towns”, the cities and towns of Bedford, Beverly, Braintree, Burlington, Canton, Cohasset, Concord, Danvers, Dedham, Dover, Framingham, Hamilton, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynn, Lynnfield, Manchester-by-the-Sea, Marblehead, Medfield, Melrose, Middleton, Nahant, Natick, Needham, Norfolk, Norwood, Peabody, Quincy, Randolph, Reading, Salem, Saugus, Sharon, Stoneham, Swampscott, Topsfield, Wakefield, Walpole, Waltham, Wellesley, Wenham, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop and Woburn.

“Fourteen cities and towns”, the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Milton, Newton, Revere, Somerville and Watertown.

“Other served communities”, the cities and towns of Abington, Acton, Amesbury, Andover, Ashburnham, Ashby, Ashland, Attleboro, Auburn, Ayer, Bellingham, Berkley, Billerica, Boxborough [sic], Boxford, Bridgewater, Brockton, Carlisle, Carver, Chelmsford, Dracut, Duxbury, East Bridgewater, Easton, Essex, Fitchburg, Foxborough, Franklin, Freetown, Georgetown, Gloucester, Grafton, Groton, Grove land, Halifax, Hanover, Hanson, Haverhill, Harvard, Holden, Holliston, Hopkinton, Ipswich, Kingston, Lakeville, Lancaster, Lawrence, Leicester, Leominster, Littleton, Lowell, Lunenburg, Mansfield, Marlborough, Marshfield, Maynard, Medway, Merrimac, Methuen, Middleborough. [sic] Millbury, Millis, Newbury, Newburyport, North Andover, North Attleborough, Northborough, Northbridge, Norton, North Reading, Norwell, Paxton, Pembroke, Plymouth, Plympton, Princeton, Raynham, Rehoboth, Rochester, Rockland. Rockport, Rowley, Salisbury, Scituate, Seekonk, Sherborn, Shirley, Shrewsbury, Southborough, Sterling, Stoughton, Stow, Sudbury, Sutton, Taunton, Tewksbury, Townsend, Tyngsborough, Upton, Wareham, Way land, West Boylston, West Bridgewater, Westborough, West Newbury, Westford, Westminster, Whitman, Worcester, Wrentham, and such other municipalities as may be added in accordance with section 6 or in accordance with any special act to the area constituting the authority.

³³ M.G.L. c. 161A, § 1.

Town of Middleton

Surplus Properties Public Forum Series

What's next for these town owned properties?

Sell, retain, preserve, redevelop? We'd like to hear from the residents of Middleton!

Up next: Middleton Fire Station

4 Lake St. to be discussed at the Tue,
March 18th, 2025 Select Board Meeting



Upcoming:

4/1/25 Select Board

Council on Aging

(Old Town Hall)

38 Maple Street

5/20/25 Select Board

Memorial Hall Parcel

48 S. Main St.

***Locust Street Parcel, and 40
School St (Glue Factory) to be
scheduled for future dates***

002500000123

MAP BLOCK LOT

002500000123

Parcel ID 4

0025-00000-0123

Parcel ID

0025-00000-0123

IN PROCESS APPRAISAL SUMMARY

Building Location4 LAKE ST

MIDDLETON

Card: 1 of 1

Total Card

976,200 /

APPR

976,200 /

USE + IMP

976,200 /

USE LAND

0 /

ASSESSED

976,200 /

976,200

0

002500000123

MAP BLOCK LOT

002500000123

Parcel ID 4

0025-00000-0123

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976,200 /

USE LAND

0 /

ASSESSED

976,200 /

976,200

0

Occ		Type												
PREVIOUS OWNER			2024	FV	935	230,500	5,700	0.25	684,200	930,500	930,500	Year End Roll	12/15/2023	User Account
MCKENNEY, HENRY -0000			2023	FV	935	232,500	5,700	0.25	626,200	864,400	864,400	Year End Roll	12/19/2022	
			2022	FV	935	234,400	5,800	0.25	571,700	811,900	811,900	Year End Roll	12/30/2021	
			2021	FV	935	235,600	5,800	0.25	544,500	785,900	785,900	Year End Roll	12/16/2020	
			2020	FV	935	237,300	5,800	0.25	544,500	787,600	787,600	Year End Roll	12/16/2019	
			2018	FV	935	246,300	5,900	0.25	419,300	671,500	671,500	Year End Roll	12/21/2017	
			2017	FV	935	229,500	5,900	0.25	381,200	616,600	616,600	Year End Roll	12/21/2016	Insp Date 08/02/2021
			2016	FV	935	231,200	6,000	0.25	367,500	604,700	604,700	Year End	12/08/2015	Print Date / Time 12/16/2024 7:59 pm
			2015	FV	935	233,100	6,000	0.25	367,500	606,600	606,600	Year End Roll	12/18/2014	



Middleton, MA

1 inch = 55 Feet



www.cai-tech.com

March 13, 2025



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Middleton, MA

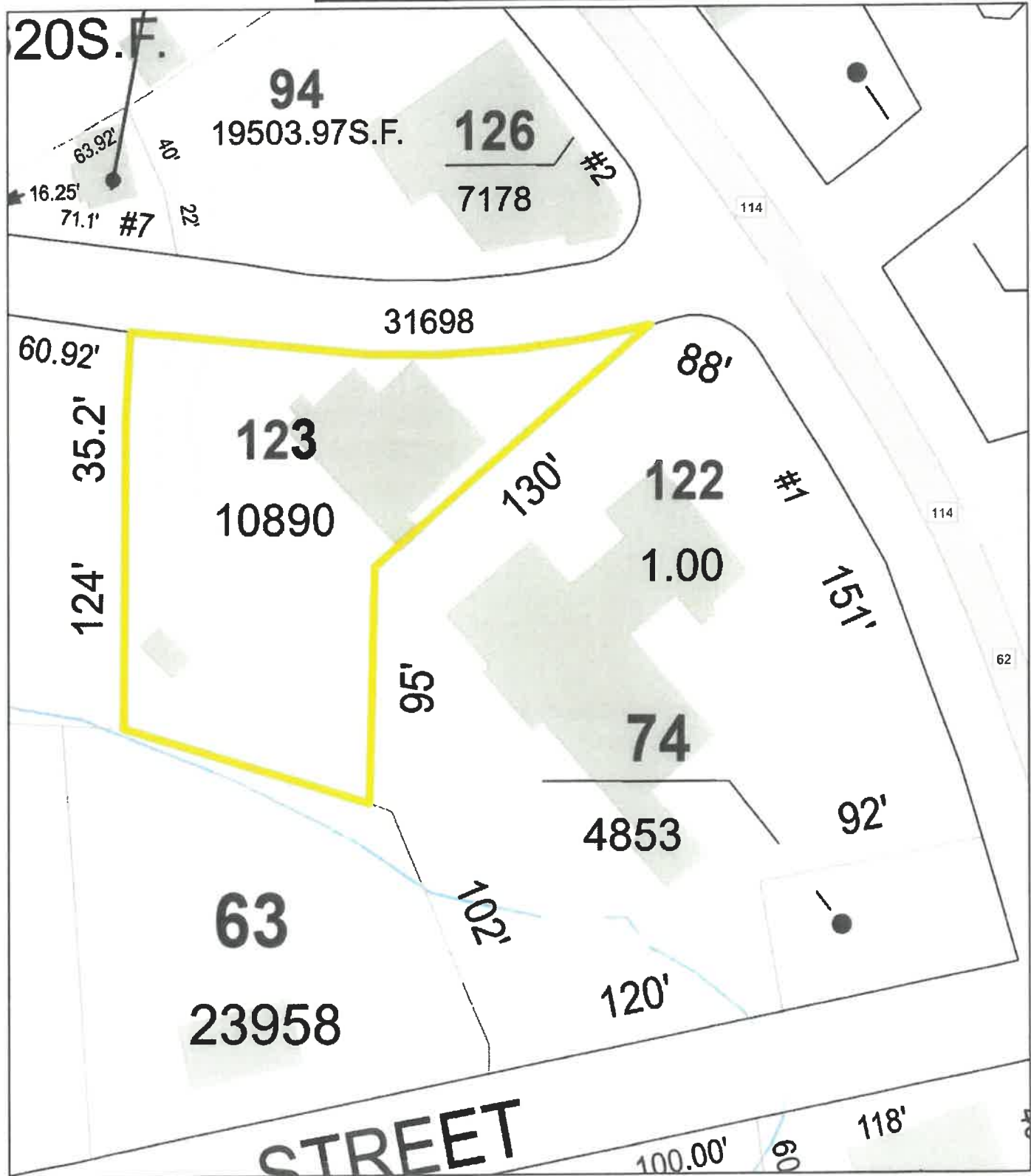
1 inch = 55 Feet

CAI Technologies

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www.cai-tech.com

March 13, 2025



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Orig FD/Library deed

heirs, executors, administrators shall warrant and defend the same to the said grantee and his heirs and assigns forever against the lawful claims and demands of all persons claiming by, through, or under us but against none other. And for the consideration aforesaid we — Hoyt wife of said Joseph M. Hoyt and — Hoyt, wife of said William S. Hoyt do hereby release unto the said grantee and his heirs and assigns all right of or to both dower and homestead in the granted premises. In witness whereof we the said Joseph M. Hoyt, William S. Hoyt — Hoyt, and — Hoyt hereunto set our hands and seals this fifteenth day of March in the year one thousand eight hundred and ninety.

signed, sealed, and delivered in presence of	}	William S. Hoyt	seal
Maud A. Hussey		Martha F. Hoyt	seal
Commonwealth of Massachusetts		Joseph M. Hoyt	seal
		Mary A. Hoyt	seal

Attest. Essex co. April 30, 1890. Then personally appeared the above named Joseph M. Hoyt and William S. Hoyt and acknowledged the foregoing instrument to be their free act and deed,

Before me, John Woodbury, Justice of the Peace.

Essex co. Held May 2, 1890, 30 minutes 3 P.M. Remedy by

Chas. J. Ood Ref.

H. Mc Kenney
to
W. W. Esty
seal. Feb

Know all Men by these Presents, that I, Henry Mc Kenney of Baldwin in the County of Cumberland and State of Maine in consideration of two hundred fifty dollars paid by Willie W. Esty and Darin W. Bae both of Middleton in the County of Essex & State of Massachusetts Trustees of the Middleton Building Association the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said trustees their successors and assigns forever a certain lot of land in said Middleton situate on the South side of Lake Street so called in said Middleton and thus described: Beginning at the North-west corner of land of heirs of Ephraim Fuller and running thence southerly as the wall now runs one hundred eighty feet to the brook running from the Pond; thence Westerly one hundred feet; thence Northerly one hundred sixty five feet to said Lake Street, thence Easterly by said Lake Street to the place of beginning seventy five feet, said Trustees and their successors and assigns to fence and maintain the same on said premises so long as adjoining land is owned by said Mc Kenney. To have and to hold the same, with all the privileges and appurtenances thereof to the said trustees their successors and assigns, to their use and behoof forever. And I do covenant with the said grantees, their heirs and assigns,

One word struck
out in 36th. line.

Chas. D. Good
Ref?

that I am lawfully seized in fee of the premises; that they are free of all incumbrances; that I have good right to sell and convey the same to the said grantees to hold as aforesaid; and that I and my heirs, will warrant and defend the same to the said grantees, their heirs and assigns forever, against the lawful claims and demands of all persons. In witness whereof, I the said grantor, and Lizzie E. Mc Kenney wife of the said Henry Mc Kenney in testimony of her relinquishment of her right of dower in the above described premises, have hereunto set our hands and seals this twenty sixth day of April in the year of our Lord one thousand eight hundred and ninety.

Signed, sealed and delivered in presence of

Geo. F. Lelifford
Hannah Norton

Henry Mc Kenney Seal
Lizzie E. Mc Kenney Seal

York ss. April 26th 1890. Personally appeared Henry Mc Kenney and

acknowledged the above instrument to be his free act and deed

Before me, Geo. F. Lelifford, Justice of the Peace.

Witness, Said May 2, 1890, 85 m. past 8 P. M. Keeney by

Chas. D. Good. Ref.

Know all men by these presents, that we Elizabeth A. Fuller, E. A. Fuller
widow, and Henry D. Fuller (unmarried) both of Bayonne ^{to} Town of Middleton
Hudson County, State of New Jersey, Thomas L. Fuller, Rebecca
E. Putney wife of William E. Putney & George A. Fuller all of the
County, County and State of New York and Lydia E. Fisher wife
of Sydney Fisher of Brooklyn Kings County New York in consideration
of Three thousand five hundred dollars paid by The Inhabitants of the Town of Middleton a municipal corporation
in the County of Essex and Commonwealth of Massachusetts the
receipt whereof is hereby acknowledged, do hereby give, grant,
bargain, sell and convey unto the said Inhabitants of the Town
of Middleton their successors and assigns a certain parcel of land
with all the buildings thereon, situated in said Town of Middleton
on the westerly side of South Main Street at its junction with
Lake Street and bounded thus, Easterly by said South Main
Street one hundred and twelve (112) feet; Southerly by land
of said Catherine E. Mc Kenney about fifty-two (52) feet; Easterly
by land of said Mc Kenney about forty (40) feet; Southerly by Lake
Street and land now or late of Merriam one hundred and
fifty five (155) feet to the brook; South-westerly by the brook eighty
two (82) feet; Westerly by wall at land now or late of — one hundred
and ninety four (194) feet, and Northerly by said Lake Street
one hundred and ninety one (191) feet It being a portion of the

Library

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

In the Matter of the Petition of Inhabitants of the Town of Middleton

numbered 23723

after consideration, the Court doth adjudge and decree that said

Inhabitants of the Town of Middleton
a municipal corporation located in

~~XX~~
or

Massachusetts

~~XX~~ in the County of

Essex

and Commonwealth of

~~XXXXXXXXXX~~
married

is

the owner in fee simple

of that certain parcel of land situate in Middleton
in the County of ~~Essex~~
and described as follows:

and Commonwealth of Massachusetts, bounded

Northerly

by Lake Street one hundred twenty-nine and 83/100
(129.83) feet;

Northeasterly

by the junction of said Lake Street and South
Main Street measuring on the southwesterly curving
line thereof eighty-seven and 75/100 (87.75)
feet;

✓ Easterly

by the westerly line of South Main Street one hundred
fifty-one and 41/100 (151.41) feet;

Southerly
Easterly

ninety-two (92) feet, and
forty-four and 95/100 (44.95) feet by land now
or formerly of Perry F. Lohnes et al; and
one hundred nineteen and 99/100 (119.99) feet,
one hundred two and 41/100 (102.41) feet, and
one hundred eighty-four and 76/100 (184.76)
feet by land now or formerly of the Town of
Middleton.

✓ Southerly
Southwesterly
Westerly

All of said boundaries are determined by the
Court to be located as shown upon plan numbered 23723A, which will be
filed with the original certificate of title issued on this decree, the
same being compiled from a plan drawn by Robert W. Bixby, C. E., dated
June 9, 1952, and additional data on file in the Land Registration Office,
all as modified and approved by the Court.

GC # 30492

The land hereby registered is subject to the flow of a natural water course running through the same and shown on said plan as a brook.

And the Court doth adjudge and decree that said land be brought under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

Inhabitants of the Town of Middleton

to said land be confirmed and registered, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter which may be subsisting; and subject also **as aforesaid.**

Witness, JOHN E. FENTON, Esquire, Judge of the Land Court at Boston, in the County of Suffolk,
the twenty-fifth day of April, in the year nineteen
hundred and sixty-one, at ten o'clock and 30 minutes in the forenoon.

Attest with the Seal of said Court.

[SEAL]

A TRUE COPY. Attest with the Seal of said Court.

MARGARET M. DALY

Margaret M. Daly Recorder.
Recorder.

✓ DEGREE NO. 46828
NO. 23723 and
Inhabitants of the Town
of Middleton

PETITIONER

COPY OF DECREE OF REGISTRATION.

Dated April 25, 1961

Address of Owner

Town Hall,
Middleton, Mass.

James J. Gaffney, Town Counsel,
73 Tremont St.,
Boston, Mass.

ESSEX SOUTH REGISTRY DISTRICT.

MAY 11 1961

RECEIVED 11 O'CLOCK 44 M. 2 M
NOTED AN CERTIFICATE 30492
REGISTRATION BK. 130 PG 30492

12 D-11, 68-7-50-928,52

Owners Duplicate Certificate mailed to

Ray H. Patch, Esq.
81 Washington St. Salem

23723

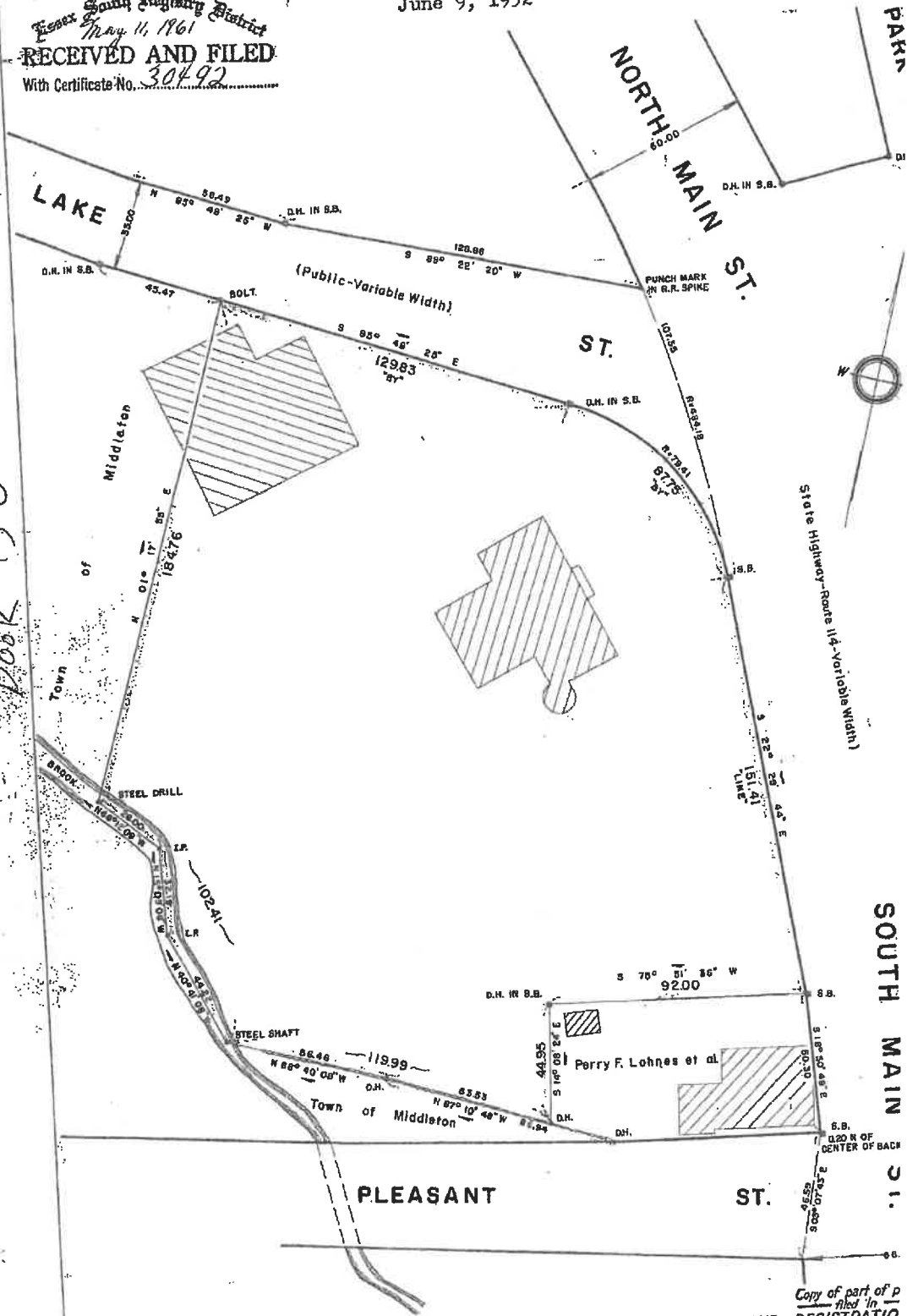
PLAN OF LAND IN MIDDLETON

Robert W. Bixby, C. E.

June 9, 1952

Essex South Registry District
May 11, 1961
RECEIVED AND FILED
With Certificate No. 30492

Book 130

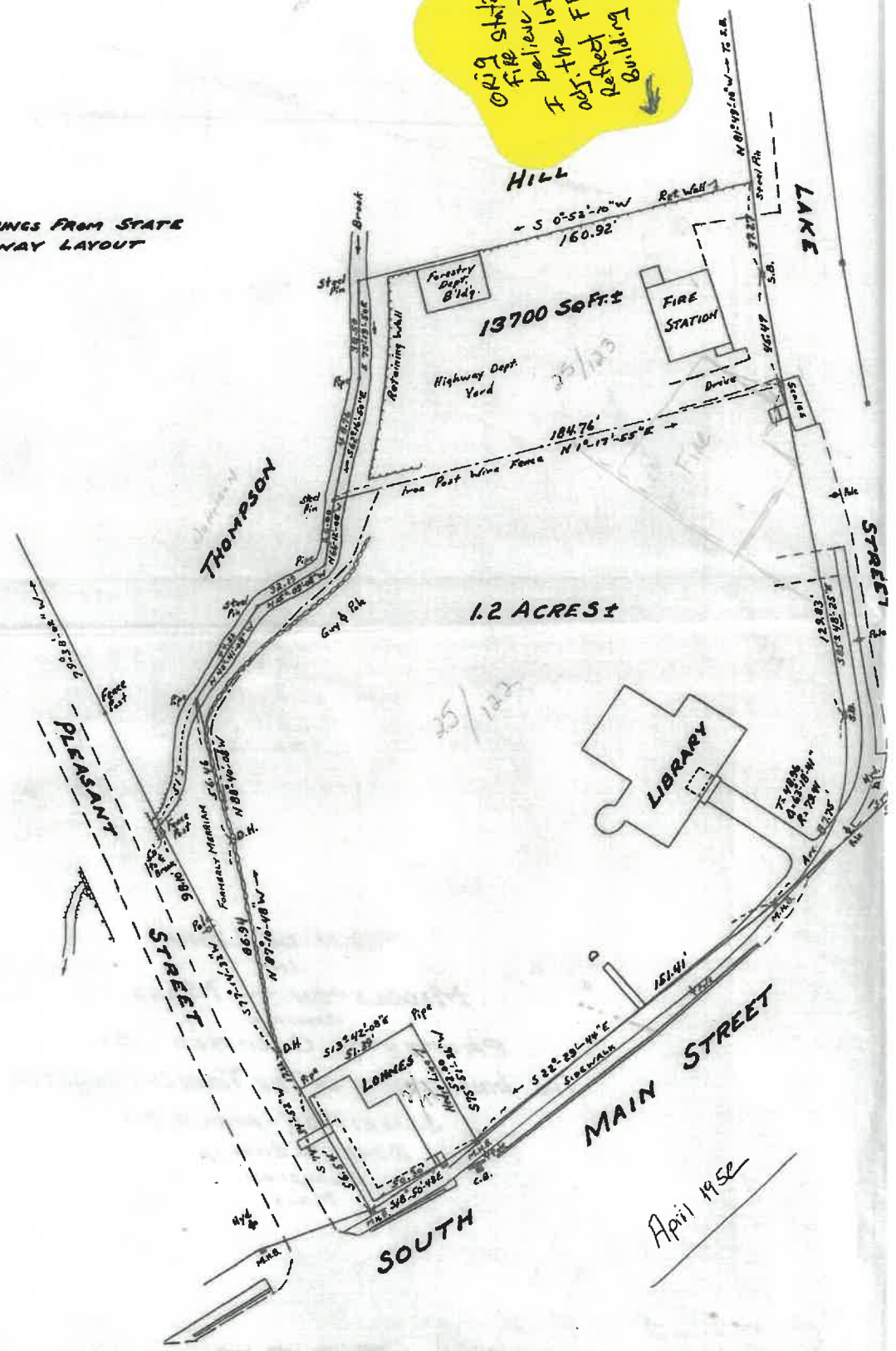


Copy of part of p
filed in
LAND REGISTRATION
July 10, 1952
Scale of this plan 40 feet
C.M. Anderson, Engineer.

2502

NOTE:
BEARINGS FROM STATE
HIGHWAY LAYOUT

Old station that
fire believe that
I the lot to
adj. the FD new
Refect Building



April 1952